



## Planning, Community, & Economic Development Department

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# Staff Report – 2021 Docket

To: Anacortes Planning Commission  
Date: April 4, 2022  
From: Libby Grage, Planning Manager  
Subject: 2021 Docket of Comprehensive Plan and Development Regulation Amendments

## SUMMARY

This memo describes the regulatory background for the annual amendment process; provides a outline of the public review process; analyzes the proposed changes pursuant to the local and State requirements; and describes the Planning, Community & Economic Development Department’s (PCED) recommendations to the Planning Commission for deliberation. After the public hearing and the close of the written public comment period (scheduled to end on April 22, 2022) the Planning Commission will deliberate on each of the proposals and make a recommendation to the City Council.

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## BACKGROUND

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The City of Anacortes is conducting its annual process to accept and consider suggested amendments to the Anacortes Comprehensive Plan and Development Regulations. The Growth Management Act requires that “each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation”.

[Anacortes Municipal Code \(AMC\) Chapter 19.16](#) provides the procedures for review of Legislative Actions, including comprehensive plan and development regulation amendments.

During the years 2020 and 2021, the city received 3 citizen-initiated petitions for amendments to the Comprehensive Plan. In addition, City staff have proposed 1 Comprehensive Plan amendment and multiple amendments to the development regulations within the Anacortes Municipal Code (AMC) Title 19, Unified Development Code. In July 2021, following a public comment period, petitioner presentations, a public hearing, and consideration of comments received, the City Council adopted [Resolution 3042](#), establishing the 2021 docket.

## FINDINGS OF FACT

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### SEPA and AMC Ch. 19.16

The following sections demonstrate the City’s compliance with the procedural requirements for legislative actions pursuant to local and State requirements:

1. Compliance with the State Environmental Policy Act (Chapter 197-11 WAC, AMC 19.16.060, and AMC 18.04).
  - Staff prepared an environmental checklist for the proposed amendments, dated March 29, 2022. The checklist includes evaluation of all proposed amendments.
  - Pursuant to AMC 19.16.060, an environmental checklist for P-2, Skillings Comprehensive Plan Future Land Use Map amendment, was provided by the petitioner, reviewed by staff and used in completing the environmental checklist for all proposed amendments.
  - A Determination of Nonsignificance was issued based on the environmental checklist on March 30, 2022.
  - Any comments received prior to the close of the public comment period will be provided to the Planning Commission.

*Conclusion – The proposed amendments will satisfy local and State SEPA requirements at the conclusion of the comment period.*

2. Procedural Compliance with the Growth Management Act (RCW 36.70A.106):
  - The City must notify the Department of Commerce, at least 60 days in advance, of its intent to adopt comprehensive plan and development regulation amendments.
  - The City requested review from the Department of Commerce on March 30, 2022.
  - Staff will file the ordinance with the Department of Commerce within 10 days of the City Council’s action.

*Conclusion – The proposed amendments will meet the Growth Management Act requirements.*

### 3. Public Notice and Comments (AMC 19.16.070):

- The City published a Notice of Availability, Public Comment, and SEPA threshold determination (the Notice) in the Anacortes American on March 30, 2022.
- The City distributed the Notice to the City’s departmental email list, published it on the City’s website, placed it on the City Hall bulletin board and provided a copy to the Library for posting on March 30, 2022.
- The City mailed notices to property owners within 300 feet of the P-2 Skillings Comprehensive Plan Future Land Use Amendment and posted the subject property on March 30, 2022.
- Any comments received prior to the close of the comment period will be presented to the Planning Commissions prior to deliberations.

*Conclusion – The City has met the public notice requirements of AMC 19.16.070.*

## CITIZEN PETITIONS

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The City Council docketed three citizen petitions to amend the Comprehensive Plan goals, policies, and Future Land Use Map. The full text of each petition as originally submitted or proposed is available on the 2021 Comprehensive Plan & Development Regulation Amendment webpage at: <https://www.anacorteswa.gov/1321/Comprehensive-Plan-Amendments>. The following section describes each proposed amendment, evaluates each petition according to the review criteria in AMC 19.16.080, and provides PCED’s recommendations for Planning Commission’s consideration.

### P1. “Promoting Neighborhoods & Affordable Housing” – Evergreen Islands

#### Summary

The proposal seeks to add the following polices to Goal H-1 of the Housing Element of the Comprehensive Plan. Housing Goal H-1 of the Comprehensive Plan addresses Housing Supply and Variety: “Provide for a sufficient quantity and variety of housing to meet community needs”.

(New) Policy H-1.x. Regulate Short Term Vacation Rentals (STVRs) to mitigate their adverse impacts on the availability of Affordable Housing.

(New) Policy H-1.x. Regulate Short Term Vacation Rentals (STVRs) to mitigate their adverse impacts to Residential Neighborhoods such as additional traffic, noise, and their quality of life.

#### Recommendation

PCED recommends the proposed amendment to the Comprehensive Plan be **approved** with potential modifications. Below are options staff have developed for Planning Commission consideration. PCED recommends adopting option B:

- Option A: Adopt the citizen proposed amendment.
- Option B: Add the following new policy to (location TBD):

- Adopt regulations for short term rentals that:
  - balance the economic opportunity created by short term rentals with the need to maintain sufficient supply of long-term rental housing stock
  - minimize adverse impacts to residential neighborhoods
  - are equitable, clear, and easily enforceable

## **Analysis**

### *Past Policy and Regulations*

The Anacortes Comprehensive Plan is silent on the specific topic of short term rentals. Prior to August 2019, Anacortes Municipal Code regulations governing short term rental of entire homes was not straightforward and was interpreted to be allowed in all zones within the city. Establishments meeting the definition of a “Bed & Breakfast” were required to obtain a conditional use permit in most residential zones. Bed & Breakfast regulations required that the owner be the operator and reside on the premises, and that the owner’s quarters and rooms for rent be located in the main building.

### *Current Policy and Regulations*

In 2019 there were significant updates to the structure and content of the Anacortes Municipal Code land use regulations. A definition for “Overnight Lodging” was added: “Accommodations arranged for short term stays (less than 30 days) ...”, and a new matrix (AMC Table 19.41.040) showing allowed uses in each zone was added. Since 2019, short term rental of homes has been regulated as Overnight Lodging and is not permitted in residential zones per Table AMC 19.41.040, except by conditional use permit when the standards for a Bed & Breakfast are met.

### *Existing conditions*

In April 2021, 82 unique short term rental unit listings were identified in Anacortes<sup>1</sup>. This represented approximately 1% of the City’s housing stock. The primary type of unit listed is single-family homes (88%), with the entire home rented out. The median nightly rate for all identified units is \$156. Staff was able to verify that 9 of those listings had a current business license.

Anacortes currently has an extremely low rental housing supply and vacancy rate. There is concern that short term rentals can take long term rental units off the market, creating even more scarcity of housing options and pushing up prices overall. There has been an identified need for updates to the way the city regulates short term rentals for the past several years. The addition of specific policies for developing short term rental regulations would be useful in clarifying and memorializing Council’s intent, and would help provide direction for the upcoming review and amendment to the City’s short term rental regulations.

### **Consistency of the proposal with the comprehensive plan**

- Goal LU-6. Residential uses. Preserve and enhance the quality, character, and function of Anacortes’s residential neighborhoods.

*Staff discussion: The proposed policies direct that short term rentals be regulated to mitigate adverse impacts on residential neighborhoods, which is consistent with this goal.*

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<sup>1</sup> Data provided by Granicus, May 2021

- Goal H-1. Housing Supply and Variety. Provide for a sufficient quantity and variety of housing to meet community needs.

*Staff discussion: Regulations aimed at limiting this effect would be consistent with this goal.*

- Policy H-3.4. Support both rental and ownership forms of affordable housing in a variety of types and sizes.

*Staff discussion: The proposed policies direct that short term rentals be regulated to mitigate adverse impacts on affordable housing, which is consistent with this policy.*

- Policy ED-1.7. Encourage low-impact home-based businesses in residential areas.
- Policy ED-3.7. Encourage development of expanded lodging options to support overnight stays by tourists and other visitors.

*Staff discussion: Proposed option B includes recognition and consideration of the potential economic benefits to residents of short term rentals in developing any new regulations.*

### **Applicable goals/policies from the [Affordable Housing Strategic Plan](#)**

- Create education and outreach opportunities for owners of ADU's about the value of adding to the rental market as opposed to short term/vacation rentals. (Affordable Housing Strategic Plan)
- Goal 4: Explore creation of an "affordable housing tax" assessed on short term rentals

### **Public Comments**

Seven written comments were received in support of docketing this proposal.

Over the past 2 ½ years, City staff have received many inquiries about the short term rentals and the status of updates to regulations governing them. Topics identified for consideration through those interactions include:

- Potential economic benefits derived by existing residents from short term rental of rooms or homes
- Short term rentals' potential adverse impacts to residential neighborhood quality of life
- Lack of clarity in existing regulations and overly burdensome procedural requirements for B&Bs
- Difficulty determining legality of existing advertised short term rentals and enforcing existing regulations

## P2. “Skillings Future Land Use Map Amendment” – Thomas Skillings

### Summary

The proposal seeks to change the [Comprehensive Plan Future Land Use Map](#) (FLUM) designation for portions of Skagit County parcel numbers P33059 and P33058 (totaling approximately 13,000 sq. ft.) from Industrial to Residential Medium Density (RMD).



The applicants would like to adjust the property boundary line between 3 properties under their ownership (P33059, P33058, P33062). The line would be adjusted toward the west, creating additional space for future placement of a residential accessory structure between the existing home and future adjusted lot line. The City’s code prohibits approval of a BLA when it would result in a lot having more than one zoning or land use designation<sup>2</sup>. Therefore, the owner has requested a change to the land use designation for portions of P33059 and P33058 so that it matches the designation of the residentially developed parcel to the east, and that, ultimately, a rezone can be completed and the desired BLA accomplished.

### Recommendation

PCED recommends the proposed amendment to the Comprehensive Plan be **approved** with potential modifications. Below are options staff have developed for Planning Commission consideration. PCED recommends adopting option B:

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<sup>2</sup> [AMC 19.34.030\(B\)\(7\)](#)

- Option A: Adopt the citizen proposed amendment.
- Option B: Adopt an amendment to the FLUM to change the entirety of the Industrial designated portion of the parcels (approximately 42,000 sq. ft.) to RMD.

## **Analysis**

The subject site is abutted by residential land use designations on 3 sides and is the only property with an Industrial designation south of 35<sup>th</sup> St. / Fidalgo Bay Road. Staff reviewed historic land use and zoning maps, ordinances, aerial photos and property information to try to understand the origination of the irregular boundary of the Industrial land use designation in this location.

It appears that the Industrially designated portion of the site has had either a manufacturing or industrial land use designation for at least 50 years. It is possible that the Industrial designation was established based on the site's past use as supportive of industrial/water-dependent uses in the vicinity, including the past operations of the former Anacortes Veneer / Custom Plywood Mill site on Fidalgo Bay.

According to aerial photos and a property survey, P33059 once contained a covered parking structure (appx. 200' long by 30' feet deep) along the north property line, along 35<sup>th</sup> St. The structure may have been used as accessory parking for the former mill operation. Staff were unable to determine with certainty its purpose and use. Since that structure's removal sometime between 1994 and 1998, the P33059 has remained undeveloped. P33058 was historically developed with a single-family residence, which was removed 1996; it has remained undeveloped since then.

## **Consistency of the proposal with the comprehensive plan**

- Policy LU-1.3. Manage and maintain the City's Official Zoning Map to ensure continued consistency with the Future Land Use Map (see Figure LU-1).  
*Staff discussion: If the amendment to the FLUM is approved, a future rezone would need to be accomplished so that the Official Zoning Map remains consistent with the future land use map.*
- Table LU-1 Land Use Designations:
  - Residential Medium Density Land Use Designation  
Purpose – This designation provides for moderate density residential neighborhoods on lands that are suitable for urban development. These areas are conveniently located in relation to traffic routes, public utilities, and community facilities.  
*Staff discussion: The site is located within a neighborhood with moderate density residential development. The land use designation and zoning of the neighborhood immediately to the west was changed from Medium Density Residential to High Density Residential with a Live/Work overlay in 2019. The site is located near main traffic routes and has access to public utilities and community facilities.*
  - Industrial Land Use Designation  
Purpose – This designation provides for manufacturing and closely related uses in areas with existing industrial uses or other areas with suitable land and

transportation access that are buffered from residential and other uses that are likely to complain about industrial activities.

*Staff discussion: The subject site appears to have historically been used as part of the surrounding mill or other commercial/ industrial operations in the area. The property is not buffered from residential uses as it immediately abuts residential uses to the east and south. The site is bordered to the west by V Avenue right of way (currently a gravel road), with residential uses beyond that.*

- Policy LU-8.3. Preserve Industrial-zoned land south of 22<sup>nd</sup> Street for future industrial businesses and potential for green industries.
- Policy LU-9.5. Protect industrial and manufacturing lands from encroachment by other land uses, which would reduce the economic viability of industrial lands.
- Policy LU-9.6. Develop industrial and manufacturing lands to minimize impacts on surrounding land uses, especially residential uses.
- Policy LU-11.1.B. Provide for an adequate supply of land zoned for employment uses to support 20-year employment allocations as required by Skagit County-Wide Planning Policies.
- Policy ED-4.4. Provide for adequate sites for supportive uses near marine dependent uses.

*Staff discussion: Changing a portion of the properties' FLUM designation from Industrial to RMD and subsequent rezone would reduce the total amount of Industrial land available for supportive uses near the waterfront. It would also reduce the supply of land zoned for employment uses needed to accommodate adopted growth allocations.*

#### **Consistency with AMC 19.16.080.B.1.f. (For proposed comprehensive plan map changes)**

- Whether the proposal is justified by changed or changing conditions,
- Whether the proposal would create an isolated land use designation unrelated to adjacent designations (a spot zone), and
- Whether the proposal will be compatible with and not adversely affect the value of those properties.

*Staff discussion: Conditions have changed in the area since the site's initial designation as Manufacturing/Industrial around 50 years ago. The former Custom Plywood Mill is no longer in operation, recreational opportunities have been added with the Tommy Thompson trail to the east along Fidalgo Bay, and the neighborhood to the west was recently re-designated to RHD/R4 with a live/work overlay.*

*The proposal to change a portion of the site from Industrial to RMD would not create a new isolated land use designation unrelated to adjacent designations because properties to the east and south already have an RMD designation. The proposal is compatible with and would likely increase the value of the residential property to the east because ultimately the land is proposed to be added to that lot via BLA.*

*However, the proposal would further reduce the size of an already existing, somewhat isolated land use designation to a point that it may not have sufficient size to be able to accommodate compatible development of permitted Industrial uses, including needed buffering from adjacent residential properties.*

## P3. “Towards Zero Waste Policy” – Ryan Walters

### Summary

The proposal seeks to add the following new goal and policies to the Utilities Element of the Comprehensive Plan:

- New Goal U-9. Toward Zero Waste. Increase recycling and composting to 65% of the municipal solid waste stream.
  - New Policy U-9.1. Provide weekly curbside food waste collection including small containers for residents that do not require yard waste bins.
  - New Policy U-9.2. Facilitate or require multi-family dwellings to offer food waste collection.
  - New Policy U-9.3. Perform a waste characterization study and analyze results to identify waste stream components that can be targeted for reduction through producer responsibility or consumer education.
  - New Policy U-9.4. Construct solid waste rate schedules to incentivize increased diversion or reduced frequency of pickup.
  - New Policy U-9.5. When it becomes feasible, reduce garbage collection frequency to reduce trips, personnel costs, and greenhouse gas emissions.

### Recommendation

PCED recommends the proposed amendment to the Comprehensive Plan be **approved**.

### Analysis

The [Skagit County Solid Waste Comprehensive Plan](#) (SWCP) was last updated in 2017. The Plan was developed pursuant to RCW 70.95 Solid Waste Management Act, which states:

*“Each county within the State, in cooperation with the various cities located within such county, shall prepare a coordinated, comprehensive solid waste management plan.”*

State law allows cities to fulfill their solid waste management planning responsibilities in several ways. The cities of Skagit County, including Anacortes, opted to participate in development of the plan through an interlocal agreement with Skagit County. State law requires a comprehensive waste reduction and recycling element and strategies to provide for reduction of waste quantities and incentives and mechanisms for source separation. The Plan identifies increasing recycling and composting to 65% as a high-priority Countywide goal. The addition of the proposed goal and supporting policies to the City’s Comprehensive Plan are consistent with the County-wide SWCP and provide direction for exploring potential methods to achieve the goal at the city level.

### Consistency of the proposal with the comprehensive plan

The proposal furthers the following Comprehensive Plan goals and polices:

- Policy EC-13.2. Consider a multi-pronged approach to climate change adaptation and mitigation, including support for energy efficiency (Anacortes Community Energy Plan) , promotion of “green energy”, vehicle trip reduction, and environmental protection.

- Policy EC-13.3. Advocate for administrative practices, land use patterns, transportation systems, and building practices that reduce greenhouse gas emissions.
- Policy LU-11.4. Work with other jurisdictions and agencies, educational and other organizations, and the business community to develop and carry out a coordinated, regional approach for meeting the various needs of Skagit County communities, including housing, human services, economic vitality, public safety, utilities, infrastructure, parks and recreation and environmental protection.

# CITY INITIATED AMENDMENTS

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The following amendments recommended by the PCED Department are included in this year's docket. **Attachment 1** includes the recommended proposed text amendments for the city-initiated docketed proposals.

## C1. Comprehensive Plan Technical Updates

### Summary

The proposed amendment to the Introduction & Vision Section of the Comprehensive Plan removes the names of city plans that are not necessary to be a part of the Comprehensive Plan, corrects and updates remaining plan titles, and removes specific dates so that updates to the section are not needed every time a referenced plan is updated in the future.

### Recommendation

PCED recommends the proposed amendment to the Comprehensive Plan be **approved**.

### Analysis

Some of the plans that are currently listed in the subject section are not required to be incorporated by reference into the Comprehensive Plan because they do not provide supporting data or analysis necessary to comply with the Growth Management Act requirements for Comprehensive Plans. Removing reference to these plans and other proposed updates would clarify and streamline this section.

## C2. AMC 19.20.070 - Vesting

### Summary

The amendment proposal clarifies that land use permit applications and approvals that may be needed for a particular project (such as site plan approval, shoreline permits, conditional use permits, etc.), other than building permits and land divisions, do not vest to current regulations until a complete building permit or land division application is submitted, as applicable. Vesting provisions are also added for shoreline permits that do not require a subsequent building permit.

### Recommendation

PCED recommends the proposed amendment to the Development Regulations be **approved**.

### Analysis

Pursuant to AMC 19.12.020.V, "vesting" means the legal establishment of a right which cannot be revoked by subsequent conditions or changes in law without due process of law."

Consistent with state statute, the current code provisions identify building permits and land divisions as being vested to the local codes in effect at the time a complete application is filed. The changes are intended to provide additional context and clarity.

The proposed amendments will further the following Comprehensive Plan goals and policies:

- Policy ED-7.1. Provide an efficient, clear and economical permitting process as a means of enhancing the City’s goal for quality customer service.

### **C3. AMC Ch. 19.22 - Concurrency**

#### **Summary**

The proposed amendment is to add language regarding Director establishment of an administrative concurrency facilities review and monitoring program and to add application requirements and review fee language.

#### **Recommendation**

PCED recommends the proposed amendment to the Development Regulations be **approved**.

#### **Analysis**

The Public Works Department recently updated the way in which transportation concurrency is reviewed and monitored for new development projects. Staff and permit applicants would benefit from access to a clear written process that is used to review, track, and monitor capacity of all concurrency facilities and services on a project basis.

The proposed amendments will further the following Comprehensive Plan goals and policies:

- Policy LU-11.3. Allow new development only where adequate public services can be provided.
- Policy ED-7.1. Provide an efficient, clear and economical permitting process as a means of enhancing the City’s goal for quality customer service.
- Policy T-3.1. Maintain a concurrency management system that monitors the impacts of growth and development on the transportation system and aims to ensure that LOS standards are met within required timeframes.
- Policy CF-1.2. Accommodate new residential, commercial, and industrial development only when required facilities and services are available prior to or concurrent with development. Concurrency means that facilities are available within 6 years of construction of the new development.

### **C4. AMC 19.43.020.B - Adult Family Home Definition**

#### **Summary**

The proposal amends the Adult Family Home Definition to reflect changes to [RCW 70.128.010](#), which now allows provision of services to up to 8 adults upon approval by DSHS.

#### **Recommendation**

PCED recommends the proposed amendment to the Development Regulations be **approved**.

#### **Analysis**

The proposed amendment will make the City’s code consistent with state law regarding provision of adult family home services. The proposed amendments will further the following Comprehensive Plan goals and policies:

- Policy H-4.3. Promote a range of housing types for seniors; e.g. adult family homes, skilled nursing facilities, assisted living, and independent living communities.
- Policy H-4.5. Promote the provision of support services, including transportation options, to allow seniors and those with special needs to remain in their own homes or non-institutional settings.

## **C5. AMC Ch. 19.52 – Public Street Design**

### **Summary**

The proposed amendments update the terminology used, where appropriate, to promote use of parking pockets instead of parking lanes where on-street parking facilities are proposed with new development.

### **Recommendation**

PCED recommends the proposed amendment to the Development Regulations be **approved**.

### **Analysis**

Use of parking pockets instead of continuous parking lanes reduces impervious surface and provides additional opportunities for adding landscaping to the streetscape, thereby promoting the comfort of pedestrians and other non-motorized users of the right of way.

The proposed amendments will further the following Comprehensive Plan goals and policies:

- Policy LU-4.2. Update development regulations to emphasize sustainable design in new developments, including forms of Low Impact Development.
- Policy T-2.26. Improve local street design for walking, bicycling, and transit use to enhance communities, connectivity, and physical activity.
- Policy EC-4.6. Strive to reduce impervious surfaces in the City.

## **C6. AMC 19.52.040.A.2 – Modified and Special Standards.**

### **Summary**

The proposed amendment clarifies the approval process modified and special street standards at the street and neighborhood scale.

### **Recommendation**

PCED recommends the proposed amendment to the Development Regulations be **approved**.

### **Analysis**

The proposed amendments will further the following Comprehensive Plan goals and policies:

- Policy ED-7.1. Provide an efficient, clear and economical permitting process as a means of enhancing the City’s goal for quality customer service.
- T-2.28. Be flexible with development standards to promote infill by allowing alternate ways, such as narrower streets, modified parking requirements, one-way streets, and/or low-speed design streets to meet those standards where full compliance with standards is not feasible or desirable.

- T-4.14. Plan transportation and street improvements to consider the existing and desired character of the area and cost of future maintenance.

## **C7. AMC Table 19.52.040.E – Lane Design Standards.**

### **Summary**

The proposed amendment would add a note to Table 19.52.040.E, Lane design standards regarding integration of required guest parking into new developments to improve clarify. Integration of guest parking is already required for new land divisions pursuant to AMC 19.64.030.B Guest Parking Requirements; however, the lack of the reference in Table 19.52.040.E while it is included in Table 19.52.040.A, has caused some confusion.

### **Recommendation**

PCED recommends the proposed amendment to the Development Regulations be **approved**.

### **Analysis**

The proposed amendments will further the following Comprehensive Plan goals and policies:

- Policy LU-11.2. Adopt user-friendly and coordinated development regulations that facilitate Anacortes’s preferred land use pattern (e.g. allowed density, uses, and site provisions).
  - A. Refine the land use code on an ongoing basis to make it easier to use by employing simple language, easy to read charges, and illustrative graphics.

## **C8. AMC Ch. 19.52.080 – Street Names and Signage.**

### **Summary**

The proposed amendment would add a provision allowing the Fire Marshal or PW Director to require installation of No-Parking signage or other approved curb/pavement markings when a development contains a street with insufficient pavement width to allow for simultaneous on-street parking and emergency vehicle access.

### **Recommendation**

PCED recommends the proposed amendment to the Development Regulations be **approved**.

### **Analysis**

The proposed amendments will further the following Comprehensive Plan goals and policies:

## **C9. AMC 19.53.030.B - Driveway location.**

### **Summary**

The proposed amendments would:

- Clarify what is meant by “lowest volume street” for purposes of determining where a property with frontage on more than one street must take access
- Revise conditions for determining when a driveway must be accessed from an alley and when an existing access to a street must be relocated to an alley

## **Recommendation**

PCED recommends the proposed amendment to the Development Regulations be **approved**.

## **Analysis**

The general idea of the access standards in this section is that when development is proposed on a property having frontage on 2 different streets, any new driveway should be located on the street with the lowest volume of traffic, or the alley, if one is available. The intent is to improve safety by reducing the number of conflict points between vehicles and other vehicles, and vehicles and pedestrians or other modes of transportation.

The proposed amendments will further the following Comprehensive Plan goals and policies:

- Policy T-2.2. In our concern for safety for all travelers, while making planning and budget decisions the City will utilize the following prioritization for different travel modes: A) Pedestrian B) Bicycle C) Motorcycle D) Transit E) Freight F) Carpool G) Single occupant vehicle.
- Policy T-2.27. Design or redesign roads and streets to accommodate a range of motorized and non-motorized modes in order to reduce injuries, further reduce the risk of fatalities and to encourage non-motorized travel. The design should include well defined, safe, and appealing spaces for pedestrians and bicyclists with a goal of all users feeling safe and comfortable using the facility.

## **C10. AMC Ch. 19.66 - Fences**

### **Summary**

The proposed amendments clarify when a fence permit is required and update an informational graphic within this code section.

### **Recommendation**

PCED recommends the proposed amendment to the Development Regulations be **approved**.

### **Analysis**

The proposed amendments will further the following Comprehensive Plan goals and policies:

- Policy LU-11.2. Adopt user-friendly and coordinated development regulations that facilitate Anacortes's preferred land use pattern (e.g. allowed density, uses, and site provisions).
  - A. Refine the land use code on an ongoing basis to make it easier to use by employing simple language, easy to read charges, and illustrative graphics.

## **C11. AMC Ch. 19.67 - Signs**

### **Summary**

The proposed amendments are intended to clarify conflicting and confusing provisions for commercial and noncommercial temporary signs, and to update an incorrect cross-reference.

### **Recommendation**

PCED recommends the proposed amendment to the Development Regulations be **approved**.

## **Analysis**

Anacortes' sign code was completely redrafted in 2019 in response to a 2015 Supreme Court decision (Reed v. Gilbert) which held that treating various categories of signs differently based on the information they convey violates the First Amendment. Subsequent court decisions have held that the Reed holding does not extend to the regulation for commercial signs.

After experience in administering the sign regulations during a political season, it became clear that the current sign code provisions make it difficult to differentiate between regulations applicable to permanent noncommercial signs and those applicable to temporary noncommercial signs. There are also conflicts and inconsistencies in which sign types are allowed within the public right-of-way. Finally, the code contains limits on the amount of time before an election that (more than 1) signs can be put up; however, the Washington State Supreme Court has held that an ordinance limiting political signs to 60 days prior to an election is unconstitutional.

The proposed amendments will further the following Comprehensive Plan goals and policies:

- Policy ED-7.1. Provide an efficient, clear, and economical permitting process as a means of enhancing the City's goal for quality customer service.

## **NEXT STEPS**

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Following the Planning Commission public hearing and close of the written public comment period, staff will provide the Planning Commission with all public comments received. Deliberations and recommendation are tentatively scheduled for the next regular meeting – May 11, 2022.