



## Planning Commission Meeting Minutes for January 12, 2011

**Members Present:** Commissioners Laurie Gere, Marty Laumbattus, Larry Nelson and Lin Folsom.

**Staff Present:** Ryan Larsen, Director of Community and Economic Development; Don Measamer, Assistant Planning Director, Libby Grage, Senior Planner

The Chair, Ms. Laurie Gere called the meeting to order at approximately 7:30 P.M.

### **Correspondence**

No correspondence.

### **Old Business**

Chair Gere resumed the continued workshop on the 2010 Comp Plan Development Regulation Amendments, Chapters 16, 17, 18 and 19.

Mr. Ryan Larsen, Director of Community and Economic Development, informed the Planning Commission that at the January 24, 2011, City Council Study Session, the Washington Cities Insurance Authority will present information as to who WCIA is, what their role is, and what kind of insurance they offer to the City. The City asks the Commissioners as well as the Board of Adjustment members to attend that meeting.

Mr. Larsen discussed the January 10, 2011 Council review of Exhibits 1 through 4 and their brief discussion of Exhibit 5. Mr. Larsen provided Council with the Planning Commission expected review process, beginning with a page by page review tonight of Titles 16, 17, and 18 as well as proposed new Title 19. Mr. Larsen informed Council that it will probably take three to four months to review the suggested amendments. Council provided direction to the Planning Commission in that they would like to receive two options for recommendations, an option A and an option B. Option A will include the hearing examiner ordinance so they would like to see at least a draft that would include the hearing examiner ordinance. Option B would look at the ordinance as it is today with the suggested amendments. Council asked the Commission to provide them with both ordinances for their consideration. Chair Gere reiterated the directions that the Planning Commission will develop two options and then pass them forward to City Council for their consideration.

Mr. Larsen then began review of the 2010 Development Regulations suggested amendments. The Planning Commission received a packet produced by Libby Grage which is a page by page review of each edit proposed. The Planning Commission will start with the first change and work through the document page by page. Mr. Larsen indicated that the Planning Commission would either approve or disapprove the suggested changes. The Planning Commission was encouraged to discuss each

proposed amendment as they move forward. Mr. Larsen included that some of the changes may have to be delayed because they are more complex such as the hearing examiner issues.

Commissioner Folsom asked who would make the decisions on subdivisions. Mr. Larsen responded that authority would be held to the hearing examiner. Mr. Larsen added that this provision simply sets authority for the City Council. It does not set authority for any body other than City Council. Commissioner Laumbattus asked if this was moved to Title 19 under which section. Mr. Larsen identified which section this was listed under.

Change 5 comes on 16.04.103 and again strikes the wording “by the City Council.” The City Council already sets standards for subdivisions so it is not necessary to identify who is doing that. Chair Geer believes that it should include “decision making body.”

16.04.106 – staff struck the entire section out and placed it in Title 19 which includes all the information from beginning to end of the process for submitting an application. Mr. Larsen discussed various options to 16.04.106 to possibly include a section (a) which would refer to Title 19.04 for the complete application process. The Commissioners concurred that would be important to include.

Chapter 16.08.030 Application process – staff struck out sections pertaining to the application process, added references to procedures outlined in 19.50.090. Although staff originally proposed striking nearly the entire section, staff now suggests Section 16.08.030(b) relating to criteria for short plat approval remain in the chapter. Additionally, staff suggests changing the word “administrator” to decision making body. Commissioner Folsom asked if that was moving the authority from the administrator to the decision making body. Mr. Larsen confirmed that was correct. Mr. Larsen reiterated that a short plat is a development of 9 or less lots and the decision pertaining to the approval of this has always been performed by the administrator within the City of Anacortes.

16.08.031 – staff suggests striking most of the entire section and adding the following language: “short subdivisions and short plats shall follow the notification process of 19.40.” Commissioner Folsom asked if the wording in 19.40 is the same as the language being stricken in 16.08.031. Mr. Larsen stated that the language is slightly different. Mr. Larsen pointed out that under this provision, we are not required to publish in the newspaper; staff suggests in Title 19 that we do have to publish a public notice in the newspaper.

16.08.040 appeals section – staff struck out this entire section and included reference to sections 19.50.090 and 19.60.010 which basically provides how appeals are administered. Commissioner Folsom asked that if there were any changes in the wording to 19, to point that out just the same as was done about the newspaper. Mr. Larsen responded that the only change here is that currently it states you have 15 days to appeal; under Title 19, there are only 14 days to file an appeal. Commissioner Nelson asked if there is a whole section in 19 under Appeals for every type of permit. Mr. Larsen responded that there is and added that in 19.50, entire detail is included.

16.12.020 – preliminary plats – review procedures – staff struck out most of the section and added references to 19.30, 19.40, 19.50, and 19.60 for procedures of application, notification, review and approval, and appeals. Everything you need to know on review procedures are contained under Title 19. Staff suggests leaving some of the items that were initially struck out and suggests that 16.12.020(E) and (H) be left in these chapters. Additionally 3.a and 3.b should be moved to title 19.40.010(C) regarding distribution of notifications of application. Mr. Larsen added that those notifications are required by state law. Commissioner Folsom asked how much of (E) and (H) will be left in the code to which Mr. Larsen responded that all of each are proposed to be kept in the code.

16.12.030(B) – strike out sections relating to expiration and extensions of preliminary plats and add references to 19.50.190. Staff suggests leaving in the first sentence. Under (C), strike reference to section 16.16.020 and five years is suggested be retained. The final change to this chapter is (D) - strike sections relating to modifications of preliminary plat and adding references to 19.50.010(A)(7) and 19.50.010(B).

16.20.100 – dedication of parkland requirements – currently states that “City Council, at its sole discretion, shall select one of the following methods.” If we do not have the City Council in the hearing examiner form, we need to change this. Staff proposes the chapter read: “The Parks Director shall work directly with the applicant to select one of the following sections.” Because the Parks Director is the one that is either administering this or doing something with the applicant, it is probably appropriate to have the Parks Director work with the applicant. Under (A), staff suggests it read, “the Parks Director shall determine suitable locations for such parks and playgrounds.” We can certainly change that any way the Commission prefers so if somebody does have a plat they intend to develop they may be required to install a park as one option. The other option is to pay a fee and not install a park or install a park and give it to the homeowner association. Mr. Larsen reiterated the three options: it comes to the City, goes to the homeowner association, or they don’t install any parks and they pay a fee. And under the form we are talking about which is the hearing examiner, staff should probably work with the developer to figure out how to best proceed. This section will be reconsidered when we consider Option B.

Chair Gere asked how the City Council depended on the Park Director in the past with these decisions. Mr. Larsen stated that he believes they worked with the Park Director, the former Planning Director, and sometimes with the Parks Board. They would usually work this out before an applicant moved too far forward. Mr. Larsen offered another option to change the wording to the decision making body but staff would still have to recommend something to the decision making body. Commissioner Nelson added that he preferred to proposed change to director. Commissioner Laumbattus asked whether a developer would have the three options to choose from. Mr. Larsen provided that the Park Director will have the choice. The applicant will work with the Park Director to make the choice. The Commissioners decided to leave this for Option A.

16.24.020(C) – Staff suggested changing the wording from subdivision administrator to the “appropriate decision making body” shall either approve or deny proposed modifications and/or exceptions or forward their recommendation to the appropriate decision making body for approval or denial if applicable. Commissioner Folsom stated that if you include the same wording “decision making body” in both places, it becomes confusing. Mr. Larsen stated that we could leave the first part where it says the subdivision administrator or just leave it as administrator and leave off “subdivision.” Mr. Larsen discussed intent of change and that the language could be reviewed for further clarification. Commissioner Folsom concurred that it would be clear if the word “subdivision” was removed.

16.24.020(D) – This would be stricken entirely. Commissioner Folsom believes this is important and should be left in. Mr. Larsen stated that staff would review and rewrite the section.

16.28.030 – staff struck the words “the City Council may require that” and changed it to “Recreational vehicle parks located adjacent to industrial or commercial land uses shall provide screening.” Mr. Larsen stated that screening should be placed between the parks and the other uses. Commissioner Folsom asked whether that would be the responsibility of the park and not the industry. Mr. Larsen confirmed that the recreational RV park would be responsible for installing the screening.

16.40.060 - the final paragraph reads: “...where projects are developed in stages, formal applications can only be considered for the stage for which the above materials have been presented. The suggested change removes the words “can only” and inserts “shall.” Mr. Larsen explained that, at times, plats may be developed in stages. The City recommends that the entire concept of the plat be submitted for review and consideration at one time. This provides more public involvement in that it lets everyone know the intent of the development. Commissioner Folsom asked if this would be considered one application. Mr. Larsen stated that it would be considered one application and they could still develop the property in phases but they would have to submit the application at one time.

16.40.104 PUD Perimeters – The change is to the last sentence and will read: “This buffer zone may be used as part of the open space acreage for the PUD development if it can be determined by the applicant that it is suitable for the purpose within the criteria established in the open space and the Park Director, along with the Planning Director concurs with the applicant.” This could also be a recommendation to the decision making body or we could just leave the authority for that determination to the Parks Director which again, will either be managed by the City or the homeowner association. Chair Gere asked who would make the decision whether it will be the homeowners or the Parks Director. Mr. Larsen responded that under the scenario discussed so far, the Parks Director will make the decision.

17.04.07 - staff proposes striking out the entire section. As suggested previously, we would recommend if you want to add an A that directs people to Title 19 and then we have a couple of other suggestions that are not currently listed. Referring to page 6 of 8, numbers 6 and 7, we recommend moving 6 and 7 to Title 19. These sections provide

the City may combine any hearing on a project permit with any hearing held by another local state or jurisdiction. Sometimes there might be joint permits we need between the county and city or city and state and rather than having each of entity hold separate hearing, we can hold a joint hearing and consolidate the effort. Also, staff recommends moving G and H to Title 19. Chair Gere asked whether it was a law to have two hearings or is that just the way the City of Anacortes always operates. Mr. Larsen stated that state law requires one open record hearing and the entity can have one closed record appeal. The City currently operates with a hearing by the Planning Commission and then a recommendation is made to the City Council except for in the case of shoreline permits. Mr. Larsen clarified the process for Chair Gere. Commissioner Nelson added that the City has always conducted multiple hearings based on making sure the public had an opportunity to comment. Mr. Larsen stated that public hearings can be continued but once it is completed, the project cannot be heard again before the Planning Commission. Discussion proceeded on the City Council process.

17.06 – Definitions – the word “Administrator” has been added along with a definition. The next definition “conditional use” was discussed and Mr. Larsen presented information from the City’s insurance authority’s attorney. The attorney stated that the City could leave the definition as is but recommend removing the sections that refer to different sections to the code because there is no other definition. Mr. Larsen discussed why Title 19 is being suggested which is based on a model used by the City of Monroe and the City of Marysville. Commissioner Folsom stated that she would like to come back to review these because she believes the old definitions are better. Chair Gere stated they would review this at the next meeting.

17.06.830 private street –removed the wording “and which is so designated by the City Council.” Commissioner Folsom asked who would be the authority on this determination. Mr. Larsen explained that this would be outlined in Title 19 and that private roads are actually considered under conditional use permits and the decision maker will ultimately hear these because CUPs require a public hearing. Mr. Measamer explained the typical process for approving private public roads which is a determination made through the staff level with a recommendation to the Planning Commissioners and City Council based on the conditional use permit process.

Mr. Larsen concluded the meeting after reviewing the definitions of Title 17. The Chair called for any further questions to which there were none. The meeting adjourned at approximately 9:01 p.m.