

ANACORTES PLANNING COMMISSION



MAY 25, 2016

Municipal Building Council Chambers

6th Street and "Q" Avenue

AGENDA

6 P.M.

1. **Roll Call**
2. **Minutes of April 27, 2016**
3. **Correspondence**
4. **Old Business**
No Old Buisiness
5. **New Business**
 - a. Proposed Unified Development Code (Title 19) Approach

If reasonable accommodation of a disability is needed please contact Cherri Kahns at 299-1950
at least 48 hours prior to this meeting.



Planning Commission Meeting Minutes for – April 27th, 2016

Vice Chair Oppel called the Meeting of April 27, 2016 to order at approximately 6 p.m.

Roll Call

Members Present: Commissioners Moffit, Oppel, Pollard, Cleland McGrath, and Farnsworth.
Members Absent: Commissioners Laumbattus and McNett.

Minutes

Minutes of April 13, 2016 were approved as read.

Correspondence

No correspondence was presented.

New Business

Public Hearing – Port of Anacortes Diesel Generator, Shoreline Substantial Development Permit

Ms. Kait Nelson, Associate Planner, presented the Port of Anacortes Shoreline Substantial Development Permit Application to the Commission. Ms. Nelson stated that Planning Commission is the decision making body for this project, and it will not move to City Council. The applicant proposes a 125 kW diesel powered generator located on Pier 1 which would provide backup power for security surveillance to the Port's Pier 1 and Curtis Wharf docks and main office. The generator will be installed above grade on a fixed concrete pad behind the fence line in front of Warehouse 4 and will increase Port resilience and recovery capabilities. The standby generator mounting concrete pad will be connected with reinforcement to the existing parking lot. Additionally, it will include a self-containment tank and a secondary containment tank. Staff prepared draft findings and conclusions and it is now the Planning Commission's discretion to authorize the Vice Chair to sign the findings.

Ms. Pollard asked for an explanation of the self-containment tank and the secondary containment tank with leak detection system for the generator. The applicant explained that the containment tanks and detection system were requirements for above ground fuel tanks.

Ms. Moffit requested clarification on the tank location and generator purposes, to which the applicant provided a clearer description based on the site map and examples of the intended uses for the generator. Ms. Moffit expressed concern of the safety of the tank, to which the applicant explained the procedures taken for protection. Ms. Moffit questioned whether this would be a conflict of interest with the Port acting as the SEPA Lead agency on this project. Mr. Don Measamer, City of Anacortes Planning Director, provided it would not be a conflict of interest and explained the frequent process of other agencies acting as lead agency.

Mr. Oppel requested clarification that the generator will only be operating during a power failure as he was concerned about excess noise. The applicant stated that that is correct.

There were no questions or comments on the permit from the public and Vice Chair Oppel closed the public hearing.

Commissioner Pollard made a motion to approve the Shoreline Substantial Development Permit subject to the five (5) conditions listed. Commissioner Cleland McGrath seconded the motion. Vote called was unanimous in favor of motion.

With no further business, Vice Chair Oppel called the meeting to a close at approximately 6:13 p.m.



Planning Commission Agenda Bill

Meeting Date: 5/25/2016 **Agenda Item:** 5a

Subject: Title 19 Update

Staff Contact: Darcy Swetnam, Don Measamer

Approved for Submittal to Council by	
x	Laurie Gere, Mayor
	Steve Hoglund, Finance Director
x	Darcy Swetnam, City Attorney

Action Type	
	Ordinance No.
	Code Revision?
	Resolution No.
	Contract
	Public Hearing
	Staff Report

Summary Statement: This discussion item is presented to introduce Planning Commission to suggested options for the creation and structure of new Title 19, a Unified Development Code.

Background:

In response to complex and confusing land use procedures, staff began the process of consolidating land use procedural rules into a new Title 19 some years ago. Former Planning Director Ryan Larsen was central to the prior efforts, but the process stalled when he left the City. Since that time, staff have been reviewing the prior work, identifying other areas of the development code that require improvement, and focusing the update process on those chapters that most need revisions.

The current strategy recommended by staff would combine all City development code into Title 19, with consistent definitions and procedural rules that apply to all Chapters. Additionally, by building a new Title, the City can rewrite certain Chapters and simply delete the previous sections from other Titles. This will allow an incremental approach to the updates based on priority. For example, state law requires updates to those sections of the Code regulating stormwater, critical areas, and shorelines. Updates to those Chapters should not be held up by the process of rewriting the entire development code.

One of the first areas to be incorporated is the City land use decision process. Staff proposes the creation of a matrix of decision levels, with all City decisions falling into one of four or five categories. Each category will have a clearly outlined procedure that is understandable for both the public and staff. This will simplify applications and capture efficiencies.

This area is identified as a priority because of the numerous examples of complicated and confusing procedures in the code. For example, the current code allows for

members of the public to appeal a Planning Commission recommendation of approval to Council of a land use project. This leads to hearings where Council sits as an appellate body reviewing the Planning Commission recommendation and then also hears the underlying recommendation separately but at the same hearing.

One of the big differences staff recommends is the elimination of the board of adjustment and city improvement board in favor of having variances decided by the Planning Commission and code enforcement appeals decided by a hearing examiner. The board of adjustment and city improvement board rarely meet and present additional procedural confusion and complication for the public.

Council members and members of the public have expressed concerns about a hearing examiner in the past, but staff's approach under the current plan is different. The City is one of the very few remaining jurisdictions in the state who do not use any form of hearing examiner services to decide appeals. Incorporating a hearing examiner for code enforcement will minimize City liability, free Council's time for policy work, and provide increased consistency.

The development of a new Title 19 will consolidate City procedures, provide clarity and consistency for the public, and allow the City to be more agile in future required Code updates. This will be a large project that will take time, but Council feedback on the framework will help guide staff's efforts.

Budget Impact	
Amount Budgeted	
Budget Account (BARS)	
Proposed Expenditure	
Budget Amendment Required?	
Revenue Source	

Proposed Contract	
Contractor	
Amount	
Start Date	
End Date	

Previous Council/Committee Action: This is a new matter that Council hasn't considered previously.

Competing Viewpoints Considered: None

Recommended Motion: No recommended motion at this time.

Alternative Actions: N/A

Attachments (listed in order presented): Development Code Approach; Title 19 Update PowerPoint

Proposed Unified Development Code (Title 19) Approach

Draft 4/11/2016

Proposed Title 19

19.05 General Provisions [to be adopted during 2016]

19.10 Permit Procedures [to be adopted during 2016]

19.15 Variances [to be adopted during 2016]

19.20 Zoning

19.25 Development and Design Standards

19.30 Non-Conforming Uses

19.35 Essential Public Facilities

19.40 Critical Areas [to be updated during 2016]

19.45 Shorelines [development regulations from the SMP codified here during the next update]

19.50 Stormwater [to be developed during 2016 NPDES update]

19.55 Clearing and Grading [to be developed during 2016 NPDES update]

19.60 Land Divisions

19.65 Boundary Line Adjustments

19.70 Concurrency

19.75 Impact Fees

19.80 Development Agreements

19.85 Enforcement and Penalties [to be adopted during 2016]

19.90 Legislative Actions [to be adopted during 2016]

Other Simultaneous Updates

AMC 15.20.015, Permit Procedures, is repealed.

AMC 16.04.104, Variances, exceptions and waiver of conditions, is repealed.

AMC 16.04.106, Complete application, is repealed.

AMC 16.10.300, Appeals to the board of adjustment, is repealed.

16.12.020 Review Procedure receives edits.

16.16.030 Review Procedure receives edits.

AMC 16.24.020 Procedure, is repealed.

AMC 16.28.100, Application procedure, is repealed.

AMC 16.40.080 Final plat. Final plat approval for a PUD shall follow the same procedures as for a subdivision, as set forth in Chapter 16.16.

AMC 17.04.010, Introduction, is repealed.

AMC 17.04.030, Enacting clause, is repealed.

AMC 17.04.070, Application submission and review procedures, is repealed.

AMC 17.04.080, Severability and savings provision, is repealed.

AMC 17.04.090, Consistency, is repealed.

AMC Chapter 17.08, Administration, is repealed.

AMC Chapter 17.10 is renamed "Conditional Uses."

AMC 17.10.010-.060, regarding the Board of Adjustment, are repealed.

AMC 17.10.070-.090, regarding the Planning Commission, are repealed.

AMC 17.10.100-.130, regarding conditional uses, are repealed.

AMC 17.10.140-160, Restaurant sidewalk use permit, is recodified as AMC Chapter 12.28.

AMC 17.10.170, Accessory dwelling units, is recodified as ____.

AMC 17.10.180, Procedure for accessory dwelling unit permits, is repealed.

AMC 17.10.200, Adult concessions (entertainment and retail), is recodified as ____.

AMC Chapter 17.14, Amendments and Rezones, is repealed.

AMC Chapter 17.62, Public Hearings, is repealed.

AMC 17.75.04, Procedure, is repealed.

AMC 18.12.140, Permit—City engineer's review and decision, is repealed.

AMC 18.12.150, Permit—Expiration, amendment, suspension and revocation, is repealed.

AMC 18.12.170, Appeals, is repealed.

AMC Chapter 18.14, Nuisances, is repealed.

Proposed Permit Process

19.10.020 Review types.

The Department will review applications following one of the following types of review.

Table 19.10.020-1.

	Type 1 Minor Administrative Decisions	Type 2 Administrative Decisions	Type 3-PC Decisions by Planning Commission	Type 3-HE Decisions by Hearing Examiner	Type 4 Decisions by City Council
Pre-Application Conference	No	No	Yes	Yes	Yes
Pre-Application Neighborhood Meeting	No	No	Yes, in all residential zones	Yes, in all residential zones	Yes, in all residential zones
Notice of Application	No	Yes	Yes		Yes
Recommendation By	N/A	N/A	Director	Director	Planning Commission
Open-Record Public Hearing	No	No	Yes, before Planning Commission	Yes, before Planning Commission	Planning Commission
Final Decision By	Director	Director	Planning Commission	Hearing Examiner	City Council
Notice of Decision	No	Yes	Yes	Yes	Yes
Local Appeal To	N/A, or Building Code Board of Appeals	Hearing Examiner	City Council	City Council	N/A

19.10.030 Review type assignment.

Review types are applicable as described in the table below.

Table 19.10.030-1.

Type 1	Type 2-Admin Decision	Type 3-HE Decision	Type 3-PC Decision	Type 4-CC
- Administrative interpretations - Boundary line adjustments - Building permits - Code enforcement orders - Extension of time for approval - Forest practices permits - Land clearing and grading permits - Mechanical permits - Shoreline exemptions - Minor amendments to approved developments or permits	- Accessory dwelling units - Administrative Conditional Use Permits - Level 1 variances - Binding site plans - Home occupation permits - SEPA (State Environmental Policy Act) determinations - Short subdivisions	- Appeals of code enforcement orders - Special Use Permits for Towers or Antennas - Level 2 variances	- Conditional Use Permits, except Administrative CUPs - Shoreline Substantial Development Permit - Shoreline Conditional Use and Variance - Special Use and Reasonable Use permits per AMC Chapter 17.70 - Any other applications identified as conditional uses	- Essential Public Facilities, Type 1 and 2 - Final subdivisions (CC only) - Manufactured home subdivisions - Planned Unit Development - Site-specific rezone authorized by the comprehensive plan - Subdivisions



TITLE 19 UPDATE

City Council Planning Committee

Why an update?

- The current code has many conflicting, confusing, and missing provisions
- Code should be a guide for the public – public is frequently frustrated by the code
- Without CLEAR procedures and requirements, disagreements between parties result
- Unclear code increases the likelihood of litigation – is a liability for the City
- Unclear code increases the amount of staff time spent on each project
- Confusing code costs the public and the City money

Examples of Problems: Procedures

- Appeal process provided for Planning Commission recommendation to council
 - Council hears an appeal as a quasi-judicial body, then turns around and considers the merits of the PC recommendation
 - Current process leaves little time to address appeal
- No provision for tolling of project deadlines during an appeal
- No clear standards for approving a PUD – PUD policy becomes de facto criteria for approval
- Planning Commission is established in both Chapters 2.42 and 17.10
- Code enforcement procedures inadequate
- Fees are scattered throughout the code and difficult to locate and update

Examples of Problems: Substantive Rules

- Inconsistencies and duplication
 - “Land clearing Ordinance” at *Section 17.54.060* AND “Land clearing ordinance” in *Chapter 18.12*
 - *Chapter 16.50* requires (in some circumstances) trees to be planted with a minimum diameter at breast height of two inches for a development project, while landscaping requirements in *Chapter 17.41* sets the minimum diameter at one and one half inches
- Different definitions sprinkled throughout Titles
- No standards for lot size and shape via boundary line adjustments

Background on Process

- The City has recognized the need to update the procedures for many years
- Former Planning Director Ryan Larsen started work on a Title 19 that would house all land use process code
- An ordinance to update to Title 16, 17, 18, and create new Title 19 was prepared and a public hearing was held Nov 2013
- The draft was not adopted because it was not ready and focus shifted to the comprehensive plan process
- Staff have recognized since then the need for an update
- Preliminary outline for Title 19 was introduced to Planning Committee and received positive feedback

Goals of Tonight's Discussion

- Introduce preliminary approach to Council
- Introduce preliminary approach to the public
- Solicit feedback from Council and the public on process and update
- Seek Council approval:
 - For the general approach of re-envisioning Title 19
 - To begin drafting first phases of Title 19, consistent with approach discussed tonight

What this update does NOT do

- Propose adoption of the Hearing Examiner system previously proposed by Ryan Larsen
- Take away public participation
- Ask Council to adopt procedures without opportunity for public comment
- Adopt the entire Title at one time

Proposed Title 19

- Unified Development Code
- Would house all definitions and process for building code
- Creation of a new title allows for incremental additions:
 - International building/fire code adoption (required by July 2016)
 - impact fee deferral (required by September 2016)
 - stormwater management, including low impact clearing/grading (required by end of 2016)
 - critical areas code update (required by end of 2017)
 - zoning update (required to implement the new comp plan)
- Ultimately, the goal is to end up with a clear, streamlined, one-stop Title to allow the public and staff to easily identify procedural and substantive requirements for any land use application.

Title 19 Structure

- **19.05 General Provisions [to be adopted during 2016]**
- **19.10 Permit Procedures [to be adopted during 2016]**
- **19.15 Variances [to be adopted during 2016]**
- 19.20 Zoning
- 19.25 Development and Design Standards
- 19.30 Non-Conforming Uses
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- 19.45 Shorelines [development regulations from the SMP codified here during the next update]
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Potential Decision Processes Matrix

	Type 1 Administrative Ministerial Actions	Type 2 Administrative Decisions	Type 3-HE Hearing Examiner Decisions	Type 3-PC Planning Commission Decisions	Type 4 City Council Decisions	Type 5 City Council Ministerial Actions
Types of Applications	▪ Boundary line adjustments ▪ Building permits ▪ Code enforcement orders ▪ Extension of time for approval ▪ Clearing and grading permits ▪ Mechanical permits ▪ Shoreline exemptions ▪ Minor amendments to approved developments or permits	▪ Accessory dwelling units ▪ Administrative Conditional Use Permits ▪ Administrative interpretations ▪ Level 1 variances ▪ Binding site plans ▪ Home occupation permits ▪ SEPA (State Environmental Policy Act) determinations ▪ Short subdivisions	▪ Special Use Permits for Towers or Antennas ▪ Level 2 variances	▪ Conditional Use Permits, except Administrative CUPs ▪ Shoreline Substantial Development Permit ▪ Shoreline Conditional Use and Variance ▪ Special Use and Reasonable Use permits per AMC Chapter 17.70	▪ Essential Public Facilities, Type 1 and 2 ▪ Manufactured home subdivisions ▪ Planned Unit Development ▪ Site-specific rezone authorized by the comprehensive plan ▪ Subdivisions	▪ Final subdivision approval
Pre-Application Neighborhood Meeting	No	No	Yes	Yes	Yes	No
Notice of Application	No	Yes		Yes	Yes	No
Recommendation By	N/A	N/A	Director	Director	Planning Commission	N/A
Open-Record Public Hearing	No	No	Yes, before Hearing Examiner	Yes, before Planning Commission	Yes, before Planning Commission	No
Final Decision By	Director	Director	Hearing Examiner	Planning Commission	City Council	City Council
Notice of Decision	No	Yes	Yes	Yes	Yes	Yes
Local Appeal To	Hearing Examiner, or Building Code Board of Appeals	Hearing Examiner	City Council	City Council	N/A	N/A

Proposed Schedule for Coming Updates

Date to be Brought to Council	Topic
June 2016	International Building/Fire Codes Chapter
Late Summer 2016	Procedures and General Provisions
NLT September 2016	Impact Fees Chapter
November 2016	Stormwater, low impact development, and Land Clearing Chapters
NLT December 2017	Critical Areas Chapter

Requests from Council

1. Approval of general approach to Title 19
 - Re-envisioning Title 19 as a new development code
 - Plan to eventually replace Titles 15, 16, 17, and much of 18
2. Approval to begin drafting the first phases of Title 19
 - Procedures and general provisions
 - Consistent with the approach presented tonight
 - Will be brought back for Council review and public comment

Questions?

