DEVELOPMENT CODE ISSUES

Community Development Director Witkowski outlined development issues and topics for City Council consideration and potential amendments to the City Code to reflect Council policy direction. Some issues are broad and will require additional substantial review while others are more limited in scope. Staff recommends working with an outside source for code review. There is currently no budget authority for a comprehensive review of the City Code. The cost of such a review would be approximately $20,000-$30,000, and funds could be budgeted in 2003 for this review. There may be an opportunity to start on the review before the end of 2002.

• **Off Street Parking** – Staff is working on a draft ordinance that would simplify off-street parking requirements with fewer categories of land use. A minimum amount of off-street parking would be required by zone, except for the CC zone, regardless of the intended use of the building.

• **Critical Areas** – State law does not require an updating of Critical Areas regulations until 2006. However, the receipt of a State grant before the deadline was changed commits the City to preparation of a draft and introduction of the draft ordinance to Council for consideration this year—although no Council action is mandated until the 2006 deadline. A major change to existing critical areas involves consideration of much greater setbacks from stream channels and identified wetland areas. Administrative changes are proposed to the floodplain section of the regulations as well. Staff is working on a re-write of this code section.

• **Open Space Requirements.** A recent Washington State Supreme Court decision may affect the City’s current 15% blanket landscaping requirement. Additional staff review is needed.

• **Vision Clearance Area.** Staff recommends a more limited formula for the vision clearance area that would maintain a portion of corner lots free from visual obstructions to automobile traffic. Uncontrolled intersections with vegetation are a particular concern.

• **Commercial Tourist Zone Setback Area** – The formula used to set side yard setback requirements
in the Commercial Tourist Zone has proven difficult to administer on lots of varying shapes and sizes. Staff recommends a single setback dimension for a side yard that is similar to treatment of setback dimensions in other zones.

- **Public Reserve (PR) Zone** – The current PR zone language is set up to address ownership of land by units of general and special governments and is not practical for private ownership. Staff suggests each separate PR zoned parcel be assigned a default zoning category that would apply if the parcel is declared surplus by the local governmental unit.

- **Mobile Food Stands, Freestanding Canopies** – Use of small mobile buildings and temporary canopies is proliferating throughout the City and many are serving as permanent or semi-permanent commercial structures. No regulations exist in either the Uniform Building Code or the City’ s zoning code to deal with the extended use of these types of structures. Since their use is not subject to any real permit review, adherence to any of the off-street parking, landscaping or building code features that apply to other new commercial buildings is not required. New code language is necessary if these structures and temporary canopies are to be limited to residential uses or true temporary vendor situations.

- **Building Permits in Unfinished Subdivisions** – The pressure on staff to issue building permits in unfinished subdivisions is increasing from builders. The City’ s current subdivision code language requires that all minimum public improvements (streets, utilities) be completed prior to issuance of building permits on lots that result from a subdivision action. Staff’ s main concern is emergency access to the construction sites along with assurance that water and sanitary sewer service is available at the time such buildings will need them. A valid compromise could be the issuance of foundation permits only for developer owned lots during the time that vital street and utility improvements are being completed. Staff also recommends that the provision allowing applicants to bond for all public improvements be reviewed. Any policy direction indicated by Council will require new language for consistent application. Staff will provide Council with some scenarios for consideration.

Steve Willard distributed a letter to Council regarding the interpretation of legislative intent for bonding for a final plat. Mr. Willard would like the City to make provision for bonding for subdivision improvements as well as issue road standards. Mitch Williams stated bonding is economically essential due to increases in the size of single family subdivisions.

- **Additional dwelling units.** The illegal use of garages, accessory buildings, second floor additions etc. as separate dwelling and rental units in the community is a continuing problem and a source of complaints to staff from neighbors and others. Usually such construction is not under a permit and therefore does not meet parking, building safety, and other density requirements that authorized developments are required to provide. Current code language prohibits staff from denying building permits or refusing to set separate electric and natural gas meters and services for such improvements if the applicant claims the unit or space is meant merely for “private use”. Staff
experience has been a large majority of these units become rental units over time, regardless of the stated use at the time of construction. Court enforcement of alleged violations is very time consuming, stressful and legally very difficult. Staff will provide some scenarios for Council consideration.

• **Sign Code.** The City’s current sign code prohibits the use of any electrical signs that flash on or off, alternate between varying light intensities, revolve or are animated in any way. This language was expressly adopted by the Council in 1992 to prohibit the use of electronic message signs in the City. If the policy direction is to allow some form of electronic signs, new language is needed in the sign code.

• **SEPA Appeals & Timelines** – State SEPA rules do not mandate that any special appeal process to SEPA decisions be provided. Appeals of SEPA decisions are intended to be combined with appeals of the underlying permit applications to Superior Court. The City’s voluntary inclusion of a special SEPA appeal procedure to a Hearings Examiner has produced problems on occasion with both the time and expense in completing the hearings process. In addition, the Examiner has determined on two occasions that he had no jurisdiction to hear appeals. Separate SEPA appeals to the City Council on quasi-judicial actions are unnecessary since the SEPA action could be considered as part of the Council action on the original application at the public hearing. Staff also recommends that other separate SEPA appeals to the Hearings Examiner should be eliminated so that there is one appeal procedure to Superior Court which would combine the appeal to both the SEPA and underlying permit. If Council directs changes to limit or eliminate separate appeals of SEPA actions, staff recommends adopting a single 14-day comment period to coincide with State language.

• **Staff Zoning Interpretations** – Staff recommends a procedure that would require staff interpretations to be made available to the Planning Commission for review before they become effective in lieu of the current appeal procedure. Therefore, the Planning Commission might be able to discuss any such interpretation and potentially modify it before application to actual situations on the ground.

In answer to Council inquiry, staff would like to have drafts of revised off-street parking and critical areas codes to Council by the end of the year. Council will also see recommendations on mobile food stands.

**ADJOURN** Adjourn at 9:25 p.m. Sowards

Affirmed

Mayor

ATTEST:

City Clerk