



## Planning Commission Minutes – July 12, 2006

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Members Present: Commissioners Laurie Gere, Lin Folsom, Larry Nelson, Bertis Rasco, Marty Laumbattus, Betty Kuehn and Clay Leming

Staff Present: Ian Munce, Planning Director; Fred Buckenmeyer, City Engineer; Bob Hyde, Public Works Director; and Steve Lange, Project Manager; Don Measamer, Assistant Director of Planning

The Chair, Ms. Laurie Gere, called the meeting to order at 7:30 p.m. in the Municipal Building Council Chambers. The minutes of June 14 and June 28, 2006 were accepted with corrections. The June 14 minutes regarding the vote of the final plat for The Breeze were amended to show Mr. Leming's vote against approval of the final plat.

### **Correspondence**

There was no correspondence other than correspondence related to items on the agenda.

### **New Business**

#### **Parking Variance – Obrock**

Chair Laurie Gere, introduced the parking request submitted by William Obrock of 2602 Commercial Avenue (San Juan Tire building). Mr. Munce explained that the applicant is proposing to provide 14 parking spaces instead of the required 17 spaces for their proposed office/condo use. The applicant feels that the daytime use will primarily be office and the nighttime use will be for residential, so that shared parking would be appropriate in this situation. Mr. Munce mentioned that City staff has raised an issue whether to require right angle parking or angle parking (off the alley). With that the Chair opened the public hearing.

**Mr. Marriott**, 1015 26<sup>th</sup> Street, Fidalgo Machine, expressed concerns relative to increased traffic.

**Ed Knudson**, 2610 Commercial, Knudson Crab Market, stated his opposition to granting a variance because there is not enough room.

**Bob Thortenson**, 1810 27<sup>th</sup> Street, opposed to granting the variance. He does not believe the arrangement will work; people simply drive too fast through the alley.

**Mr. Obrock**, architect, explained that their design conforms with the established parking, and that the design would be a great improvement to the area. In answering a question from Chair Gere, Mr. Obrock responded that there are no other design options for this site.

**Jan Marriott**, 1015 26<sup>th</sup> Street, questioned if adequate dumpster space will be provided.

**Bob Marriott**, 1015 26<sup>th</sup> Street, stated his belief that the alley is substandard.



With that the public hearing was closed. After discussion, the Commission denied the parking variance as presented.

**San Juan Passage Planned Unit Development (Gilbane)**

Mr. Munce opened discussion on this topic with a brief summary. The concept design has been approved by the City Council with approximately 40 conditions. There are two current issues that need to be addressed: the roundabout and an agreement by the applicant to develop additional storm water if the property below his development is not developed in the near term. With that, the public hearing was opened.

**John Sebatello**, 4820 Portalis Way, expressed concern as to whether or not trees between lots 72 and 75 (several of which appear to be mature oaks) are going to be removed.

**Jon Briggs**, 2808 Morrison Court, questioned if the 30 foot street frontage requirement will be met for all lots. He urges that the lots be redrawn to make them standard and believes that this will preserve some of the mature trees in the development. Mr. Briggs also addressed the feasibility of the trails where they are currently designated as well as the need to place sidewalks on both sides of the street and the intersection on Oakes Avenue. Finally, Mr. Briggs stated that the Oakes Avenue intersection needed to be designed and approved at this stage of project review.

**Ross Barnes**, 1004 7<sup>th</sup> Street, Anacortes, had several comments regarding the developer's response to the City's conditions. Mr. Barnes raised questions regarding lot size and whether the appropriate setbacks are possible. Mr. Barnes also questioned the shoreline access trail, access into Portalis, and groundwater diversion.

Mr. Munce reiterated that many of these concerns could be better addressed if presented in writing in advance of the hearings to give adequate time to review the concerns and determine a course of action to remedy any concerns. Mr. Munce stated his opinions that some of the concerns mentioned are being addressed, that the City staff is excited about the SHIP project, and that funding will be appropriated to that project for next year. Mr. Munce acknowledged that the roundabout issue is a major issue that was not included in the preliminary plat and that he also expects to hear from the applicant regarding the trees. Chair Gere asked whether the City Council was alright with the City staff's recommendation on the roundabout. Mr. Munce pointed out that this issue has not been brought before the Council yet because we need to work with the DOT, which is backed up approximately 18 months with projects.

**Bob Boudinot**, Leonard, Boudinot & Skodje, project engineer, discussed the tree issues and 20 foot buffers. Mr. Boudinot also discussed the trail and beach access.

Mr. Laumbattus asked Mr. Boudinot about the access to the Portalis property wherein Mr. Boudinot stated that the access has not yet been determined.



**Mr. Sebatello**, stated that Mr. Boudinot alluded to the fact that the trees in the 20-foot setback along the west side of lots 74-78 would be protected. However, between lots 74 and 76 there are no trees in the 20-foot setback. As a matter of fact, the trees do not start until they're in the middle of 73, 74 and 75, and the old growth trees that were mentioned earlier are directly in the middle of lots 72, 73 and 74. And given the dimensions that Mr. Briggs mentioned about the setbacks, as well as the 20-foot setbacks in the rear, you virtually eliminate every tree in those lots, 72, 73, 74. So there's virtually no protection afforded to any of those trees with the 20-foot setback, whether it be on the west side or the south side of those lots.

With no further comments, the public hearing was closed. After discussion, the Commission recommended to City Council approval of the Planned Unit Development with an added condition No. 44 to read: "a temporary cul-de-sac at the east side of the project be provided unless the through connection is made." This action was taken on a motion by Commissioner Folsom, seconded by Mr. Laumbattus, and passed unanimously.

#### **2005/2006 Comprehensive Plan/Development Regulation Amendments**

Chair Gere opened discussion of the proposed 2005/2006 Comprehensive Plan/Development Regulation amendments with Mr. Munce providing a brief description of the process. The City is currently working on the 7 year update of the Comprehensive Plan. These updates are implemented every 7 or every 10 years. Next year, 2007, we'll be doing a comprehensive rewrite of our development regulations. City Council is close to finalizing the Comprehensive Plan. The hearings are over. There may be one or two issues that require a limited reopening; there may not be. So December 1<sup>st</sup> is the scheduled adoption date for the Comprehensive Plan. The development regulations as a whole will be revised next year. At the same time, we will finish our critical area development regulation update this year. The Shoreline Master Plan update will also be completed this year. Next year the focus will be on zoning regulations and the subdivision regulations. In addition to the projects previously mentioned, every year the Growth Management Act requires the City to open up the process to citizens and staff and others interested to suggest changes in the Comprehensive Plan and Development Regulations. Because of all this work, the 2005 changes have not been completed and we are just now picking up the proposed 2006 changes.

The proposed first issue (Anaco Bourn): As part of the Critical Area Ordinance, the City listed a stream just off Anaco Beach Road, the Anaco Bourn, or uphill from Anaco Beach Road, as a protected stream which then requires a 50-foot buffer on each side. A property owner has challenged this listing and voluminous technical memoranda from both sides of this issue have been submitted. This is probably the most significant issue. There may also be testimony on a couple of other issues: a property owner has contested the Critical Area Ordinance requirement that wetlands be designated by a certified wetlands scientist. It has been suggested that we drop that requirement. Another item is that given the constitutional requirements about not taking property, we have an exemption in the wetland code that allows reasonable use exemptions, not the maximum use but a reasonable use of your property. And the suggestion is that that language also be added to stream regulations, just to make sure that people do not lose the entire value of their property. Mr. Munce then discussed the 12 holdover items. The 12 holdover issues are primarily technical and were well briefed in the package when they were originally submitted.



Item 12 needs to be addressed and most of the items will be picked up next year as part of the 2007 zoning code.

**Rob Seip and Keri Swadner**, owners of the Anaco Bourn property in question, presented their argument for de-listing the Anaco Bourn as a protected stream and introduced the specialists Mr. Seip has enlisted to backup his argument for delisting the stream on his property.

**Doug Byerline**, principal engineer with Clear Creek Solutions in Mill Creek, Washington, discussed the source of the stream. He stated that it comes out of a storm water pond, it does not come out of any natural stream channel and that it comes out through an outlet pipe.

**Coram Merth Walker**, senior wetland scientist for SWCA Environmental Consultants in Portland, Oregon, spoke next in support of Mr. Seip's contention that the Anaco Bourn should be delisted as a protected stream due to her findings that the watercourse is from storm run-off.

**Charles J. Newling**, currently senior vice president and cofounder of Wetland Science Application Inc. and the Wetland Training Institute Inc., stated that the Anaco Bourn is not a stream and should be delisted.

**Mr. Seip** concluded his presentation with a history of the delineation of the property.

**Mr. Ross Barnes** began his presentation with a history of the Anaco Bourn area and the stream and wetland designations of this area. Mr. Barnes discussed the problem with the calculations by the experts hired by Mr. Seip. The conclusion of Mr. Barnes' presentation is that the Anaco Bourn is a protected stream.

**Mr. Tom Glade**, an Evergreen Islands board member, stated the Anaco Bourn is a stream.

**Gene Derrick**, 1302 "K" Avenue, Anacortes, stated that the Anaco Bourn does exist and is a stream.

Mr. Munce concluded that because of the new written material submitted at this meeting by the appellant the issue should be held over for a two week period to allow time for a written response by Ross Barnes and Evergreen Islands. Mr. Munce suggested that Mr. Barnes and Evergreen Islands have until June 23 to submit written comments.

This meeting was concluded on the basis that written material would be accepted by Ross Barnes and Evergreen Island prior to June 23, 2006; no further input will be taken on the Anaco Bourn; and testimony will be received on the other 2005/2006 issues at the July 26 Commission meeting.