City Council Study Session Minutes – September 28, 2009

At 7:30 p.m. Mayor Maxwell called the regularly scheduled study session of September 28, 2009 to order. Nick Petrish, Erica Pickett, Brad Adams, Bill Turner and Cynthia Richardson were present.

Police Chief Bonnie Bowers reported on the Oyster Run on Sunday. It was a successful weekend with no problems.

Comprehensive Plan and Development Regulation Amendment Workshop

Planning Director Ryan Larsen reviewed the Proposed 2009 Comprehensive Plan and Development Regulation Amendments including the recommendations from the Planning Commission. The package was submitted to Department of Commerce for comment on September 23, 2009. Mr. Larsen walked through each of the 43 items included in the package focusing on the items that were actively discussed at the Planning Commission.

Mr. Larsen explained that Exhibits 1, 2 and 3 are items recommended for denial in 2008 and requiring final action this year.

Exhibits 4 through 12 concern rezones and Comprehensive Plan amendments. Exhibits 13 through 43 concern development regulation amendments. Exhibits 9, 33, 35 and 36 have been withdrawn and so were not discussed.

Exhibit 4 defines procedures for revising or amending the Comprehensive Plan. The Planning Commission recommended approval.

Exhibit 5 would add an overlay policy to preserve historical character in residential zones. Two options for language were presented and the Planning Commission recommended Option 1.

Exhibit 5.5 proposes Low Impact Development (LID) standards for residential construction. The Planning Commission recommended approval.

Exhibit 6 addresses a request from the Parks Department to rezone three residentially zoned city-owned parcels adjacent to the cemetery to add them to the Public Use District. The Planning Commission recommended approval.

Exhibit 7 is a request from Hal and Susan Rooks to rezone one block directly south of the library from R-4 to R-3 and include it in the Old Town Overlay. Mr. Larsen reported that all comments received were in favor of the request and the Planning Commission recommended approval. Mrs. Pickett thanked the residents for their effort in this regard but noted that rezoning from R-4 to R-3 changes allowed density and setbacks. She stated that some existing homes may be non-conforming if the zoning is changed and that can make financing more difficult. Mrs. Pickett also noted that in the R-3 zone opening an in-home business is more difficult. Parking requirements for R-3 are also more stringent, probably unnecessarily so in that convenient downtown location where it is not necessary to drive everywhere. Mrs. Pickett concluded that R-4 is a more appropriate zone for this block but that including it in something like the Old Town Overlay might be appropriate. Mr. Turner supported Mrs. Pickett's statement. He said he does not want to see any loss of R-4 zoning in Anacortes. Mrs. Richardson asked if this study session is intended for deliberation or only for staff presentation with Council deliberation after the public hearing. Mr. Larsen welcomed Council questions at this session so that language can be adapted by staff if desired before presentation at the public hearing.

Exhibit 8 is a request from Pat Mooney for a rezone from R-4 to Commercial for a single parcel directly north of the Seven-Eleven store on O Avenue. Staff recommended against the rezone. The Planning Commission recommended approval.

Exhibit 10 was the most discussed rezone request, to rezone one half block at the base of Cap Sante from Manufacturing and Shipping (MS) to R-3. Mr. Larsen reported that most public comment was against the proposed change. Both staff and the Planning Commission recommended denial. Mrs. Richardson clarified her reasons for submitting the request. She stated that half block was historically part of the Cap Sante neighborhood but was subsequently zoned MS. Mrs. Richardson's goal was to keep those half dozen houses part of the neighborhood.

Exhibit 11 is a request from Al Johnson for creation of a new zoning designation, zone 3A, and application of this new designation to an area between 34th and 35th Streets and U and V Avenues. This request would require a Comprehensive Plan amendment as well as a rezone. The Planning Commission recommended deferral until next year because the idea requires more study. The proponent was the only person who spoke to the request.

Exhibit 12 is a request from Lanny Edgeman (resubmitted on behalf of Maurice Harlow from 2008) to rezone an area along SR 20 and March Point Road between Reservation Road and Christiansen Road from HM and LM1 to Commercial. Mr. Larsen observed that this change would remove approximately 75% of the City's LM1 property. Staff and Planning Commission recommended deferral until next year and asked the proponent to provide more information for consideration next year since this would be such a significant change. Mr. Turner observed that the idea is worth discussion, possibly on a different scale than that proposed.

Turning to the exhibits concerning development regulation amendments, Exhibits 13 through 20 were all recommended for approval by the Planning Commission. Exhibit 13 clarifies the definition of the Zoning Administrator. Exhibit 14 adds cemeteries and funeral homes as conditional uses in the Public Use District. Exhibit 15 standardizes language between chapters 17.10 and 17.48 so that Accessory Dwelling Units and Accessory Buildings, Storage and Docks are handled consistently. Exhibit 16 adds language to the Landscaping and to the Recreational Vehicle Parks sections requiring a tree preservation plan. Mr. Petrish asked if the City has an active tree committee. Mayor Maxwell clarified that the City has an active Street Tree Committee. Mr. Larsen noted that a tree committee is not required for this proposed change. Exhibit 17 clarifies a policy reference to the Building Code. Exhibit 18 defines passive and active recreation. Exhibit 19 requests that signs be allowed to cover up to 25% rather than 20% of window area. Exhibit 20 is a housekeeping change to correct CM and CM1 designations.

Exhibit 21 is a request to reduce building height from 50 feet to 35 feet in the area of 4th Street between U and V Avenues. Mrs. Richardson clarified her intent was to provide a smoother transition from the residential height limit of 35 feet and the CM1 height limit of 50 feet. The Planning Commission recommended denying the request. Mrs. Pickett asked if the Port of Anacortes had testified on this item and Mr. Larsen reported that the Port testified against it, as did most of those testifying.

Exhibit 22 proposes adding language to the Permitted Uses section of several non-residential zones to constrain smoke, dirt, noise, vibrations, light glare, etc. Mr. Larsen reported that public testimony was largely against these proposals and the Planning Commission recommended denial.

Exhibit 23 would add language to allow the Board of Adjustments to consider historical characteristics when reviewing variance requests. The Planning Commission recommended approval. Mrs. Pickett praised this suggestion and asked if the City Attorney had reviewed it. Mr. Larsen said he had not. Mrs. Pickett requested that Mr. Furlong be consulted. Mr. Larsen agreed.

Exhibit 24 would add language to clarify that building and zoning regulations apply to accessory structures and regulate tents, fabric structures and similar temporary structures. The Planning Commission recommended approval. Mr. Larsen stated that Mr. Geer could not be present at the study session but had asked Mr. Larsen to report that Mr. Geer feels this proposed language goes too far. Mayor Maxwell expressed concern that there are quite a few such temporary structures in town and that it would be difficult for code officers to enforce the proposed language retroactively. The Mayor noted that he hasn't had complaints about such structures thus far. Mrs. Richardson explained her rationale for

proposing the change was not just aesthetic but also an equity argument, since currently someone can erect a tent where they couldn't put up a garage without complying with health and safety codes. Mayor Maxwell observed that he'd prefer to see tents than blue tarps over boats. Mrs. Richardson observed that many of our codes are enforced mainly when someone complains. She reiterated that temporary structures should comply with setback requirements. Mr. Adams stated the proposed language would be sensible if fabric buildings become larger and more elaborate than they are now but doesn't feel the language is needed yet.

Exhibit 25 would move the administrative section from the Shoreline Master Program into the Code. Mr. Larsen pointed out that this will simplify the process for updates in the future. The Planning Commission recommended approval.

Exhibit 26 proposes new language clarifying administration of in-lieu of payments for parking requirements. Staff drafted language in response to Council's request last year. The Planning Commission recommended approval. Mrs. Pickett noted that the City has an ordinance on the books for in-lieu payments but has never used it and questioned the usefulness of the concept. Mr. Larsen said the new language simply spells out additional specifics. Mrs. Richardson noted that this proposal would be very difficult to enforce and stated that having it on the books but not implementing does not make sense. Mr. Turner said that La Conner has used in-lieu of payments effectively but that it works there because La Conner's parking problem is far worse. Mr. Turner encouraged more discussion of the concept.

Exhibit 27 concerns combining the Tree Preservation and Landscaping chapters to ensure consistency. Staff and Planning Commission recommended deferral until next year.

Exhibit 28 requests an amendment to the Old Town Overlay to eliminate commercial parking and restrict public parking in that district. Mrs. Pickett recalled that when there was a parking problem at the Cannery at the end of 7th Street they were encouraged to use a shuttle instead of on site parking. Mr. Turner observed that Dakota Creek shuttles workers from offsite parking into their downtown facility now. The Planning Commission recommended approval as revised by the Commission.

Exhibit 29 concerns retail design guidelines and standards. Staff and Planning Commission recommend deferral until next year.

Exhibit 30 would eliminate commercial parking lots in all residential zones. Mr. Turner clarified what counts as commercial parking. Mr. Turner asked if City code disallows on street parking of commercial vehicles in residential zones. Mr. Larsen said it does not. Mrs. Pickett noted that the City does offer commercial parking at Washington Park so that needs to be an allowed use in public zones. Mr. Measamer noted that the language aims at privately owned paid parking not related to a particular business. Paid parking at public facilities such as parks and schools could continue. The Planning Commission recommended approval.

Exhibit 31 would extend the time allowed by the subdivision code to record the final plat (due to economic slow down). The Planning Commission recommended approval.

Exhibit 32 concerns mixed use/residential uses in the CBD. Staff and the Planning Commission recommended deferral until next year. Mrs. Richardson suggested that Exhibit 32 should be denied and then completely resubmitted with additional documentation next year.

Exhibit 34 proposes very general design standards for Commercial Avenue street frontage. Mr. Larsen said he has received no calls or public comments on this proposal. Mayor Maxwell said the title "design standards" sometimes raises concerns but these guidelines make sense. Mrs. Richardson suggested these are very basic and provide a jumping off point for more comprehensive standards that might be developed in the future. The Planning Commission recommended approval as revised by the Commission.

Exhibit 37 concerns small wind energy systems. Mr. Larsen noted that House Bill 1002 would require any city without an ordinance regulating these to allow them if they meet federal standards. However, HB 1002 has been delayed until at least next year so staff and the Planning Commission recommended deferral until next year. Mr. Larsen advised that staff has draft language ready but is not proceeding now because there is no need. Mayor Maxwell noted that some of the latest wind generation technology is not very intrusive. Mr. Turner reported that he and Mrs. Richardson attended a demonstration in Seattle of wind generators in urban settings. He'd suggested the City adopt regulations that don't discourage wind power.

Exhibit 38 would explicitly add WAC 173-60 regarding noise control to the City Code. The Planning Commission recommended approval.

Exhibit 40 defines "public hearing". The Planning Commission recommended approval.

Exhibit 41 would change LM1 zoning along Fidalgo Bay Road. The Planning Commission recommended denial.

Exhibit 42 conforms language between Exhibit 4 and Appendix F of the Comprehensive Plan. The Planning Commission recommended approval.

Exhibit 43 would change the notification requirements for public hearings back to 300 feet from 600 feet, which was established by amendment last year. Mr. Turner asked where 600 feet came from. Mr. Larsen did not recall but reported that virtually no other cities use 600 feet, most use either 300 feet or 400 feet. Mr. Larsen noted that the 600-foot notification requirement has been costly to implement and has caused inconsistencies in the Code. The Planning Commission recommended approval.

Mayor Maxwell inquired about the timeline for adopting the 2009 Comprehensive Plan and Development Regulation Amendments. Mr. Larsen recommended a public hearing before City Council on November 2, City Council deliberation on November 16, then final Council action on December 7. Mayor Maxwell encouraged the public to review the documents and provide feedback to Council. Mr. Larsen noted that all the documentation presented this evening as well as supporting documentation is available on the City's website at www.cityofanacortes.org/Planning/DevRegulation/index.

There being no further business, at approximately 8:40 p.m. Mayor Maxwell adjourned the regularly scheduled study session of September 28, 2009.