

MINUTES

PLANNING COMMISSION

Virtual Meeting
Port Angeles, Washington 98362
July 27, 2022 6:00 p.m.
REGULAR MEETING

CALL TO ORDER

Chair Stanley opened the regular meeting at 6:01 p.m.

ROLL CALL

Commissioners Present: Tammy Dziadek, Andrew Schwab (Vice-Chair), Marolee Smith, Benjamin Stanley (Chair)

Commissioners Absent: Richie Ahuja, Steve Luxton, Colin Young (excused)

City Staff Present: Ben Braudrick (*Senior Planner*)
Chris Cowgill (*Assistant City Attorney*)
Holden Fleming (*Housing Coordinator*)
Zach Trevino (*Assistant Planner*)

Public Present: None

PUBLIC COMMENT

Chair Stanley opened the meeting to public comment.

No member of the public provided comment.

Chair Stanley closed the meeting to public comment.

APPROVAL OF MINUTES

Vice Chair Schwab moved to approve the minutes from the July 13, 2022 regular meeting of the Planning Commission. **Commissioner Smith** seconded. The motion passed with unanimous consent (4-0).

DISCUSSION AND POTENTIAL ACTION

1. **Proposed Port Angeles Municipal Code Title 17 Amendments related to increased housing density and mixed uses.**

Staff presentation of the Commission's options for how to proceed with review of the proposed changes to Title 17 of the Port Angeles Municipal Code (PAMC) approved for further consideration by the Planning Commission on July 13, 2022.

Chair Stanley introduced the item, explaining that staff will begin by presenting some preliminary findings from their research regarding the PAMC changes proposed by Commissioner Luxton.

Planner Braudrick displayed a presentation and introduced the process, emphasizing that the

purpose is to review some of the Commission's options for moving forward. He noted that the City of Spokane can be used as an example or case study, as that jurisdiction is the first community in the State of Washington to allow multi-family development in traditional single-family residential zones, albeit on an interim basis. The memo provided to the Commission with the agenda packet notes that Spokane's process could be used as a model, with additional documentation related to Spokane's effort included in the agenda packet.

He began the presentation by providing some background on what has already occurred in the City of Port Angeles since the 2016 Comprehensive Plan update to address housing affordability, attainability, and to enable the construction of more housing units in the City. Among the items he noted that have contributed to the facilitation of additional density, Planner Braudrick mentioned that the temporary waiver of building permit fees for construction serving households that have an income of 80% or less of area median income takes effect Monday, August 1st. This includes the waiver of some utility fees and the requirement for a right-of-way permit by enabling connection of ADUs to the water and sewer lines of primary residences. Another effort underway is the distribution of an RFP for the preparation of model home designs for ADUs, duplexes, and infill single-household units that developers could use to bypass the building permit review process, which would save time and money for applicants.

Planner Braudrick concluded the overview of the recent process timeline by noting that a local planning training led by the Department of Commerce for the benefit of all Commissioners may be ideal, with the next available date being September 29th. That training would be a useful tool to enable the Commissioners to understand their roles and responsibilities. He provided an overview of the roles and responsibilities for both the Planning Commission and Planning Division staff, with the intent of clarifying how all involved can work together to realize some of the changes that are being proposed.

After the synopsis of roles and responsibilities, Planner Braudrick provided a brief overview of the enabling legislation that could allow for certain changes to City regulations in accordance with the Commission's goals. He noted that the issue of housing availability is a major problem statewide. Spokane is the first community to enact an interim ordinance allowing for multi-family development in single-family residential zones in the specific manner they did, which may serve as an example for Port Angeles. Regardless of the process decided upon by Port Angeles, staff wants to ensure that it is equitable and provides members of the community with opportunity to provide input on any recommended changes to zoning regulations.

Planner Braudrick explained that Revised Code of Washington (RCW) 36.70A.600 contains provisions that prevent the actions proposed through the Building Residential Capacity (BRC) legislation from being judicially appealed until April 1, 2023, which can serve as a target date for the City to use when moving forward with changes. He noted that the BRC enabling legislation, specifically RCW 36.70A.600(1)(c), includes one of the proposals being considered by the Commission, which is to authorize at least one duplex triplex, quadplex, sixplex, and other types of housing on each parcel in one or more zoning districts that permits single-family residences, unless a city documents a specific infrastructure of physical constraint that would make this requirement unfeasible for a particular parcel. This means that the proposed effort of the City to allow multi-family units of up to four units in single-family residential zones is possible to accomplish through this enabling legislation, and an opponent of the effort could not try to stop that effort by suing the City.

After reviewing the enabling legislation from the Revised Code of Washington (RCW), Planner Braudrick transitioned into an overview of staff-recommended procedures. He began by emphasizing the importance of ensuring that the recommended changes are directly related to neighborhood scale, reasonable density, and encouraging health and quality of life. All of the changes that are proposed have a goal of reducing barriers to attainable housing, and the key to success will be ongoing monitoring over time to ensure that this is actually occurring. The process

that Spokane went through, as detailed in the materials included in the Planning Commission agenda packet for this meeting, can serve as a potential model for Port Angeles. Spokane instituted design standards to accompany the infill housing that they are allowing, in lieu of requiring a conditional use permit. The locations where Spokane will allow this infill housing were carefully evaluated for consistency with public health, safety, and general welfare. Additionally, the public process will continue following adoption of the ordinance on July 18th, with a public hearing scheduled in front of the Spokane City Council in September. As part of this process, Spokane declared a state of housing emergency, which included a resolution by the City Council to look into densification to build residential capacity. The process has so far resulted in an interim ordinance for one year while the City amends its Comprehensive Plan, followed by a reevaluation of the ordinance's success over the year. Public comments from Spokane's process were included in the Commission's agenda packet, some of which expressed support and others opposition to the initiative. One concern expressed by a developer was that the one-year period would not be long enough to enable a complete evaluation of the program's success. Therefore, Port Angeles staff is recommending that any potential interim ordinance adopted by the City of Port Angeles be in place until July of 2025, which corresponds with the date that the Comprehensive Plan update is due, currently established as June 30th. If, at that time, the ordinance is clearly fulfilling its purpose of enabling the provision of attainable housing in Port Angeles in a way that is not detrimental to surrounding properties, the Comprehensive Plan can be amended to ensure that this type of development remains part of the urban fabric going forward. Another option for the Commission to consider is to reevaluate the categorization of two duplexes on a single lot as infill development, although this may conflict with the State of Washington's definition of multi-family development.

In order to provide additional context for the staff recommended procedure, Planner Braudrick reviewed the City's current density provisions in Title 17 of the PAMC. Duplexes are already allowed in every residential zone, and the infill development standards adopted in 2021 allow duplexes on infill lots with at least 25 feet of frontage, subject to applicable design standards. Moreover, cottages and townhouses have associated design standards that facilitate their use in infill development. He reminded the Commission that the recently-adopted temporary building permit fee waiver for residences intended exclusively for occupants making 80% of area median income (AMI) or less is scheduled to take effect on Monday, August 1st and last for one year. Furthermore, utility base rates will be waived for ADU housing, with the potential of having no need for right-of-way access for ADU water metering.

In addition to these ongoing efforts, Planner Braudrick assured the Commission that there are many things the City can do to make the development of attainable housing more affordable. The Spokane model, if applied to Port Angeles, would necessitate a 4-5 month process, which could be completed by the April 1, 2023 deadline established in RCW 36.70A.600. While this deadline does protect against immediate legal action, it does not reduce the importance of going through a planning process correctly, albeit doing so as quickly as possible. Staff proposed the inclusion of one Public Works session that would include reaching out to the development community, property owners, other stakeholders, and the general public. At least one public hearing with the Planning Commission is necessary to enable passage of an ordinance. Staff also proposed the inclusion of design standards with the code update, which Planner Braudrick noted would take a minimum of eight weeks to prepare. Any interim ordinance should also include provisions that would ensure the ability of the City to assess the development community's response, the public's response, and the ordinance's success by July 2025. Ultimately, this ordinance and associated effort would lead to a major change to the Comprehensive Plan's Land Use Element and Future Land Use Map. As currently written, the Comprehensive Plan conflicts with the proposed Zoning Code update, so would need to be changed in order to avoid conflict in City regulations.

Chair Stanley expressed appreciation for staff's effort to investigate ways forward rather than focusing on finding legal reasons for why the Commission should not proceed. He stated that he is personally in favor of much of what Commissioner Luxton has said before in previous meetings

and would like to move forward with the effort.

Commissioner Smith explained that the Commission may receive pushback on one aspect of this effort to increase housing availability. She raised the example of Alameda, California, which experienced a big push for more housing in the 1970s due to a number of factors, including high gas prices. She explained that nice houses were demolished and replaced with low-quality multi-family residential buildings, which ruined neighborhoods. When she lived in Oakland, nearby construction of a sixplex towered over her home and enabled others to look into her yard. This issue could arise in Port Angeles if the City does not address it preemptively. She concluded that the question is how to ensure that infill development does not consist of the demolition of an existing home and the construction of a building that is not consistent with neighborhood character.

Chair Stanley expressed agreement with Commissioner Smith. He noted that, 10-15 years ago, the effort to promote infill development in single-family residential neighborhoods would have been considered an extremely radical thing to do in most cities. Proposing to allow four or even six units on a single lot is significant, and could cause concern among some people. **Commissioner Smith** noted that in the 1970s in California, it was inexpensive for developers to create investment properties by constructing unsightly buildings that changed the character of neighborhoods and caused parking problems. She explained that the City does not want to allow this to happen again here, so there needs to be design standards that prevent it and some staff discretion during the review process to avoid permitting structures that do not fit in the neighborhood. Chair Stanley noted that there are already some design standards that address this to a degree, such as those establishing a maximum building height in the R7 zone. He expressed that views are important to consider, since one of the biggest issues people may have with higher density is the ability of neighboring occupants to look into their private yard. One way to avoid this would be to mandate that windows be placed in such a way that avoid facilitating views of others' yards. Building design could incorporate elements that naturally mitigate this concern. He also suggested allowing people to put up higher fences than are currently allowed in residential zones.

Commissioner Smith raised the example of California's "Sunshine Laws," which prohibited people from blocking others' sunshine. Although this effort failed, according to her, it was an interesting concept, though it resulted in many lawsuits.

Chair Stanley stated his opinion that the City is in a serious housing emergency, requiring a different approach than that currently being taken by City Council. Design standards are needed, but the discussion about design standards should not delay the process. He suggested that the City Council approve the proposed Title 17 amendments as is and then monitor the results to incorporate them into an ongoing public process after adoption of the ordinance. That would allow the City to have a months-long discussion revisiting the issue in Spring 2023.

Commissioner Smith noted that the City does not know how many rental units currently exist in the City, since nothing is in place requiring a landlord to register their units. Getting information on existing stock will allow the City to understand what needs to be built. She referenced a motion made by Councilmember Lindsey Schromen-Wawrin a few years ago to enable recreational vehicles (RVs) to be permitted as temporary housing, which she believes is necessary at this time, since many people are already living in RVs without any record of how water and sewage disposal services are being provided. Something similar was done in Port Angeles during the 1970s and 1980s. Legalizing what is currently illegal occupancy could enable regular inspections and ensure safety of occupants.

Chair Stanley expressed his agreement, noting that there was much public input during the discussion of the aforementioned RV ordinance. He suggested that the RV ordinance be incorporated into the discussion of proposed Title 17 amendments, perhaps with the same proposed density allowance of four units on one 7,000 square foot lot that is being discussed for permanent housing. He also noted that he would like to see the ability of people to divide 7,000 square foot

lots into four lots, allowing people to put either a tiny home or an RV on each lot. Chair Stanley concluded by reiterating his preference for adopting an ordinance as quickly as possible and then conducting a public process before inserting design standards into the PAMC.

Commissioner Smith asked whether Chair Stanley would consider going on the Todd Orloff radio show to talk about the issue being discussed, in order to reach as many members of the public about the matter as possible. **Planner Braudrick** responded, stating that it would be apt for the Mayor and City Manager to appear on the Todd Orloff Show at least once per month to discuss the ongoing housing effort, which would be a fantastic way to connect with the community.

Chair Stanley asked whether staff would take the Commission's feedback and lead this effort going forward. **Planner Braudrick** advised that one option is for the Commission to make a motion directing staff to continue the research process and produce draft code language, which would take at least eight weeks.

Chair Stanley asked whether it is possible to move forward with drafting an ordinance that did not include design standards. **Planner Braudrick** responded that staff could proceed with an evaluation of the proposed changes Commissioner Luxton has proposed, which Chair Stanley agreed would be helpful to accompany with a list of proposed design standards that might be considered.

As an example, **Chair Stanley** suggested that any new multi-family construction in the R7 zone include frosted windows facing to the side, with transparent windows limited to facing certain directions to minimize privacy intrusions. **Planner Braudrick** explained that it would be helpful if the Commission could specify what they would want to see in an ordinance. Some discussion of recently adopted design standards and options provided to developers, such as those related to fencing and landscaping, ensued.

Commissioner Smith motioned for the Planning Commission to direct staff to continue to explore ways to create standards and ideas that can be used to approach an ordinance change that follows the recommended code text amendment language as drafted by Commissioner Luxton, suggesting changes to Title 17 of the Port Angeles Municipal Code. **Chair Stanley** proposed an amendment to the motion clarifying that the Commission will continue the discussion of this matter at the next meeting. **Commissioner Dziadek** seconded the motion. No further discussion occurred. **The motion passed unanimously (4-0).**

After the vote, **Chair Stanley** clarified that the Commission is simply asking staff to do what they proposed to do, which is to continue the research process and provide tangible options for the Commission to debate.

Planner Trevino asked whether the Commission had any additional thoughts about the interim ordinance that Planner Braudrick had suggested in his presentation, as it relates to the motion that had passed. **Chair Stanley** responded that the Commission is open to an interim ordinance, but needs to continue the discussion process to determine whether an interim ordinance makes sense. In his understanding of the motion, staff must provide the Commission with additional background on why an interim ordinance is important.

STAFF UPDATES

Planner Braudrick provided updates to the Commission, as follows:

1. Staff has completed the stakeholder implementation meetings for all five sectors of the Climate Resiliency Plan (CRP), and is now seeking any further comments from all stakeholders, including the Climate Action Subcommittee members. The intent is to use the Commission as a public forum to engage the community in the CRP implementation process.

2. The temporary building permit fee waiver will become available as an option on August 1st. An application has been prepared and outreach will be conducted to inform developers of the fee waiver option.

Planner Fleming provided an update to the Commission, as follows:

1. There may be misinformation about what the requirements of the temporary building permit fee waiver program are, so staff is preparing a one-page FAQs sheet on how the program will be administered. In addition to this fee waiver program, there were also changes made to utility connection requirements for ADUs. These two initiatives will work together to create multiple incentives that certain types of development, such as ADUs, could take advantage of. An additional incentive could be the multi-family tax exemption program, PAMC Chapter 17.46, which could be paired with the fee waiver program for multi-family developments. He mentioned that the final version of the application form will be included in the next Planning Commission agenda packet. He noted that the value of the Planning Commission is exemplified through this fee waiver program, which stemmed from a recommendation of the Commission. One challenge that staff will focus on is getting the word out to the public, especially the development community, about this program.

Attorney Cowgill asked whether the motion made by the Commission at the July 13th meeting, which posed a very specific question to staff, was answered by staff's presentation earlier in the meeting, or if the Commission still wants to receive a written response to that question. Discussion ensued, with the Commission concluding that no written response from the Legal Department would be necessary, as the information provided in the meeting presentation suffices. Moreover, staff will continue to address the Commission's question and related subjects as the process continues.

Commissioner Smith asked staff whether there are efforts underway to promote the temporary building permit fee waiver program. **Planner Fleming** confirmed that promotional materials are being prepared, and a meeting between the City Manager and relevant stakeholders could be considered. He explained that the City has a communications specialist dedicated to utilizing mass communication to effectively disseminate information to the public.

Commissioner Smith responded by claiming that Facebook and radio station KONP are the only effective ways of providing information to a wide audience, as the City website and other sources are underutilized. **Planner Fleming** explained that, to address this, staff is planning presentations in front of local groups, and will keep the Commission up to date on the process.

REPORTS OF COMMISSION MEMBERS

Chair Stanley stated that he plans on returning comments on the Climate Resiliency Plan implementation planning process. While he was not able to attend weekday meetings, he does want to provide feedback.

Chair Stanley asked staff to provide a status update on the Race Street improvement project. **Planner Braudrick** responded that finalized plans are expected in September and breaking ground is anticipated to occur in October. Currently, the City is completing the environmental review, and documentation has been submitted to the Federal Highway Administration. In response to Commissioner Smith's question about how the project would impact private property, Planner Braudrick clarified that all of the proposed work will occur within the right-of-way.

Commissioner Smith noted that the PAMC does not address poultry, specifically roosters. Considering this, she asked whether the Commission would be able to recommend language to City

Council addressing urban poultry. She noted that, if residential density increases, roosters may become an issue of contention among residents. **Planner Braudrick** acknowledged that the PAMC does not address chickens, stating that the existing animal husbandry regulations mostly pertain to undulates and other hooved animals, so there may be a benefit to expanding how this is addressed in order to avoid code enforcement issues. **Commissioner Smith** explained that jurisdictions throughout the country have a range of approaches to roosters, including keeping plans for rooster enclosures ready to distribute to the public from the planning department. She stated that she would prepare some recommendations for how to address roosters so they do not become a bigger problem. **Vice Chair Schwab** explained that, to his understanding, the issue of poultry noise is already addressed by PAMC 9.24.030. **Commissioner Dziadek** pointed out that barking dogs could be a related issue. **Planner Braudrick** noted that the PAMC contains an entire chapter, Chapter 7.09, addressing the treatment of animals, so does provide options for animals in need.

ADJOURNMENT

Commissioner Smith made a motion to adjourn the meeting. Commissioner Dziadek seconded the motion. The motion passed unanimously (4-0).

The meeting adjourned at 7:26 p.m.

DocuSigned by:

Zach Trevino

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Zach Trevino, Secretary

MINUTES PREPARED BY: Zach Trevino, Secretary

DocuSigned by:

Ben Stanley

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Ben Stanley, Chair