

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
1	1/28/10	Patty Dusbabek		Agriculture	Draft update does not represent the work of the Agricultural Working Group.	Comment noted.	No discussion requested.
2	1/28/10	Russ Berg		Agriculture	The City has operated in good faith and listened to the needs of farmers. The draft has been molded into something more compatible with needs, but still needs work.	Comment noted.	No discussion requested.
3	1/29/10	Patty Dusbabek		Enforcement	The city isn't verifying or documenting complaints. Many of the city's problems result from not handling complaints better.	The city reviews complaints as they are received. The purpose of the updates to the agriculture regulations is to amend the existing regulations so it is clear what activities are allowed or not allowed.	No discussion requested.
4	1/29/10	Patty Dusbabek		Agriculture	The Right to Farm Act is being ignored by the City. The final document fails to include many of the recommendations made by farmers.	Comment noted.	No discussion requested.
5	1/29/10	Patty Dusbabek		Agriculture	Limitations on farm animals are unsupportable.	Comment noted.	No discussion requested.
6	1/29/10	Russ Berg		Enforcement	Clearly-defined rules are paramount for fair and equitable treatment.	Noted.	No discussion requested.
7	1/29/10	Russ Berg		Agriculture	As density increases, the pressure on farmers will also.	Noted.	No discussion requested.
8	1/29/10	Russ Berg		Agriculture	Guidelines and procedures must be in place to ensure everyone is playing on a level field; the rules are in place to direct and protect.	Noted.	No discussion requested.
9	1/29/10	Russ Berg		Agriculture	Farm plans are essential for higher animal densities.	Noted.	3/11/10: PC agreed that the agriculture regulations should move forward for review.
10	1/16/10	Sally Adams	2.16.020K(1)	Land Use Table	Change "Others" in the heading	Agreed – the change has been	No discussion requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
		(comment #3)			to “Public and Other Government Agencies”	incorporated.	
11	1/16/10	Sally Adams (comment #4)	2.16.020.K(5)(d)	Land Use Table	Eliminates WDOT’s response as a factor by assuming non-response within 15 days as an indication that was intended.	<ul style="list-style-type: none"> ○ Planning Commission suggestions include possibility of allowing Director to extend timeline for DOT response if criteria are met (e.g., if project impacts DOT right-of-way, only if time extension doesn’t impact ability to meet land use application timelines, etc.) ○ <u>Staff response:</u> the RCW only notice to DOT for short subdivisions (not long subdivisions), and requires DOT response within 14 days. Most likely RCW only requires notice for short subdivisions because DOT would receive notice through SEPA for long subdivisions. <p>RCW 58.17.155 “Short subdivision adjacent to state highway — Notice to department of transportation. Whenever a city, town, or county receives an application for the approval of a short plat of a short subdivision that is located adjacent to the right-of-way of a state highway, the responsible administrator shall give written notice of the application, including a legal description of the short subdivision and a location map, to the department of transportation.</p>	3/18/10: PC recommends allowing Director to extend 15-day comment if land use application warrants it.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
						The department shall, within fourteen days after receiving the notice, submit to the responsible administrator who furnished the notice a statement with any information that the department deems to be relevant about the effect of the proposed short subdivision upon the legal access to the state highway, the traffic carrying capacity of the state highway and the safety of the users of the state highway.”	
12	1/16/10	Sally Adams (comment #6)	2.16.020.L(1)	Land Dedication	Should the payment in lieu of dedication be deleted?	Staff deleted this provision since it has never been used; furthermore, a similar fee in lieu provision created an issue for the City because state law mandates the City spend funds within 5 years, otherwise it has to be returned to the applicant.	See comment #66.
13	1/16/10	Sally Adams (comment #7)	2.16.020.L	Land Dedication	There is no definition of multi-family development in Title 17.	The definition of multi-family will be changed in Title 18 (this is where the definition currently exists).	No discussion requested.
14	1/16/10	Sally Adams (comment #8)	2.16.020.N	Open Space	Provisions for recording open space covenants are not in Title 2.	These provisions will be located in Title 17.	No discussion requested.
15	1/16/10	Sally Adams (comment #9)	2.16.020.P(1)(i-iiii)	Appeals	Improperly weights Director decision for Hearing Examiner and creates confusion.	The additions to this section were added to reflect state law, and do not reflect policy changes. However, upon legal review, we have no problem reverting back to existing Code language, and adding a reference to RCW 43.	3/18/10: PC recommends reverting back to existing code language, and adding a reference to the RCW. In response to Charles Schmid comments, PC also recommended that language from RCW 43.21C.075 be integrated into the code provisions.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
16	1/16/10	Sally Adams (comment #10)	2.16.020.P(k)	Hearing Examiner	Hearing Examiner shall give weight to the Director’s <i>decision</i> has been replaced by <i>reasoning</i> of the director.	The language was changed to reflect state law.	No discussion requested.
17	1/16/10	Sally Adams (comment #13)	2.16.030.D(3)	Hearing Examiner	Objects to the addition of “substantial” before public comments to determine when the Director determines when an administrative land use decision should go to the Planning Commission.	Staff recommends taking out the word “substantial.” It was added to try and clarify that a land use decision should go to the Planning Commission based on substantive comments, not based solely on the number of comments, or solely on comments that are not applicable to the case.	3/11/10: PC agreed with the staff recommendation to delete the word “substantial.”
18	1/16/10	Sally Adams (#14)	2.16.040.A	Design Review Board	“Minimal land alteration” was dropped from the purpose statement.	Staff Response: this phrase was deleted since it is a goal that is more appropriate to the Comprehensive Plan and not regulations; however, we have no objection to adding the phrase back in.	3/11/10: PC agreed with the staff recommendation that the phrase “minimal land alteration” should not be put back into the Code.
19	1/16/10	Sally Adams (#19)	2.16.050	Conditional Use, Minor	The bulk of what was a major conditional use has been transferred to minor conditional use.	In determining when an application qualifies as an administrative conditional use, current code states that “minor projects may include <i>but are not limited to</i> ” [emphasis added] and then lists the three criteria. Therefore, other types of projects may qualify as a minor conditional use, depending on Director determination. Furthermore, the current code is somewhat inconsistent in that it is specific in certain instances what type of conditional use permit something qualifies for, but is silent elsewhere. Where it is silent, the Director makes	3/11/10: PC understands that the changes are clarification to existing code; might want to discuss on 3/18/10. <u>3/18/10</u> : PC recommends discussing with the Ad Hoc Committee: 1) whether or not height should be eligible to be increased at all; 2) if so, should it be a minor or major CUP; 3) or, should height increase be through a variance instead.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
						<p>the decision regarding whether a project qualifies as a minor or major CUP (and the applicability statement in the minor CUP section states that it shall apply where the director determines that the anticipated impacts of those conditional uses will be minor or minimal.</p> <p>The SEPA provision was removed per footnote – just because a project is SEPA exempt does not necessarily mean that it should be processed as an administrative CUP.</p> <p>The provision you list as C(2) is in the purpose statement.</p>	<p><u>3/31/10</u>: the Ad Hoc Committee recommended eliminating the ability of residential structure height to be increased through a conditional use permit.</p> <p><u>7/15/10</u>: Planning Commission recommends existing code remain unchanged (e.g., that the provision to increase residential height thru CUP remain).</p>
20	1/16/10	Sally Adams (#19)	2.16.050.B(1)(a-e)	Conditional Use	These materials were treated as regular conditional uses in existing code but treated as administrative in new code.	These provisions are exemptions from the conditional use permit (both administrative and regular) requirements in the current code, and are reflected the same way in the draft code.	No discussion requested.
21	1/16/10	Sally Adams (#19)	2.16.050.D	Conditional Use	This includes “regular” CU material from 18.109, but don’t include submission of a traffic report to identify impacts on the roads.	<p>In the current code, the decision criteria are the same for administrative vs. regular conditional uses (except for institutional uses, which are required to go through a regular CUP). Therefore, these decision criteria have been placed in both Minor and Major CUP sections of the Code.</p> <p>Regarding the traffic impact analysis: current decision criteria contain a provision that the use is served by</p>	No discussion requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
						adequate public facilities, including roads. The city has the ability to request traffic report if it is necessary to determine additional impacts, but this most likely will not be necessary for a minor CUP.	
22	1/16/10	Sally Adams (#19)	2.16.050.F-H	Conditional Use	These sections, which allow for increased height, are new material.	These sections are in the current code, but are within the regulations for each individual zone district. The existing code does not specify whether additional height qualifies for a major vs. minor CUP, so it is clarified in the new code that if substantial public comments are received, then the Director can have the application processed under the Major CUP process.	3/11/10: PC understands that the changes are clarification to existing code and do not recommend any changes to draft Title 2.
23	1/16/10	Sally Adams (#20)	2.16.050.D(1)	Conditional Use, Minor	“And appropriate” was not carried over from current code.	<p>The word “appropriate” is very subjective, and difficult for staff to determine when applying this decision criterion to an application.</p> <p><u>Planning Commission:</u> commissioners agreed that the word “appropriate” is too subjective, and would like staff to recommend a comparable word.</p> <p><u>Staff response:</u> staff recommends the word “compatible,” so the applicability statement for Conditional Uses would read: “The conditional use is harmonious and <i>compatible</i> in design, character and appearance with the intended character and quality of development</p>	3/18/10: PC agrees with replacing the word “appropriate” with the word “compatible.”

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
						<p>in the immediate vicinity of the subject property and with the physical characteristics of the subject property...”</p> <p><i>[Staff Note: the word “immediate” will also be deleted from this decision criterion based on Planning Commission recommendation on 3/11/10].</i></p>	
24	1/16/10	Sally Adams (#21)	2.16.050.D	Conditional Use, Minor	A traffic report and mitigation for degradation of the LOS should be required as part of the submittal.	<p>Current decision criteria contain a provision that the use is served by adequate public facilities, including roads. The city has the ability to request traffic report if it is necessary to determine additional impacts, but this most likely will not be necessary for a minor CUP. For a Major CUP, the traffic report is a submittal requirement, and will be listed in the Administrative Manual.</p> <p>Regarding “mitigation”: decision criteria 2.16.050.D.2 and .6 allows for traffic to be analyzed, and the project can be conditioned to meet these criteria.</p>	No discussion requested.
25	1/16/10	Sally Adams (#22)	2.16.050.D	Conditional Use, Minor	The removal of 50% limit on lot coverage for institutional uses requires a City Council directive.	(3/9/10) The Ad Hoc Committee recommended that the lot coverage limitation be deleted from the Code (e.g., so institutional uses could apply for all of the underlying lot coverage for the applicable zone district, to be reviewed through the Major CUP process).	3/11/10: PC agreed with Ad Hoc recommendation.
26	1/16/10	Sally Adams (#23)	2.16.050.D	Conditional Use, Minor	Does not include the condition that the setback requirement	This provision is in Title 2 under 2.16.050.H.	No discussion requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
					shall be increased one-half foot for every foot above the maximum structure height.		
27	1/16/10	Sally Adams (#23)	2.16.050.F-H	Conditional Use, Minor	Allows maximum heights to be increased by up to 5’ through the minor CUP process; current code requires regular CUP process.	Current code does not specify whether or not height increases must go through an administrative vs. regular CUP process.	3/11/10: PC understands that the changes are clarification to existing code and do not recommend any changes to draft Title 2.
28	1/16/10	Sally Adams (#24A)	2.16.050.H	Conditional Use, Minor	Would allow wireless communications facilities to be processed as minor conditional use permits.	The definition of wireless telecommunications facility has been changed in Title 18 to reflect that they must be processed as Major CUPs.	No discussion requested.
29	1/16/10	Sally Adams (#25)	2.16.060.A	Variance, Minor	Is a variance allowed even if nonconformities exist in the zone district?	<p>A qualifier is not recommended since Staff needs the flexibility to look at the neighborhood character, which may not adhere to a specific boundary. We currently use similar terminology [immediate vicinity] in relation to conditional uses and it has not been an issue in the past. See the Ad Hoc Recommendation (a variance would not be granted solely because of the presence of nonconformities in the zone district.</p> <p>(3/9/10) Ad Hoc Committee discussed the issue and agreed with staff that a qualifier is not necessary, and further recommended that the term “immediate” be removed from the CUP decision criteria.</p>	3/11/10: PC agreed with staff and Ad Hoc recommendation that a qualifier is not necessary, and to delete the term “immediate” from the CUP decision criteria.
30	1/16/10	Sally Adams (#24B)	2.16.060.I	Variance, Minor	The addition of the word “substantial” in regard to public comments.	See comment 17.	See comment 17.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
31	1/16/10	Sally Adams (#28)	2.16.060.B(5)	Variance, Minor	This section effectively expands the occasions when a variance may be granted and limits challenges to a proposal.	See the Ad Hoc Recommendation (a variance would not be granted solely because of the presence of nonconformities in the zone district.	During the PC meeting on 2/25/10, the Commission discussed the change in language w/ Ms. Adams, who did not have further concerns.
32	1/16/10	Sally Adams (#29)	2.16.060.D(1)	Variance, Minor	“Minimum necessary to fulfill the needs of the applicant” should be reinstated.	This is a very subjective provision, which is difficult for staff to define, and therefore makes it difficult to approve a variance even if it meets the remainder of the decision criteria.	No discussion requested.
33	1/16/10	Sally Adams (#30)	2.16.060.E	Variance, Minor	Objects to the addition of “substantial” before public comments.	See comment 17.	See comment 17.
34	1/16/10	Sally Adams (#32)	2.16.070.L	Consolidated Review	The conditions under which land in a short subdivision may be subdivided again have been loosened.	<u>Staff Response:</u> the intent was to clarify that a short plat may not be further subdivided without going through a long subdivision process.	3/11/10: PC agrees that the verbiage is okay and does not recommend any further changes.
35	1/16/10	Sally Adams (#39)	2.16.070.I(3)	Consolidated Review	Objects to replacing specific corner markers with markers determined by the city surveyor.	The new code simply references that the state law surveying requirements must be met. State law contains very specific surveying requirements, and this would eliminate the need to change the Code when the state law requirements change.	No discussion requested.
36	1/16/10	Sally Adams (#45)	2.16.080.N	Large Lot Subdivision	The number of consenting property owners to a request for amendment of a large lot subdivision has been reduced from all to a majority.	This is to reflect state law, which requires a majority decision.	3/18/10: PC will wait for staff recommendation, but favors somewhere between 60%-75% agreement for large lot subdivision amendments. 5/24/10: upon legal review, it was advised to follow the RCW, which requires a simple

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
							majority.
37	1/16/10	Sally Adams (#46)	2.16.100.C(2)	Quasi-judicial Review	Objects to the addition of “substantial” before public comments.	See comment 17.	See comment 17.
38	1/16/10	Sally Adams (#47)	2.16.110.D(1)	Conditional Use, Major	“Will not adversely affect the area or alter the area’s predominantly residential nature” was not carried over.	That criterion was removed to require compliance with the intended character of the area, not the current character. The other decision criteria also address much of this criterion by stating that the use must be harmonious in character, and cannot be materially detrimental to the surrounding properties.	No discussion requested.
39	1/16/10	Sally Adams (#47)	2.16.110.D(1)	Conditional Use, Major	“All necessary measures have been taken to eliminate the impacts” was watered down to “eliminate or reduce to the greatest extent possible.”	It is impossible to fully eliminate all impacts, and the purpose of the CUP is to mitigate the impacts as much as possible.	No discussion requested.
40	1/16/10	Sally Adams (#48)	2.16.120.A	Variance, Major	Change would significantly expand the reach of the variance provisions.	See comment #31.	See comment #31.
41	1/16/10	Sally Adams (#49)	2.16.120. E(1)	Variance, Major	“Minimum necessary” was eliminated.	See comment #32.	See comment #32.
42	1/16/10	Sally Adams (#50)	2.16.120.E(1)(a)	Variance, Major	Additional language unnecessarily complicates this provision.	The purpose of the additional language was to clarify, but we can remove if it doesn’t serve the purpose.	No discussion requested.
43	1/16/10	Sally Adams (#51)	2.16.140.D	Rezones	Does this mean that staff can apply for a rezone independent of the process currently in place?	No – this provision clarifies that the City can apply for a rezone through the process outlined in this section if it is necessary as a result of a city-initiated comp plan amendment.	No discussion requested.
44	1/16/10	Sally Adams (#52)	2.16.140.G(3)	Rezones	Questions if the change in language is an improper change in procedure?	The purpose of this section is to clarify the review process that applies if the council reverses a rezoning. The text will be changed to state	No discussion requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
						“subsections D through F.”	
45	1/16/10	Sally Adams (#54)	2.16.140I(2)	Rezones	Construction deadlines have been made discretionary, rather than mandatory.	<p><u>Planning Commission:</u> suggestion that language could be modified that, when a development agreement is required, the agreement shall set forth a specified period of time for construction to begin; if construction does not commence by the end of the agreed-upon time limit, then the director shall institute rezoning proceedings.</p> <p><u>Staff response:</u> upon consultation with legal, we agree that this approach is favorable; language will be revised to state that a development agreement is mandatory, and that the construction period will be set forth in the agreement on a case by case basis.</p>	3/18/10: PC agrees with staff recommendation to require development agreement and require agreement to contain time limit as agreed upon by city and developer.
46	1/16/10	Sally Adams (#55)	2.16.140.I(3)	Rezones	The amended language renders confusing what was simply stated.	This provision was deleted since it is already covered in the Enforcement section.	No discussion requested.
47	1/16/10	Sally Adams (#63)	2.16.180.D(1-2)	Legislative Review	These provisions are confusing and perhaps contradictory.	We will delete the reference to comprehensive plan in D.2 since it is covered in chapter 2.16.190.	No discussion requested.
48	1/16/10	Sally Adams (#64)	2.16.180.F(2)	Legislative Review	No public hearing is required at City Council if one was held at the Planning Commission.	This is a clarification of existing code and does not change the requirements. There is only one public hearing allowed by state law for quasi-judicial review. There is no limitation, however for legislative review. This provision clarifies that if the public hearing was held at the planning commission level (depending on the type of	The City Council is researching ways to improve public hearing opportunities; some recommendations may be incorporated through the Code Update if they are within the scope of the project.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
						application), then the city council can choose to hear public comment, but it is not considered a public hearing. If the public hearing is required at the City Council level, then it must occur at the 2 nd reading of the regulation.	
49	1/16/10	Sally Adams (#67)	2.16.190.H(5)	Comp Plan Amendments	Amended language does not accurately reflect the current provision.	Cumulative impacts are addressed in provision 2.16.190.H.4, and do not need to be restated in H.5, but we can add that language back in if necessary.	No discussion requested.
50	1/18/10	Craig Hobbs	17.12.010	Subdivision, Open Space	The clustering requirement when there is no valued open space could open the city to potential litigation.	This provision is no longer being considered and has been removed from the draft.	No discussion requested.
51	1/18/10	Craig Hobbs	18.36.030.9	Accessory Dwelling Units	If a separate driveway already exists, it seems that allowing an ADU on it would be consistent with the goals of the code.	This will be considered at the next Ad Hoc meeting on March 9, 2010.	3/09/10: the Ad Hoc Committee did not recommend changing the code to allow an ADU to access off a second driveway if the driveway already exists.
52	1/25/10	Charles Schmid	2.16.050.I 2.16.060.E	CUPs, Variances	Concerned about adding “substantial” to clarify when Director or Hearing Examiner determines public comments warrant sending application for Planning Commission Review.	Staff recommends deleting the word “substantial.”	3/11/10: PC agrees with staff recommendation to delete the word “substantial.”
53	1/25/10	Debbie Vann	All	Policy changes	Concerned that there are substantial policy changes in the code update that should be discussed.	The policy changes have been highlighted in the Ad Hoc memo and footnoted in the drafts. Policy discussions will occur during Planning Commission and City Council review.	N/A

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
54	2/22/10	Debbie Vann		Use Table	There are changes in what is allowed or not in the zones.	This will be covered in Title 18.	N/A
55	2/22/10	Debbie Vann	All	General	You need to document each policy change and have an open discussion about the changes at the Planning Commission and Council, as well as at public meetings.	The Ad Hoc recommendations are provided in a separate document, and are footnoted in the document, along with other changes. The policy changes are highlighted at the Planning Commission meetings at the beginning of the discussion of each Title, and separate study sessions and public meetings are scheduled to discuss these items.	No discussion requested.
56	2/22/10	Debbie Vann		Artist Studios	Realized that the requirements have not changed.	N/A	N/A
57	2/26/10	Debbie Vann	2.16.050.I 2.16.060.E	Conditional uses	The addition of either “substantive” or “substantial” does not clarify when the planning director should send an administrative CUP to the Planning Commission	See comment #52.	See comment #52.
58	3/10/10	Debbie Vann	2.16.020.K.5.b.i	Project notice	Objects to the change in notice of application: the phrase “including any property within 300 feet of any contiguous property in the applicant’s ownership” was deleted.	This phrase was deleted because in current practice, the 300 foot boundary for notices is measured only from the property or properties subject to the land use application. Any adjoining properties under the same ownership are not used for measuring the 300-foot boundary if they are not subject to the land use application.	<u>3/18/10</u> : PC recommends keeping existing code language, to notice from land contiguous to the subject property that is under same ownership.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
59	3/10/10	Debbie Vann	All	Process	Require the department to organize the changes in a manner that can be more easily reviewed.	The changes have been footnoted at the bottom of each page, and a synopsis of the major changes in between Titles was provided at the 2/25/10 Planning Commission meeting.	No discussion requested.
60	3/11/10	Ed Cannard	Title 18	Agriculture	Need to understand existing & proposed requirements for a community pea patch with chickens	This is site specific question, and can be discussed with commenter individually.	No discussion requested.
61	3/11/10	Ed Cannard	All	Process	The only thing that is clear is that [the regulations] are unclear.	Comment noted.	No discussion requested.
62	3/8/10	Mike M.	Title 18	Agriculture	Concerned about whether or not the codes would allow bringing injured fowl home and incubating eggs at home	Proposed density standards do not include incubating or nursing young towards density limitations.	No discussion requested.
63	3/11/10	Debbie Vann	2.14.040.A	Design Review Board	Suggests changing the composition of the Design Review Board to include one less architect and one more community member, in order to better represent environmental interests.	Draft Title 2 (2.14.040.A.1) contains provisions that the DRB shall consist of seven members, including at least one representative with expertise in the following disciplines or groups: landscape architecture; urban design; public art committee or local artist; developers; at large community member; and at least two architects.	No discussion requested.
64	3/11/10	Debbie Vann	2.16.010	Appeal, Administrative	Asks if administrative decisions by the Public Works Director should be appealable.	Administrative decisions by the Public Works Director are appealable to the court, and are not appealable otherwise most likely because PW decisions are regarding engineering standards.	No discussion requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
65	3/11/10	Debbie Vann	2.16.020.K.5.a	Public Comment Period Timeframe	Advocates extending the comment period to 21 days	Current code requires a minimum comment period of 14 days, and requires a decision on a land use application within 120 days of complete application. If the comment period were extended, it would reduce the amount of time for staff review and response to the comments.	No discussion requested.
66	2/25/10	Charles Schmid	2.16.050.B.2	Conditional Use, Minor	CUP exemption (expansion of 25% or less does not require CUP) should not be cumulative.	<ul style="list-style-type: none"> ○ <u>Staff response:</u> There are two possible options for consideration: 1) expansion under 25% is allowed one time only, any expansion afterwards is subject to a CUP; or 2) cumulative expansion up to a total of 25% is allowed, after which a CUP is required. ○ The Ad Hoc Committee discussed this on 3/9/10 and recommended allowing a one-time expansion. 	3/11/10: Planning Commission agreed with the Ad Hoc recommendation to only allow a one-time expansion under 25%; all subsequent expansions will be subject to a CUP.
67	3/11/10	Sally Adams	2.16.020.K(5)(d)	Land Use Table	Staff response dated 2/25 is not adequate. Alternate suggestions were made.	<ul style="list-style-type: none"> ○ <u>See comment #11.</u> 	See comment #11.
68	3/11/10	Sally Adams	2.16.020.L(1)	Land Dedication	Staff's response dated 2/25 was not a good reason for not retaining the fee in lieu.	<ul style="list-style-type: none"> ○ <u>Staff response:</u> Staff deleted this provision since it has never been used; furthermore, a similar fee in lieu provision created an issue for the City because state law mandates the City spend funds within 5 years, otherwise it has to be returned to the applicant with interest. ○ <u>Planning Commission:</u> perhaps fee in lieu could be reinstated, 	3/18/10: PC would like more information regarding whether the RCW requires the city to pay back fees within 5 years; also if it is feasible for the city to use the fees within 5 years; also if the city already has a fee schedule established for these uses – and if there is

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
						<p>and discuss w/ Park District possibility of completing a cooperative agreement or something similar prior to agreeing to the fee in lieu, so the City has reassurance that the fee could be utilized within the required time period.</p> <ul style="list-style-type: none"> ○ <u>Staff response:</u> staff agrees that the fee in lieu provisions should remain in the code, and will incorporate the existing provisions back into Title 2. 	<p>a fee schedule, if the fees are adequate to actually pay for construction of the amenities.</p> <p><u>3/25/10:</u> existing code provisions follow the RCW, which require the city to pay back fees. There is a fee schedule already established, but it is “in an amount as determined by City Council.” The fees can be used for park or open space acquisition, but can also be used to improve existing facilities. The PC recommends adding the fee in lieu provisions back into the code, and adding the phrase “at the time of application” when discussing when the fee in lieu is established.</p> <p><u>4/8/10:</u> Staff discussed PC recommendation and are recommending adding “prior to land use decision” vs. “at the time of application” into the fee in lieu section, since the project may change after application, and as such the dedication</p>

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
							requirements should reflect the final project design.
69	3/11/10	Sally Adams	2.16.020.L, footnote 51	Definitions	Asks if the definition for “multi-family development” will include mobile home parks and notes that both terms are used in 17.20.020.A.	<ul style="list-style-type: none"> ○ Yes, the definition for multi-family development will include mobile home parks. This will be reflected in the updated Title 18. 	No discussion requested.
70	3/11/10	Sally Adams	2.16.020.P(1)(i-iii)	Appeals	Staff response dated 2/25 indicates the change reflects state law without citations.	<ul style="list-style-type: none"> ○ See comment #15. 	See comment #15.
71	3/11/10	Sally Adams	2.16.020.P(k)	SEPA Appeals	Staff response dated 2/25 indicates the change reflects state law without citations.	<ul style="list-style-type: none"> ○ See comment #15 	See comment #15.
72	3/11/10	Sally Adams	2.16.050 (fn 80)	Conditional Use permit process	Many of the uses that are currently processed as regular conditional use permits would be processed as “minor” conditional use permits under the proposed revisions.	<ul style="list-style-type: none"> ○ See comment #19. 	See comment #19
73	3/11/10	Sally Adams	2.16.050	Conditional Use Permit process	Current BIMC 18.108.100 includes a flow chart detailing the difference in treatment for “regular” and “administrative” conditional use permits. This chart does not appear in draft Title 2. Might this be because “minor” conditional use permits in the draft include the bulk of what used to be labeled “regular” conditional use permits?	<ul style="list-style-type: none"> ○ See comment #19. 	See comment #19.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
74	3/11/10	Sally Adams	2.16.050.D(1)	Conditional Use Permit process	In reply to staff response of 2/25: Note that while “harmonious” is a professional design judgment, “appropriate” includes the community vision, an inclusion that is valued.	○ See comment #23.	See comment #23.
75	3/11/10	Sally Adams	2.16.050D	Conditional Use Permit process	Objects to removal of the 50% lot coverage requirement for institutional uses.	○ See comment #25	See comment #25
76	3/11/10	Sally Adams	2.16.050.F-H	Conditional Use Permit process	Disagrees with staff response that the existing code allows an increase in height to occur through an administrative conditional use permit process.	○ See comment #19	See comment #19.
77	3/11/10	Sally Adams	2.16.050.H	Wireless Communication facilities	Please indicate the provisions in the draft update that would require all wireless communication facilities to be processed as major conditional use permits.	○ Section 2.16.050.H allows an exemption from height limits for structures (not buildings) to be processed through the minor CUP process. In Title 18, the definition of “structure” specifically exempts “wireless communication facilities”, so therefore they would not be eligible to be reviewed through the Minor CUP process.	No discussion requested.
78	3/11/10	Sally Adams	2.16.060.A	Variance process	Requests that the language be modified to ensure that it does not “leave a door open.”	○ There are cases where a nonconformity exists on a property, but it should not preclude a variance. For instance, in many cases there are lots that are smaller than what zoning requires (nonconforming	No discussion requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
						<p>to lot size) because they were created prior to zoning. The smaller lot size should not preclude a property owner from obtaining a variance if the decision criteria of the variance can be met.</p> <ul style="list-style-type: none"> ○ The intent of this provision is to prevent a property owner from applying for a variance solely due to the fact that a neighbor has a similar nonconforming situation. 	
79	3/11/10	Sally Adams	2.16.060.B(5)	Variance process	In reply to staff response of 2/25, says that omitting the language effectively expands the occasions when a variance may be granted and limits the challenges to the land use proposal.	<ul style="list-style-type: none"> ○ See comment #29. 	See comment #29.
80	3/11/10	Sally Adams	2.16.060.D(1)	Variance process	The community at large expects the minimum to be allowed.	<ul style="list-style-type: none"> ○ See comment #32. 	No discussion requested.
81	3/11/10	Sally Adams	2.16.070.I(3)	Survey Requirements	Would prefer a more definitive requirement than that offered in the draft or by the staff response.	<ul style="list-style-type: none"> ○ According to Code User’s Group and City Surveyor, citing the state surveying requirements is adequate, since surveyors must follow those regulations regardless. This also eliminates the need for the city to update our regulations when state requirements change. 	No discussion requested.
82	3/11/10	Sally Adams	2.16.110.D(1)(f)	Conditional Use Permit process	Changing “to eliminate the impacts that the proposed use may have on the surrounding	<ul style="list-style-type: none"> ○ Comment noted. 	No discussion requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
					area” to “eliminate or reduce to the greatest extent possible the impacts that the proposed use may have on the immediate vicinity” is a significant policy change that adversely impacts neighboring properties.		
83	3/11/01	Sally Adams	2.16.140.D	Rezone process	Will withdraw objection if the phrase “if it is necessary as a result of a city-initiated Comprehensive Plan amendment” is added.	<ul style="list-style-type: none"> ○ 2.16.140.D.2 states: “The city may apply for a rezone of one or more properties as necessary to improve consistency between the official zoning map and the comprehensive plan. In the case of a site-specific rezone initiated by the city, or to maintain consistency between the zoning map and a successful city-initiated comprehensive plan amendment, the owner(s) of the property or properties involved in the rezone shall not be required to pay the rezoning fee.” ○ Staff proposes to delete the language in red in order to address the concern. 	No discussion requested.
84	3/11/10	Sally Adams	2.16.140.I.2		Still feels that development agreement and director decision whether or not to revert back to original zoning is an inappropriately discretionary provision.	<ul style="list-style-type: none"> ○ See comment #45 	See comment #45.
85	3/11/10	Sally Adams	2.16.180.D(1-2)	Comprehensive Plan Amendments	Staff suggestion in the response of 2/25 adds, rather than diminishes, confusion.	<ul style="list-style-type: none"> ○ Further information is needed in order to understand the original concern. 	No discussion requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
86	3/11/10	Sally Adams	2.16.180	Comprehensive Plan Amendments	Staff response of 2/25 indicates that only one public hearing is allowed under state law but does not provide citation.	<ul style="list-style-type: none"> ○ Only one public hearing is allowed for quasi-judicial processes. The City Council is discussing opportunities to improve public involvement processes, separate of the Code Update project. 	No discussion requested.
87	3/17/10	Debbie Vann		Land Use Application Table	SSDE and Shoreline Substantial Development Permit footnotes appear to be incorrect.	<ul style="list-style-type: none"> ○ The footnotes have been corrected in the updated version of Title 2. 	No discussion requested.
88	3/17/10	Debbie Vann		Design Review Board	The deleted sentence “A board recommendation shall be valid for the term of the underlying permit or approval,” should be reinstated.	<ul style="list-style-type: none"> ○ This phrase was deleted because the DRB makes a recommendation to the Planning Director, and is used to make the final land use decision. The recommendation is incorporated into the underlying land use permit approval and related conditions of approval. 	No discussion requested.
89	3/17/10	Debbie Vann			If state law requires WSDOT to respond within 14 days, the city cannot do otherwise.	<ul style="list-style-type: none"> ○ See comment #11. 	See comment #11.
90	3/17/10	Debbie Vann			Given the difficulty of citizens being able to submit comments on previous applications within the 14 day time period, I suggest that the time period for comment should be lengthened to 21 days.	<ul style="list-style-type: none"> ○ See comment #65 	See comment #65
91	3/17/10	Debbie Vann			Mobile and manufactured homes can increase our inventory of affordable housing. To eliminate references to them as allowable in each zone can cause confusion.	<ul style="list-style-type: none"> ○ Mobile Homes will be included in the definition of multifamily development, and will still be allowed within the same zone districts as the existing code. 	No discussion requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
92	3/17/10	Debbie Vann			Disagrees with deleting administrative conditional use for unstable soils because the Critical Areas Ordinance does not cover unstable soils.	<ul style="list-style-type: none"> ○ The term “unstable soils” is a general term; the Critical Areas Ordinance applies to landslide hazard areas, liquefaction areas, and steep slopes, all of which are types of unstable soils. 	No discussion requested.
93	3/17/10	Debbie Vann			The description of Land Dedication has been removed, lessening the importance placed on such land dedication.	<ul style="list-style-type: none"> ○ Comment noted. 	No discussion requested.
94	3/17/10	Debbie Vann			Finds the applicability provision confusing.	<ul style="list-style-type: none"> ○ Comment noted. 	No discussion requested.
95	3/17/10	Debbie Vann	2.16.095.D.2.2		The language in current code is better laid out.	<ul style="list-style-type: none"> ○ Comment noted. 	No discussion requested.
96	3/17/10	Debbie Vann		Minor vs. Major CUP	“As determined by the director” should be deleted.	<ul style="list-style-type: none"> ○ See comment #17. 	No further discussion requested.
97	3/17/10	Debbie Vann		Site Plan Review in LM districts	Language from the applicability section in the current code (18.105.020.B) has been omitted.	<ul style="list-style-type: none"> ○ This applicability statement says that projects in the LM (now B/I) zone district have to follow the development standards in the LM chapter (current code 18.72.020). It is always the case that a site plan review has to follow the standards outlined in the underlying zone district, so this verbiage is no longer necessary. 	No discussion requested.
98	3/17/10	Debbie Vann	2.16.040	Site Plan Review	Clarify that the Planning Commission will take public comment when reviewing an application.	<ul style="list-style-type: none"> ○ We have no objection to adding “and will take public comment” to clarify that the Planning Commission will take comment 	No discussion requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
						at the public meeting.	
99	3/17/0	Debbie Vann			The allowance for additional height in exchange for providing public amenities should be deleted or the amenities should be better defined.	○ Comment noted.	No discussion requested.
100	03/17/10	Debbie Vann		Conditional Use Permit process	It appears that the only way to have a “major” conditional use is if citizens complain.	○ A major conditional use applies if the project contains impacts that are greater than “minor” or “minimal”, or if public comments are received.	No discussion requested.
101	3/17/10	Debbie Vann	2.16.060.B(2)	Engineering Standards	Add “minor” before “variation(s)”.	○ “Minor” will be added.	No discussion requested.
102	3/17/10	Debbie Vann		Flow Chart	The minor variance flow chart has a box for SEPA, but B(1) says minor variances projects that are exempt from SEPA.	○ Not all minor variances are exempt from SEPA, so the flowchart shows that SEPA is “if applicable.”	No discussion requested.
103	3/17/10	Debbie Vann		Conditional Use Permit process	Lot coverage for institutional uses in residential zones should be no more than 60%.	○ See comment #25.	See comment #25.
104	3/17/10	Sally Adams	All	General	The lack of sufficient tracking references has made it extremely difficult to identify the changes.	○ Comment noted.	No discussion requested.
105	3/17/10	Sally Adams	All	General	The key problem with the code rewrite, and Title 2 in particular, is that discretionary authority is expanded.	○ Comment noted.	No discussion requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
106	3/17/10	Sally Adams		Conditional Use Permit and Variance processes	The Planning Director will be given significantly enhanced discretionary authority to approve land use development in problematic areas previously considered off-limits without the more rigid quasi-judicial process coming into play.	○ See comment #19	See comment #19
107	3/17/10	Sally Adams	All	General	The draft code's focus appears to be on easing the path for applicants, at least some applicants, rather than on retaining our current, more rigorous protections for neighborhoods, our community and natural resources.	○ The purpose of the update is to make the code more user-friendly and clear.	No discussion requested.
108	3/18/10	Charles Schmid	SEPA appeals	SEPA appeals	<p>Include some of the RCW verbiage in the code:</p> <p>RCW 43.21C.075 Appeals. (1) Because a major purpose of this chapter is to combine environmental considerations with public decisions, any appeal brought under this chapter shall be linked to a specific governmental action. The State Environmental Policy Act provides a basis for challenging whether governmental action is in compliance with the substantive and procedural provisions of this chapter. The State Environmental Policy Act is not intended to create a cause of action unrelated to a specific governmental action. (3) If an agency has a procedure for appeals of agency environmental</p>	○ We have no objection to adding portions of the RCW language (as applicable) into the code.	3/18/10: PC recommends adding some verbiage from the RCW into the code.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
					determinations made under this chapter, such procedure: (d) Shall provide that procedural determinations made by the responsible official shall be entitled to substantial weight.”		
109	3/29/10	Debbie Vann	T. 17	General	Likes reduction in redundancy, and making regulations the same for all types of subdivisions.	○ Comment Noted.	No discussion requested.
110	3/29/10	Debbie Vann	T. 17	General	Long paragraphs vs. numbering make it difficult to read.	○ Comment noted.	No discussion requested.
111	3/29/10	Debbie Vann (comment #1)	T. 17	Definitions	Include general definitions for short, long, large lot subs somewhere near beginning of chapter.	○ Comment noted.	No discussion requested.
112	3/29/10	Debbie Vann (comment #2)	17.04.020.A	Definitions	What does the word substantive mean? Perhaps need definition.	○ Comment noted.	No discussion requested.
113	3/29/10	Debbie Vann (comment #3)	17.04.020.C.1.b	RCW reference	References to RCWs in the footnotes are confusing. Does RCW need to be referenced in the actual Code?	○ References to the RCW are included in some sections of the code; if you are concerned about a particular section, we are happy to look at it.	No discussion requested.
114	3/29/10	Debbie Vann (comment #4)	17.12.010	T. 17 Applicability Table	No objection to the table, but not sure it’s needed. Perhaps insert definitions of subs here.	○ Comment noted.	No discussion requested.
115	3/29/10	Debbie Vann (comment #5)	17.12.020	Flexlot Nomenclature	Changing name of flexlot could be confusing since it’s in comp plan and GMA requires flex lot ordinances.	○ The term ‘flexlot’ is still used throughout Title 17, but is not used as often to clarify the type of subdivision, since Flexlot is the only option for short or long subdivisions.	No discussion requested.
116	3/29/10	Debbie Vann (comment #6)	17.12.020	Definitions	Have definitions of large lot, flex lot, open space, cluster subdivisions up front.	○ Comment noted.	No discussion requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
117	3/29/10	Debbie Vann (comment #7)	17.12.020	Exclusions	The RCW 58.17.040 excludes cemeteries and burial plots.	<ul style="list-style-type: none"> ○ Per the RCW, cemeteries and burial plots are excluded in section 17.08.020.A. 	No discussion requested.
118	3/29/10	Debbie Vann (comment #8)	17.12.030.A.2	Open Space Design Guidelines	Doesn't agree that two of the guidelines that were deleted aren't covered elsewhere in the code.	<ul style="list-style-type: none"> ○ The code contains several guidelines regarding open space design. This comment specifically addresses two of those guidelines: 1) "open space should be designed to preserve established vegetation on ridgelines" (17.04.082.B.4) and 2) "Open space should enhance or retain the Island character through the minimization of disturbance of roadside vegetation." (17.04.082.B.5) ○ Guideline #1 above is addressed in Table 17.12.030-2 – "Valued Open Space Features for Open Space Short and Long Subdivisions." ○ Guideline #2 above is addressed in 17.12.030.A.1.h – "Open Space Objectives." This objective reads "Preservation of visual qualities along highway, road, and street corridors or scenic vistas." 	No discussion requested.
119	3/29/10	Debbie Vann (comment #9)	17.12.030.A.4.b	Open Space	All lands subject to the CAO regulations shall remain subject to new regulations regardless...what does reference to "new regulations" mean?	<ul style="list-style-type: none"> ○ 17.12.030.A.4.b states that "All lands subject to Critical Area regulations by BIMC 16.20 shall remain subject to <i>those</i> regulations regardless of whether they are included in the required open space designation." This is a clarification that the critical 	No discussion requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
						areas regulations apply even if the critical areas are not set aside as open space.	
120	3/29/10	Debbie Vann (comment #10)	17.12.020.A.4.b	Critical Areas and Open Space	Critical areas trump open space so if there is more critical area than 25%, it still must be retained.	<ul style="list-style-type: none"> ○ It is correct that the critical area must still be protected pursuant to BIMC 16.20, but the city cannot require critical areas over 25% to be designated as open space. 	No discussion requested.
121	3/29/10	Debbie Vann (comment #11)	17.12.020.A.8.b.	Open Space Management Plan	OSMP submittal requirements should be retained in the Code, not the Admin Manual, so you can't easily update what's required.	<ul style="list-style-type: none"> ○ The Administrative Manual will be adopted by resolution, so if changes are proposed to the OSMP submittal requirements, another Resolution with City Council review will be required. 	No discussion requested.
122	3/29/10	Debbie Vann (comment #12)	17.12.020.A.8.a	Open Space Signage	Suggests sign dimension requirement should be 8"x8" vs. 64 square inches. Also suggests these requirements go in the Admin Manual and not the code.	<ul style="list-style-type: none"> ○ Comment noted. 	No discussion requested.
123	3/29/10	Debbie Vann (comment #13)	17.12.020.B.2.c	Homesite Area	Use wording in original code – the word “disturbance” has been removed (17.12.090.A.5(A)iii says “The purpose of the homesite area is to define the maximum disturbance area for development of the primary residential dwelling...”	<ul style="list-style-type: none"> ○ Comment noted. 	No discussion requested.
124	3/29/10	Debbie Vann (comment #14)	17.12.040.E.2	Roads and Pedestrian Access	Doesn't agree that a variance is required to reduce size of road; should only be required to increase size of road because impervious surface would be increased.	<ul style="list-style-type: none"> ○ Staff wanted a process to document any change in standard, and still recommends a variance to get smaller to ensure that the road meets access requirements. 	No discussion requested.
125	3/29/10	Debbie Vann (comment #15)	17.12.040	Typo	There's a typo in the reference to BIMC RCW 58.	<ul style="list-style-type: none"> ○ This has been corrected in the updated version of T. 17. 	No discussion requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
126	3/29/10	Debbie Vann (comment #17)	17.20.020.D	Land Dedication Study	Perhaps a study quantifying the amount of land required to be dedicated should be conducted now.	<ul style="list-style-type: none"> ○ This is a policy decision; the majority of the applications the city receives are not intensive enough to warrant dedication. 	No discussion requested.
127	3/29/10	Debbie Vann (comment #18)	17.20.020.E	Open Space Management Plan – Covenants	Not sure why the covenants issue related to private open spaces (existing T. 17.04.080.C) was deleted.	<ul style="list-style-type: none"> ○ I think the reference you are referring to is 17.08.060.C. You are correct that this provision was not included in the code because an Open Space Management Plan (vs. covenant) is required for any dedicated open space. 	No discussion requested.
128	3/29/10	Debbie Vann (comment #19)	17.28.020.8	Definition of “Collector”	Should have the actual definition of collector road in the code, vs. referencing the definition in the Comp Plan	<ul style="list-style-type: none"> ○ Comment noted. 	No discussion requested.
129	3/29/10	Debbie Vann (comment #20)	17.28	Definitions	Definition of “circle plan” has been deleted.	<ul style="list-style-type: none"> ○ If you are referring to the definition “circle template”, it is included as a reference in 17.28.020.4, and in 18.36. 	No discussion requested.
130	3/29/10	Debbie Vann (comment #21)	17.28	Definitions	Definition of critical areas – include the definition in T. 17, not just a reference to T. 16.	<ul style="list-style-type: none"> ○ In an attempt to provide more clarity, we recommend only having a definition in one place in the code; that way if you amend the definition, you only have to change it in one place. 	No discussion requested.
131	3/29/10	Debbie Vann (comment #22)	17.28	Definitions	Definition of ‘dedication’ – wording changed from ‘subdivision’ to ‘plat’. Not sure if it matters.	<ul style="list-style-type: none"> ○ Plat is the correct term to use (used to indicate the applicant is filing a final <i>plat</i> of a <i>subdivision</i>). 	No discussion requested.
132	3/29/10	Debbie Vann (comment #23)	17.28	Definitions	Definition of ‘mature vegetation on ridgeline’ – this was deleted.	<ul style="list-style-type: none"> ○ The definition is located in 17.28.020.21, with a reference to BIMC 18.36. 	No discussion requested.
133	3/29/10	Debbie Vann (comment #24)	17.28	Definitions	Definition of ‘phasing’ deleted – not sure why.	<ul style="list-style-type: none"> ○ Probably an oversight – the definition of “phasing” was added back in to the draft T. 17 	No discussion requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
						that will be reviewed at the public hearing.	
134	3/29/10	Debbie Vann (comment #25)	17.28	Definitions	Definition of preliminary plat removed a phrase. Even though the new definition matches what is in the RCW, we should want to continue to safeguard current property owners of land to be subdivided, or maybe I don't understand this.	<ul style="list-style-type: none"> ○ The definition was changed to match the RCW. 	No discussion requested.
135	3/29/10	Debbie Vann		Roadway Buffers	Retention of roadside buffers is important and should be emphasized.	<ul style="list-style-type: none"> ○ Comment noted. 	No discussion requested.
136	3/22/10	Sally Adams (comment #1)	17.12.010	Flexlot	Footnote 13 notes that sections A, B, C were added to reflect current policies; this seems reasonable.	<ul style="list-style-type: none"> ○ Comment noted. 	No discussion requested.
137	3/22/10	Sally Adams (comment #2)	17.12.010	Flexlot	Footnote 12 suggests substituting “open space sub” and “cluster sub” for “Flexlot subs”. “Flexlot” appears to be more descriptive of what is happening during the subdivision process, and incorporates both “open space” and “cluster”. Perhaps this should be discussed by PC. My knowledge is too limited to comment.	<ul style="list-style-type: none"> ○ Staff recommends not using the word “Flexlot” every time to describe the subdivision process an applicant must go through, because Flexlot is the only process they can go through to subdivide. The term “Flexlot” is still used throughout the title to describe the process. 	No discussion requested.
138	3/22/10	Sally Adams (comment #3)	17.12.010.D	Large Lot Subdivisions	Does not include language from 17.16.063.B – “Although there is no requirement to provide open space, the applicant for a residential large lot subdivision is encouraged to prepare a proposed or “first draft” site plan	<ul style="list-style-type: none"> ○ This provision was deleted since the city does not have the ability to require open space; however, we have no objection to putting the provision back in the code. 	No discussion requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
					following the steps described in the Flexible Lot Design Handbook.” This language should be reinstated since it supports Comp Plan.		
139	3/22/10	Sally Adams (comment #4)	17.12.020.A.2	Open Space Design	Doesn't include configuration guidelines from 17.04.082.B(4-5) - open space should be designed to preserve vegetation on ridgelines, and open space should enhance or retain Island character...	<ul style="list-style-type: none"> ○ See comment #118. 	No discussion requested.
140	3/22/10	Sally Adams (comment #5)	17.12.020.A.3	Open Space Subs	The Table doesn't include rankings for existing roadway buffer areas, which is in current code 18.120.060.D.	<ul style="list-style-type: none"> ○ The Open Space Priority table in existing T. 17 does not contain rankings for existing roadway buffer areas, because there are separate roadside buffer requirements for subdivisions (Table II in 17.04.080 and 17.12.090). ○ Current code 18.120.060.D is specific to PUD chapter. 	No discussion requested.
141	3/22/10	Sally Adams (comment #5)	17.12.020.A.3	Open Space Subs	Mature Vegetation on Ridgelines is moved to #6 in the prioritization table – shouldn't it be higher on the list.	<ul style="list-style-type: none"> ○ Comment noted. 	No discussion requested.
142	3/22/10	Sally Adams (comment #6)	17.12.020.A.4	Fee in Lieu	Fee in lieu has been deleted and inclusion of this provision should be considered.	<ul style="list-style-type: none"> ○ Planning Commission recommended Fee in Lieu be reinstated. The provisions will be incorporated into the Public Hearing draft of T. 17. 	No discussion requested.
143	3/22/10	Sally Adams (comment #7)	17.12.020.A.4.b	Open Space Dedication	Why was wording changed from “the maximum required area for open space designation is 25%” to “up to a maximum of 25% of the area of the property being	<ul style="list-style-type: none"> ○ The wording regarding open space designation is different in existing Title 17 between short and long subdivisions. The wording in the Draft Title 17 is 	No discussion requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
					subdivided”? Use of the word “maximum” is limiting, although it is clarified later. Either delete “a maximum of” or use current BIMC 17.04.082.E language.	from the short subdivisions section of existing Title 17; the wording you propose is from long subdivisions in existing T. 17.	
144	3/22/10	Sally Adams (comment #7)	17.12.020.A.4.b	Open Space dedication	Does this verbiage provide assurance that all critical areas must be protected regardless of other provisions or set asides? “All lands subject to Critical Area regulations by BIMC 16.20 shall remain subject to new regulations regardless of whether they are included in the required open space designation.”	<ul style="list-style-type: none"> ○ This verbiage was added to the code to clarify that critical areas must still be protected pursuant to 16.20, even if the amount of critical areas on the property exceeds the maximum 25% open space dedication. 	No discussion requested.
145	3/22/10	Sally Adams (comment #9)	17.12.020.B	Cluster Subdivisions	Doesn’t include the 25’ landscape perimeter along the subdivision boundary. Perhaps it’s included elsewhere?	<ul style="list-style-type: none"> ○ This standard will be included in the Tree Ordinance, which is being reviewed through a separate process than the Code Update; the tree ordinance provisions will be rolled into Title 18 when it is approved. 	No discussion requested.
146	04/04/10	Charles Wenzlau	18.12.050	Lot area	Lot area as defined for the purposes of determining allowable FAR should include the lot area PRIOR to the dedication of any ROW, if ROW dedication is required by the City.	<ul style="list-style-type: none"> ○ This is current practice, and the definition of FAR was changed in the draft T. 18. 	No discussion requested.
147	04/04/10	Charles Wenzlau	18.15.020	Parking	The shared car stall or its equivalent footprint be allowed as an option to be used as a “charging station” or dedicated “commercial bike parking” as an alternative.	<ul style="list-style-type: none"> ○ Section 18.15.020.B.11 of draft Title 18 has been modified to allow a charging station in addition to shared car stall. 	No discussion requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
148	04/04/10	Charles Wenzlau	18.15.020	Parking	There should be a definition describing where the distance is measured from and how proximity to the ferry terminal is determined.	<ul style="list-style-type: none"> ○ Agreed – a graphic showing the area subject to parking reductions will be integrated into the draft Title 18. 	No discussion requested.
149	04/04/10	Charles Wenzlau	18.15.020	Parking	Where is the reduction in parking allowed for residential units located above commercial within the MUTC.	<ul style="list-style-type: none"> ○ This exists in draft Title 18, section 18.15.020.C.1. 	No discussion requested.
150	04/04/10	Charles Wenzlau	18.50.020	Parking Space Chart	Chart does not identify which dimensions apply to “Small Cars.”	<ul style="list-style-type: none"> ○ Title 18 will be amended to reflect which dimensions apply to small cars. 	No discussion requested.
151	04/04/10	Charles Wenzlau	18.36.030	Single-family dwelling	The definition should clarify that single-family means one dwelling per lot.	<ul style="list-style-type: none"> ○ The definition of “Dwelling, single-family” was changed in draft T. 18 to reflect this. 	No discussion requested.
152	04/13/10	Els Heyne		Garbage/recycling stations	It would make sense if a garbage “station” or “location” would be required to be designed in the original building site plan.	<ul style="list-style-type: none"> ○ Staff will discuss this and will incorporate into the Site Plan Review process in Title 2. 	No discussion requested.
153	04/13/10	Els Heyne		Garbage/recycling stations	Should require commercial developments to provide garbage and recycling containers in public spaces.	<ul style="list-style-type: none"> ○ Staff will discuss this and will try and incorporate into the Site Plan Review process in Title 2. 	No discussion requested.
154	04/13/10	Michael Iaria		Setback variances	Consider requiring height/mass reductions as mitigation for setback variances	<ul style="list-style-type: none"> ○ 	No discussion requested.
155	04/22/10	Sally Adams	18.03.020	Land Use Code reference	Please explain the rationale for referring to Title 18 as the “Land Use Code.” Perhaps it would be more accurate to specify that “Land Use Code” includes Titles 17 and 18 and part of Title 2.	<ul style="list-style-type: none"> ○ Comment noted. 	No discussion requested.
156	4/22/10	Sally Adams	18.03.030	Comprehensive Plan Amendments	I was unable to find any explanation of the Comprehensive Plan Amendment process in Title 2.	<ul style="list-style-type: none"> ○ This is located in 2.16.190 of the draft Title 2. 	No discussion requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
157	4/22/10	Sally Adams	18.03.050	Compliance with Comprehensive Plan	Why is this language included? It appears to be an inappropriate overstatement of what cannot be assured.	<ul style="list-style-type: none"> ○ This is standard language stating that the zoning standards comply with the Comprehensive Plan. 	No discussion requested.
158	4/22/10	Sally Adams	18.03.100	Official Zoning Map	Is there a reason to exclude the provision to send all amendments to the zoning map to Kitsap County?	<ul style="list-style-type: none"> ○ This is an administrative action that doesn't need to be included in the code. 	No discussion requested.
159	4/22/10	Sally Adams	18.06.030.A(5)	Development north of Winslow Way	The following language was omitted: "North of Winslow Way, development shall be accompanied by height restrictions and landscaping requirements to protect the adjacent residential neighborhoods."	<ul style="list-style-type: none"> ○ The intent is to delete standards from the purpose statements and incorporate them into the regulations. 	No discussion requested.
160	4/22/10	Sally Adams	18.09.010 (existing)	Purpose statement	With continuing pressure to adjust zoning boundaries, perhaps this language should be retained.	<ul style="list-style-type: none"> ○ Comment noted. 	No discussion requested.
161	4/22/10	Sally Adams	18.09.040.D (existing)	Determination of distances	My impression has been that the detail provided by the county assessor is far greater than that available through the City.	<ul style="list-style-type: none"> ○ The assessor's map does not indicate zoning lines and the provisions addressing property lines/legal descriptions covers the intention to make the zoning boundary travel along those lines. In cases of confusion the Director has made the decision (cases of confusion usually are the fact that the zoning 'line' has a width and the determination needs to be made as to what applies 'under' that line). 	No discussion requested.
162	4/22/10	Sally Adams	18.090.040.E	Map inconsistencies	Responsibility to resolve mapping differences was inappropriately shifted from the	<ul style="list-style-type: none"> ○ The director was made the decision making authority because the planning 	No discussion requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
					Planning Commission to the Planning Director.	commission is a recommending body, not a decision making body. Also this makes the decision clearly appealable.	
163	4/22/10	Sally Adams	18.09.020	Use Table	Expand the references.	<ul style="list-style-type: none"> ○ The purpose of the table is to eliminate many of the footnotes in the current code (that are easily missed) and consolidate all of the standards into the “Use Specific Standards” section. 	No discussion requested.
164	4/22/10	Sally Adams	18.09.020	Use Table	Introductory language should be expanded to “No new use or expansion of an existing use may be established except in conformance with the following tables, the applicable use specific regulation referenced in the tables, <i>and any other applicable state or local laws or regulations.</i> ”	<ul style="list-style-type: none"> ○ We have no objection to adding this reference language to state law. 	8/12/10: PC recommends adding the reference into the section.
165	4/22/10	Sally Adams	18.09.020	Use Table	Questions how manual car wash, transport & delivery service, and motor vehicle sales lot are listed.	<ul style="list-style-type: none"> ○ Auto repair is permitted in the NSC and gas stations are conditional in the NSC, so businesses that service the auto seem to be allowed and car washes would be similar in use/impact as those two. ○ Transport and Delivery Services are a new use and will be vetted through the Planning Commission/City Council process. ○ Motor Vehicle Sales Lot currently is not specified in the code, as such they can be constructed in any zone district 	No discussion requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
						that allows retail; the goal is to allow them in the most appropriate area.	
166	4/22/10	Sally Adams	Title 18	Live-work units	I have not been able to find an ordinance approved by City Council or reflected in current code that reflects this significant increase in allowance of residential areas within a formerly “light manufacturing” area.	<ul style="list-style-type: none"> ○ The Live/Work section was removed from Title 18 and will be handled through a separate ordinance per recommendation of the Ad Hoc Committee. 	No discussion requested.
167	5/24/10	Sarah Blossom		Garbage/Recycling Stations	Providing garbage and recycling containers in public areas results in the tenants/residents subsidizing the disposal of the general public’s garbage and recycling – not fair!	<ul style="list-style-type: none"> ○ In some cases, applicants don’t adequately plan where to place refuse facilities during the Site Plan Review process, so when the development is constructed the facilities are placed in inappropriate places. We could word the changes so that centralized refuse facilities aren’t required in every situation, but when they are being used, the centralized facilities should be shown on the site plan for consideration. 	No discussion requested.
168	6/7/10	Sarah Blossom	Title 18	Agriculture Regulations	<ol style="list-style-type: none"> 1. 18.03.060(F): how do BLAs apply to ag operations that exist on multiple parcels? 2. What happens with uses that will be non-conforming under the new code and the code in place when the use started was silent with regards to the use? 3. Will existing stables that house horses other than the 	<ol style="list-style-type: none"> 1. A BLA will not be required to consolidate lots that are being used to meet density standards. 2. Most existing uses were either existing when the agriculture regulations were put in place, so they are existing nonconforming, or the uses have been defined under the general term ‘agriculture.’ Under the new code, these uses will remain 	No discussion requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
					owner's have to do a retail plan or are the existing ones exempt? 4. Is there still an exception to density standards for stables?	existing nonconforming (as long as they were either in existence when the previous code was enacted or met the previous code requirements). 3. The existing operations are exempt, but will have to do a retail plan if the use is expanded. 4. The exemption for density standards for stables remains.	
169	6/7/10	Sarah Blossom	Title 18	Agriculture Regulations	What will happen then with heavy-use areas? They aren't defined in the current code. The update requires a setback but right now most, if not all, horse owners and stables have "heavy use areas" that are right on property lines. Since stables are typically laid out around a big structure (barn and/or arena) moving them would be a huge burden. Will heavy-use areas be a legal non-conforming use?	<ul style="list-style-type: none"> o The stables wouldn't have to be moved, and we've clarified in the proposed changes that someone could add onto the existing stable as long as it's on the side that is not near the property line. The only caveat to this is if the stable was constructed when the existing 200' setback for ag buildings was in place, but the setback wasn't adhered to. The same would be true for heavy use areas, but we don't currently have a 200' setback requirement, so basically you could keep the heavy use area where it exists, and could expand on the sides away from the property lines. 	No discussion requested.
170	06/18/10	Charles Schmid	18.03.090	Interpretation by Director	Statement should be added that Director's decision is appealable to Hearing Examiner. In the past the HEX determined that an interpretation did not constitute a land use decision, thus there was no authority to rule on the appeal.	<ul style="list-style-type: none"> o Table 2.16.010-1 clarifies that BIMC interpretations (which are administrative actions) are appealable to the Hearing Examiner. 	No discussion requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
171	06/18/10	Charles Schmid	18.06.030.A.2	Zone District Purpose Statements	Wording was changed from “purpose of the district” to “district is intended to...” The original language should be added back in for all districts.	<ul style="list-style-type: none"> ○ Staff has no objection to changing the wording back to “purpose of the zone district” if the Planning Commission feels it is necessary. 	8/12/10: PC recommends changing the wording back to original.
172	06/18/10	Charles Schmid	18.06.030.A.2	Ericksen Avenue District Purpose Statement	Wording regarding additions to historic structures was changed from “any additions must be added to the rear of the structure...” to “additions may only be added to the rear of the structure.” Change back to the original wording.	<ul style="list-style-type: none"> ○ Staff has no objection to changing the wording back to the original. 	8/12/10: PC recommends changing the wording back to original.
173	06/18/10	Charles Schmid	18.06.050.B	NSC Performance Standards	Should language be added here to clarify that parking lots must be screened?	<ul style="list-style-type: none"> ○ There are parking lot screening standards for the NSC in 18.15.010.E.1. 	No discussion requested.
174	06/18/10	Charles Schmid	18.06.050.C	NSC Natural Resource Protection Standards	Have the new stormwater requirements been added to this section, especially having to do with runoff of hazardous materials?	<ul style="list-style-type: none"> ○ Section 18.03.060 references in several sections that standards in Title 15 (including stormwater) be adhered to. A specific reference to the stormwater standards can be added to the NSC Natural Resource Protection section. 	No discussion requested.
175	06/18/10	Charles Schmid	18.09.030.B.1	Single Family Residential Use-Specific Standards	Footnote 63 states that conditions a and b were added to reflect current practice. What does that mean?	<ul style="list-style-type: none"> ○ These conditions were added to clarify the existing code (e.g., that single-family residential uses in the NSC adhere to R-2 zoning standards, and that existing SFRs in the MUTC adhere to R-4.3 zoning. 	No discussion requested.
176	06/18/10	Charles Schmid	18.09.030.B.1	Single Family Residential Use-Specific Standards	Footnote 64 states that a 25’ vegetative buffer for multifamily dwellings in the R-1 district was deleted. Is this maintained in other sections of the code?	<ul style="list-style-type: none"> ○ The R-1 zone district contains a provision that multi-family dwellings required to have a 25 foot vegetative buffer through the conditional use permit 	No discussion requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
						<p>process. No other zone district contains this provision (even the R-0.4 district). The provision was deleted to be consistent among zone districts.</p> <ul style="list-style-type: none"> ○ The existing landscaping provisions in 18.85 do not contain additional buffer standards for multi-family dwellings in residential zone districts. 	
177	06/18/10	Charles Schmid	18.09.030.B.3	Live/Work Units	Live/work as an allowed use could create incompatible situations (families living in B/I zones), and it will be difficult for the city to enforce.	<ul style="list-style-type: none"> ○ The new Live/Work standards pertaining to the B/I district were deleted per Ad Hoc Committee recommendation and will be processed through a separate ordinance. 	No discussion requested.
178	06/18/10	Charles Schmid	18.09.030.C.4	Day Care Centers	“Child Day Care Center” was removed from the regulations, as well as the requirement that it obtain a CUP. These uses generate a lot of traffic. Criteria should be created for when a CUP is required based on # of children at the Center.	<ul style="list-style-type: none"> ○ The definition was changed to the more general “Day Care Center” to allow for both child and adult day care. ○ The Permitted Use Table 18.09.020 shows that Day Care Centers are conditional in the Residential zone districts. ○ The CUP decision criteria in 2.16.050 require adequate public facilities including roads, and that that impacts to surrounding uses are mitigated. 	No discussion requested.
179	06/18/10	Charles Schmid	18.09.030.I.4.b	Accessory Dwelling Units	The “C” for zoning is not the same “C” used for the Shoreline Master Plan, which goes to Ecology. This should be clarified.	<ul style="list-style-type: none"> ○ This section states that “In the shoreline jurisdiction, an Accessory Dwelling Unit may be created within, or detached from, any Single-family Dwelling, whether existing or new, as a 	8/12/10: PC recommends clarifying that a shoreline CUP is different from a zoning CUP.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
						<p>subordinate use, where conditional (“C”) pursuant to this chapter.”</p> <ul style="list-style-type: none"> ○ We can clarify that this is different from a Shoreline CUP if the Planning Commission thinks it is necessary. 	
180	06/18/10	Charles Schmid	18.09.030.I.4	Accessory Dwelling Units	The requirement that only a property owner may apply for an ADU has been removed. Who else would apply for an ADU?	<ul style="list-style-type: none"> ○ Developers, contractors, or potential renters could apply for an ADU, as long as they obtain an owner/agent agreement from the owners to do so. 	No discussion requested.
181	06/18/10	Charles Schmid	18.09.030.I.4	Building Setbacks from landscape buffers.	Footnote 108 changed the minimum building setback to 75’. This means that a building will be built right on the vegetative buffer line, which causes damage.	<ul style="list-style-type: none"> ○ Per the Ad Hoc Recommendation (#24 on the memo), a 10’ building setback from the landscape buffer will be added through the Tree Ordinance process. The footnote has been updated to reflect this. 	No discussion requested.
182	06/18/10	Charles Schmid	18.12.020-3	Table Headings	Orphan headings make it difficult to know what the dimensions apply to.	<ul style="list-style-type: none"> ○ We will attempt to fix the table headings in the final draft; however, the code revisers will ultimately format the table. 	No discussion requested.
183	06/18/10	Charles Schmid	18.15.010	Landscaping & Screening – Hwy 305	Insert the RCW that declares Hwy 305 a scenic highway so that staff and applicant are aware of this fact.	<ul style="list-style-type: none"> ○ RCW 47.39.020 states that Highway 305 is a scenic and recreational highway, and the Comprehensive Plan Transportation Element contains a reference to the Highway 305. We can insert references if the Planning Commission thinks it is necessary. 	8/12/10: PC recommends inserting the reference.
184	06/18/10	Charles Schmid	18.15.010.B.3	Landscaping & Screening Applicability	There’s an inconsistency between vegetative buffer requirements for subdivisions vs other developments.	<ul style="list-style-type: none"> ○ This chapter will be revised through a separate process; those inconsistencies can be reviewed at that time. 	No discussion requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
185	06/18/10	Charles Schmid	18.36.010	Rules of Construction	“May” and “should” rules of construction should be changed to: “may” expresses possibility; “should” is used to indicate obligation, duty, or correctness.	<ul style="list-style-type: none"> ○ In terms of code construction, the terms “may” and “should” are permissive, and do not require an applicant to act. 	No discussion requested.
186	06/18/10	Charles Schmid	18.36.030	Office Business and Special Event	These two definitions have been omitted.	<ul style="list-style-type: none"> ○ The definition of ‘special event’ was changed to ‘agricultural special event’ for clarity. ○ The definition of Office Business was deleted and incorporated into the definition of ‘professional service’ since it was unclear how ‘Office Business’ was different than professional service and therefore hard to implement. This does represent a change, however, since Office Business is currently a Permitted Use in B/I district, but ‘Professional Services’ are a Conditional Use. If the Planning Commission does not agree with combining Office Business into Professional service, then staff would like assistance in clarifying the difference between the two uses. 	8/26/10: PC reviewed the comment and staff response and had no further recommendation.
187	06/18/10	Charles Schmid	18.36.030.182	Personal Service Definition	Definition needs to be clarified that it only applies to services offered onsite.	<ul style="list-style-type: none"> ○ A separate definition of “transportation-related services” was added to address a gap in the code, and clarifies that services do not have to be offered onsite. We can add a reference that personal services have to be offered onsite if the Planning Commission thinks it is 	8/26/10: PC recommends adding the caveat to the definition of Personal Service that it only applies to services offered onsite.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
						necessary.	
188	08/07/08	Charles Schmid	All	Intent and Purpose	Goal to provide aquifer recharge should be added where appropriate as water was a major concern in the Community Values Survey.	<ul style="list-style-type: none"> ○ This goal is located within the Comprehensive Plan, which is referenced in the Intent and Purpose statement of Title 18. 	No further discussion requested.
189	08/07/08	Charles Schmid	18.03.040	Intent and Purpose	Double check that Comp Plan goals have all been included in the intent and purpose section.	<ul style="list-style-type: none"> ○ Instead of listing the Comp Plan goals in the zoning document, this section also contains a general goal of implementing the goals and policies of the Comprehensive Plan. 	No further discussion requested.
190	08/07/08	Charles Schmid	18.06.030.E	Ferry Terminal Overlay District standards	Why was wording deleted from the Purpose Statement? (“North of Winslow Way, development shall be accompanied by height restrictions and landscaping requirements to protect the adjacent residential neighborhoods.”)	<ul style="list-style-type: none"> ○ There are specific standards that require additional height and landscaping (see 18.12.030.C) in the Ferry Terminal District. 	No further discussion requested.
191	08/07/08	Charles Schmid	18.06.050	NSC Performance Standards	Is the NSC zone considered Class B Commercial [for noise standards]?	<ul style="list-style-type: none"> ○ The NSC zone is considered a Class B Commercial zone in regards to noise standards (any mixed use district is considered Class B – Commercial). 	8/26/10: Planning Commission recommends putting this on the Parking Lot; Mixed Use Districts that contain residential uses should not adhere to the higher commercial noise standard; should adhere to residential noise standard.
192	08/07/08	Charles Schmid	18.09.020	Permitted Use Table	The permitted use table should include a reference to “NP” for “not permitted” instead of having a blank in the box.	<ul style="list-style-type: none"> ○ The title of the table clarifies that a blank means a prohibited use. 	No further discussion requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
193	08/07/08	Charles Schmid	18.09.020	Bed and Breakfast	Was a B&B always permitted in all zones?	<ul style="list-style-type: none"> 1-2 Bedroom B&Bs were always allowed in residential zone districts as a Minor Home Occupation (see definition of “minor home occupation” in the current code. This has been clarified in the draft. 	No further discussion requested.
194	08/07/08	Charles Schmid	18.09.030.A	Agriculture	Reference to soil erosion considerations, pesticide and herbicide restrictions, and impact on water resources should be added.	<ul style="list-style-type: none"> The use-specific standards contain best management practices related to water quality, manure, etc. The city does not have restrictions on pesticide and herbicide use for private property. 	8/26/10: PC recommends adding this to the Parking Lot to consider at a future date.
195	08/07/08	Charles Schmid	18.09.030B.2.a	Fort Ward District – Multi-family dwellings	Sentence should be clarified.	<ul style="list-style-type: none"> We think the sentence is clear but will take any specific suggestions you have to improve clarity. 	No further discussion requested.
196	08/07/08	Charles Schmid	18.09.030.B	Fort Ward District – Multi-family dwellings	Why does 18.09.030 show multi-family residential is permitted, when the Permitted Use Table says it is conditional?	<ul style="list-style-type: none"> Multi-family is permitted in that district conditional upon following the provisions in 18.06.080 and 18.24.070. 	No further discussion requested.
197	08/07/08	Charles Schmid	18.09.030.B	Multi-family dwellings	Why was 25’ vegetative buffer requirement removed (footnote 64)?	<ul style="list-style-type: none"> See response #176. 	No further discussion requested.
198	08/07/08	Charles Schmid	18.09.030.C.4	Day Care Centers	The use-specific standards should say that a cond’l use permit is required. Doesn’t this have additional decision criteria other than what is in section ‘f’? You should add criteria whether or not neighborhood can handle traffic.	<ul style="list-style-type: none"> The permitted use table states that a conditional use permit is required. The general decision criteria for a conditional use permit (now located in Title 2) also have to be met; there is a criterion in that section that requires adequate public facilities, including roads. 	No further discussion requested.
199	08/07/08	Charles Schmid	18.09.030.D.6	Commuter-oriented retail	Definition of ‘commuter-oriented retail’ should be	<ul style="list-style-type: none"> The code is constructed so that specific uses (commuter-oriented 	No further discussion requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
					referenced in this section.	retail, professional services, etc.) are defined in section 18.36; if we added a reference in this section, we would have to add a reference in every section that refers to a defined use.	
200	08/07/08	Charles Schmid	18.09.030.D.3.c	Restaurants	Delete the reference to ‘customers’ since this was purposely omitted in the current ordinance.	<ul style="list-style-type: none"> ○ Staff has no objection to removing the reference to ‘customers.’ 	8/26/10: PC recommends removing the word “customers”
201	08/07/08	Charles Schmid	18.09.030.D.3	Restaurants	Add in requirement from current code 18.72.020.I.	<ul style="list-style-type: none"> ○ 18.72.020.I contains two provisions. The first provision clarifies that formula take-out restaurants are not allowed. There is no need to include this provision since there is a separate definition and use in the permitted use table for Formula Take-Out Restaurant, and this use is not allowed in the B/I district. ○ The 2nd provision says that the restaurant should be limited in size so that it functions as a service for the employees within the LM development. This provision was deleted since it is a purpose statement, and does not provide specific criteria that can be enforced; furthermore, this provision is implemented with the regulation that restaurants shall be limited in size to 2000 square feet. 	8/26/10: PC discussed these comments and had no further recommendation.
202	08/07/08	Charles Schmid	18.09.030.F	Telecommunications	Where is this located in current code? Are there changes here?	<ul style="list-style-type: none"> ○ Wireless communication facilities standards are located in 	No further discussion requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
						<ul style="list-style-type: none"> current Chapter 18.88. There are no new standards within this section, except for a use-specific standard for small wind energy generator. 	
203	08/07/08	Charles Schmid	18.09.030.I.4	Accessory Dwelling Unit	No recreational vehicle <i>or similar moveable container</i> shall be an accessory dwelling unit. Italicized verbiage should be added.	<ul style="list-style-type: none"> The verbiage will be added to the Public Hearing Draft of T.18. 	8/26/10: PC agrees with adding the italicized verbiage.
204	08/07/08	Charles Schmid	18.36.030.15	Adult Entertainment Facility	This use is defined, but is it covered in the code?	<ul style="list-style-type: none"> The use is defined, but not listed in the Permitted Use Table. 	8/26/10: PC recommends moving this to the Parking Lot for consideration through a separate process.
205	08/07/08	Charles Schmid	18.36.030.32	Auto Repair Services	Provision that autos remaining onsite for more than 72 shall be screened was omitted – is it somewhere else in the code?	<ul style="list-style-type: none"> This provision is now located in the use-specific standards for an auto repair service (18.09.030.E.1.b.) 	No further discussion requested.
206	08/07/08	Charles Schmid	18.36.030..33	Bed and Breakfast	Definition of B&B with 1 and 2 bedrooms should be included. Why was the ‘owner-occupied’ provision dropped?	<ul style="list-style-type: none"> A separate provision defining 1 or 2 bedroom B&B is located in the Minor Home Occupation definition. The ‘owner-occupied’ provision was accidentally omitted and will be added back in. 	No further discussion requested.
207	7/26/10	Sally Adams	General	Use Tables	Significant use of tables in the new code that replaces verbiage; all regulations should be spelled out – tables should not replace them.	<ul style="list-style-type: none"> The use of tables is intended to clarify the code and provide concise information; regulations that warrant more explanation are still contained within the code. 	No further discussion requested.
208	7/26/10	Sally Adams	18.03.020	Land Use Code title	Why is Title 18 referred to as ‘Land Use Code’, when Titles 2 and 17 could also contain land use regulations?	<ul style="list-style-type: none"> Title 18 contains most of the general land use regulations pertaining to zoning, dimensional standards, etc. Even though the 	No further discussion requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
						titles of Title 2 and 17 do not reference ‘land use code’, their titles are specific to the regulations they contain (i.e., subdivisions and administration).	
209	7/26/10	Sally Adams	18.03.050	Reference to Comprehensive Plan	Why is reference included? It’s an overstatement of what cannot be assured.	<ul style="list-style-type: none"> ○ The zoning regulations must be in compliance with the Comprehensive Plan, which this language reflects. It is standard language within zoning ordinances. 	No further discussion requested.
210	7/26/10	Sally Adams	18.03.100	Official Zoning Map	Why is the provision that all amendments to the map be sent to the County excluded?	<ul style="list-style-type: none"> ○ See response #158. 	No further discussion requested.
211	7/26/10	Sally Adams	18.06.030.A(5)	Ferry Terminal District Purpose Statement	Why is language regarding development north of Winslow Way shall have height restrictions and landscape requirements excluded?	<ul style="list-style-type: none"> ○ See response #159. 	No further discussion requested.
212	7/26/10	Sally Adams	18.06.050.B	NSC Performance Standards	“Responsibility of the operator and proprietor” to conform to performance standards should be repeated within specific zones – B/I and WDI.	<ul style="list-style-type: none"> ○ Both of the “performance standards” sections within the B/I (18.06.060.B) and WDI (18.06.070.B) districts reference the NSC performance standards section, which contains this language you are referring to (responsibility of the operator and proprietor...” 	No further discussion requested.
213	7/26/10	Sally Adams	18.06.070	WDI – Shoreline Jurisdiction Statement	Reference to 200’ regarding the shoreline jurisdiction was removed.	<ul style="list-style-type: none"> ○ The specific 200-foot reference was removed in favor of the more general “shoreline jurisdiction”. If, for some reason, the state definition of shoreline jurisdiction changes, then the code would not have to be changed. 	No further discussion requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
214	7/26/10	Sally Adams	18.06.070	WDI Dimensional Standards within LM zone	The detail in 18.75 regarding water-dependent uses within an LM zone such as setbacks, minimum lot coverage, etc. do not appear in the draft.	<ul style="list-style-type: none"> ○ Not sure what LM standards you are referring to in the WDI district, but all of the dimensional standards for WDI are in Table 18.12.020-3, “Development Standards for MUTC and ‘Other’ Zone Districts”. 	8/26/10: PC discussed this and had no recommendation for changes to the draft.
215	7/26/10	Sally Adams	18.06.070.B	WDI Performance Standards	This section references 18.16.050, which doesn’t exist. 18.12.030 (Additional Dimensional Standards) contains provisions that apply, and should be cross-referenced.	<ul style="list-style-type: none"> ○ This is a typo, and has been changed to 18.06.050. ○ The beginning of 18.12 (18.12.010) contains a description of all dimensional standards sections that should be reviewed, including 18.12.030. 	No further discussion requested.
216	7/26/10	Sally Adams	18.06.090.	R-8 SF	Should the R-8 overlay district be listed on the chart on page 8? What is the purpose of this overlay district?	<ul style="list-style-type: none"> ○ The R-8 overlay district exists in the current code – it is not a new overlay district. ○ The R-8SF Overlay District is not included in the 18.09.020 Use Table because the uses in the R-8SF Districts are the same as those in the R-8 district with the exception that multi-family dwellings are not permitted in the R-8SF Overlay District. ○ The intent of this overlay district is a receiving area for Transfer of Development Rights. 	No further discussion requested.
217	7/26/10	Sally Adams	18.06.100	Zone District description	Current language regarding intent of zoning should be retained.	<ul style="list-style-type: none"> ○ Section 18.03 contains several provisions regarding intent of zoning and compliance with the comprehensive plan. 	No further discussion requested.
218	7/26/10	Sally Adams	18.06.100	Official Zoning Map	Language in current 18.09.040.D regarding distances not indicated on official zoning map shall be	<ul style="list-style-type: none"> ○ See response #161. 	No further discussion requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
					determined by assessor's map.		
219	7/26/10	Sally Adams	18.06.100	Map inconsistencies	See #162.	<ul style="list-style-type: none"> ○ See response #162. 	No further discussion requested.
220	7/26/10	Sally Adams	18.09.020	Permitted Use Table	Introductory language should be expanded to include reference to state and local laws or regulations.	<ul style="list-style-type: none"> ○ See response #164. 	No further discussion requested.
221	7/26/10	Sally Adams	18.09.020	Permitted Use Table	See #165	<ul style="list-style-type: none"> ○ See response #165. 	No further discussion requested.
222	7/26/10	Sally Adams	18.09.030.B.2	Vegetative Buffer for Multifamily dwellings	Vegetative buffer deleted for spurious reasons.	<ul style="list-style-type: none"> ○ See response #176. This provision can be reinserted into the Public Hearing Draft of T. 18 if the PC recommends. 	8/26/10: PC discussed and recommended keeping this provision out of the draft, but might want to discuss multifamily buffers as a part of the review of 18.15.010.
223	7/26/10	Sally Adams	18.06.080 and 18.24.070	Setbacks	Current setbacks in the R-1 zone district for structures over two stories high are not included.	<ul style="list-style-type: none"> ○ Not sure how the additional setbacks in the R-1 zone district apply to the Fort Ward Zone (18.06.080 and 18.24.070) as you say in your comments. ○ 18.24.070 states that new development in the Fort Ward zone must comply with the dimensional standards of the R-2 zone district. The dimensional standards table contains the additional setback requirements for structures over two stories high for the R-2 district. 	8/26/10: staff clarified where the standards are included in the draft, and PC had no further recommendation.
224	7/26/10	Sally Adams	18.09.030.B.3	Live/Work Units	Live/Work units now allowed.	<ul style="list-style-type: none"> ○ See Response #177. 	No further discussion requested.
225	7/26/10	Sally Adams	18.09.030.D.3	Food establishments	Current code contains intent statement why size of food	<ul style="list-style-type: none"> ○ This is a 'purpose statement' rather than a regulation, but we 	8/26/10: see #201 – PC had no further

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
				in the B/I district	service is limited so it functions only for convenience of employees of the LM district.	<ul style="list-style-type: none"> ○ have no objection to adding it back in if requested by the planning commission. ○ Indoor area occupied by the food service business shall be limited to 2000 square feet per 18.09.030.D.3.b. 	recommendation.
226	7/26/10	Sally Adams	18.09.030.I.4	Setbacks for ADUs	Additional setbacks for ADUs were deleted and should be reinstated.	<ul style="list-style-type: none"> ○ This was discussed at the Planning Commission on 7/29/10, and they agreed the setbacks should be eliminated. 	No further discussion requested.
227	7/26/10	Sally Adams	18.09.030.I.4	ADU	Requirement that property owner apply for an ADU has been deleted.	<ul style="list-style-type: none"> ○ See response #180. 	No further discussion requested.
228	7/26/10	Sally Adams	18.09.030.I.8	Rainwater Barrels	No size or # of barrels per acre is indicated for these. Perhaps it should be included?	<ul style="list-style-type: none"> ○ In order to encourage sustainability, we do not believe it necessary to regulate number of barrels, but can discuss it if the Planning Commission wishes to. 	No further discussion requested.
229	7/26/10	Sally Adams	18.09.030.J.7.b	Temporary Sales	30-day restriction on temporary sales should not restrict access to businesses on Day Road or along 305 since they are arterial thoroughfares.	<ul style="list-style-type: none"> ○ There is a separate provision for accessory agricultural sales, which do not contain time restrictions (18.09.030.I.1) ○ The definition for “seasonal agricultural sales (18.36.030.209) will be deleted since it has been replaced by “accessory agricultural retail” 	No further discussion requested.
230	7/28/10	Sally Adams	18.12.030.A.3.b	R-14 Lot Coverage	Why is the current provision requiring a CUP to increase lot coverage in the R-14 zone district deleted?	<ul style="list-style-type: none"> ○ In researching the ordinance regarding density bonuses in the R-14 district, it was clear that the intent was not to require a CUP for an increase in lot coverage in the R-14 district, since an increase in density requires 	8/26/10: staff clarified the issue, and PC had no recommendation to change the draft.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
						additional lot coverage.	
231	7/28/10	Sally Adams	18.12.050. 18.36.030	Rules of Measurement	Some items in the rules of measurement section should also be included in the definitions section.	○ Comment noted.	No further discussion requested.
232	7/28/10	Sally Adams	18.15.020.B.10	Parking	Does the provision allowing on-street parking designed in conjunction with the project to be used to meet the parking requirements lessen the burden on property owners in the core to provide parking? Should the HSR standards apply to the Core?	○ This provision can only be approved by the Director, and is not automatically allowed. The burden of proof is still on the property owner to provide adequate parking pursuant to this chapter.	No further discussion requested.
233	7/28/10	Sally Adams	18.30.030.A.2	Nonconforming	Footnote clarifying additions to nonconforming structures should be inserted into the code.	○ This section states that additions are not allowed if it increases the nonconformity, and A.2 just clarifies that additions onto the structure are permitted if they meet the current standards.	No further discussion requested.
234	7/28/10	Sally Adams	18.33	Enforcement	Footnote incorrectly states that the information in 18.33.020 (Financial Surety) is from BIMC 15.34. This section also includes provisions from 18.123.	○ You are correct – the reference will be added to the Public Hearing draft.	No further discussion requested.
235	7/28/10	Sally Adams	18.36.030.156	Native Vegetation Definition	Definition should be revised and clarified.	○ This will be noted to discuss as part of the separate tree ordinance process.	No further discussion requested.
236	8/17/10	Debbie Vann	General	Format	New format is not easy to use – existing format allowed a person to look at a zone district ‘at a glance’.	○ Comment noted.	No further discussion requested.
237	8/17/10	Debbie Vann	18.06.030.A.2	Ericksen Avenue Overlay	Usage of “must” vs. “shall”	○ See #172	8/26/10: PC had already recommended to change the wording back to

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
							existing code.
238	8/17/10	Debbie Vann	18.06.030.A.4	Gateway Overlay District	“Any new development or replacement of structures, roads, and parking lots shall be meet the buffer requirements of 16.20.170.A or .B” should be added to the purpose statement.	<ul style="list-style-type: none"> ○ One of the purposes of this project is to move regulations from the purpose statements into the regulations portions of the chapter. ○ If the PC recommends, we can add a reference to the tree and vegetation regulations that the ravine buffer requirements in 16.20 shall be met. 	8/26/10: PC agrees with staff recommendation to add a reference to 16.20 in chapter 18.15.010.
239	8/17/10	Debbie Vann	18.06.050.C.1	Drainage	Add reference to where the drainage specifications can be found.	<ul style="list-style-type: none"> ○ A reference to 15.20 is included in this section. 	No further discussion requested.
240	8/17/10	Debbie Vann	18.06.100	Zoning Boundaries	Why was reference to boundaries indicated as parallel to or extensions of features indicated in subsections A and B shall be so construed left out? Why was reference to county assessor’s map left out?	<ul style="list-style-type: none"> ○ Wording was changed to reflect actual content instead of reference to sections A and B. ○ Assessor’s map – see #161. 	No further discussion requested.
241	8/17/10	Debbie Vann	Permitted Use Table	Mobile/Manufactured Homes; Assisted Living Facilities	We should include a specific reference to mobile/manufactured homes as a permitted use since people will want to know where they can put them.	<ul style="list-style-type: none"> ○ The City treats Mobile and Manufactured homes like single-family residences, and allows them anywhere on the island, and therefore does not have a specific reference to them. 	No further discussion requested.
242	8/17/10	Debbie Vann	Permitted Use Table	Foster Homes	Why not include foster homes in HSR I and II?	<ul style="list-style-type: none"> ○ The purpose of the HSR district is primarily motor vehicle related uses. 	No further discussion requested.
243	8/17/10	Debbie Vann	Permitted Use Table	Group facility	Conditional use in EA and Gateway?	<ul style="list-style-type: none"> ○ This use was included in the draft in error, and will be removed in the final draft. ○ However, a group care facility is currently only allowed as a 	8/26/10: PC does not recommend to add this use as conditional to gateway or EA

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
						conditional use in the R-0.4 through R-2 districts, and a group care facility does not meet the purpose and intent of the gateway or Ericksen districts.	districts.
244	8/17/10	Debbie Vann	Permitted Use Table	Group Care Facility	Why aren't these facilities allowed as a CUP in the MUTC and NSCs?	<ul style="list-style-type: none"> ○ This is in the existing code; these facilities do not meet the purpose of the MUTC and NSCs. 	No further discussion requested.
245	8/17/10	Debbie Vann	Permitted Use Table	Government Facility	Why is this use conditional in Gateway and Ferry when police station already there?	<ul style="list-style-type: none"> ○ The nature of the facilities (such as fire district) may require additional review to mitigate for impacts. 	No further discussion requested.
246	8/17/10	Debbie Vann	Permitted Use Table	Recreation Activity, Outdoor	These uses should be "P" in MUTC, NSC districts.	<ul style="list-style-type: none"> ○ Public Parks are already a permitted use in these districts; outdoor recreation activities have the potential to have greater impacts and as such should go through a CUP process. 	No further discussion requested.
247	8/17/10	Debbie Vann	Permitted Use Table	Artist Studios	This seems to say that Artist Studios aren't allowed in residential areas.	<ul style="list-style-type: none"> ○ Artist studios are allowed as home occupations in residential areas. This line on the permitted use table is referencing an artist studio as a primary use of land, not as an accessory use to a residential use. 	No further discussion requested.
248	8/17/10	Debbie Vann	Permitted Use Table	Cultural Facility	Is it appropriate for these uses to be allowed in residential areas? They should be allowed more in higher density areas, such as R-6 through R-14, MUTC and NSC	<ul style="list-style-type: none"> ○ Most of the island is residential, but it makes sense to allow some cultural facilities to serve the surrounding residential areas. These uses have to go through a conditional use permit process, where the impacts can be reviewed and mitigated. 	No further discussion requested.
249	8/17/10	Debbie Vann	Permitted Use Table	Entertainment Facilities	Why aren't these uses allowed in MA, where the movie theater is?	<ul style="list-style-type: none"> ○ The movie theater is located in the Core District. 	No further discussion requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
250	8/17/10	Debbie Vann	Permitted Use Table	Indoor/Outdoor Kennel	Why aren't these allowed in MA, EA as well?	<ul style="list-style-type: none"> ○ The impacts in the higher density districts would be greater than in the lower density zone districts. 	No further discussion requested.
251	8/17/10	Debbie Vann	Permitted Use Table	Vet Clinic	Why not allow these uses in Gateway or Ferry District?	<ul style="list-style-type: none"> ○ This is existing code; and vet clinics do not meet the purpose of these districts. 	No further discussion requested.
252	8/17/10	Debbie Vann	Permitted Use Table	Retail Sales	Why not allow these in Ferry District?	<ul style="list-style-type: none"> ○ Commuter-oriented retail sales are allowed in the Ferry District. 	No further discussion requested.
253	8/17/10	Debbie Vann	Permitted Use Table	Car Repair and Car Wash	Why not allow these uses in Madison as they are now?	<ul style="list-style-type: none"> ○ These uses (“Uses which service the automobile”) are not currently allowed in the Madison District. 	No further discussion requested.
254	8/17/10	Debbie Vann	Permitted Use Table	Motor Vehicle Sales Lot	Why do we want these uses allowed in the HSR district? Can adult businesses be allowed in any zone? What about casinos?	<ul style="list-style-type: none"> ○ The purpose of the HSR district is to provide motor vehicle-related services. ○ Adult businesses can be allowed in any zone where a similar use is allowed (e.g., retail, theater) ○ State handles gambling, not local jurisdictions. 	No further discussion requested.
255	8/17/10	Debbie Vann	Permitted Use Table	Transport and Delivery Service	Definition should be clarified by adding “the primary business location of services like...”	<ul style="list-style-type: none"> ○ Comment noted. 	No further discussion requested.
256	8/17/10	Debbie Vann	Permitted Use Table	Communication Tower or Antenna	There's no definition for tower but there is one for antennas.	<ul style="list-style-type: none"> ○ There are definitions for monopole and the different wireless facilities, which cover the definition for tower. 	No further discussion requested.
257	8/17/10	Debbie Vann	Permitted Use Table	Solar Panels	Why are they a conditional use?	<ul style="list-style-type: none"> ○ They are a conditional use as a primary use of land, so impacts can be mitigated. Solar panels are a permitted use when they are accessory to residential uses. 	No further discussion requested.
258	8/17/10	Debbie Vann	Permitted Use Table	Mining and Quarrying	Just because it's allowed now doesn't mean it should be allowed in the future.	<ul style="list-style-type: none"> ○ Comment noted. 	No further discussion requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
259	8/17/10	Debbie Vann	Permitted Use Table	Recycling Center	Why not allowed in HSR I and II?	<ul style="list-style-type: none"> ○ This use doesn't meet the purpose of the zone district. 	No further discussion requested.
260	8/17/10	Debbie Vann	Permitted Use Table	Marine Rental and Sales and Water-Related Supply and Retail	Why not included in the core and HSR I and II districts?	<ul style="list-style-type: none"> ○ These uses are allowed in the core and HSR districts as retail; they are specifically outlined as permitted uses in the WDI district since retail is not otherwise allowed there. 	No further discussion requested.
261	8/17/10	Debbie Vann	Permitted Use Table	Accessory Storage	There's no definition – one should be added.	<ul style="list-style-type: none"> ○ There's a definition of outdoor storage already, and accessory outdoor storage is when the storage is accessory to a permitted primary use. 	No further discussion requested.
262	8/17/10	Debbie Vann	Permitted Use Table	Accessory wind generator and small wind generator	Neither of these are defined. Further, in Use Specific Standards, accessory wind generator references 18.09.030.L.9 but small wind energy generator it references F.1. Maybe can have standards for each in one section.	<ul style="list-style-type: none"> ○ There is a definition of Small Wind Energy Generator, and an accessory generator is one that is accessory to a permitted primary use. ○ There are different use-specific standards for each item, since primary small wind energy generators are a conditional use if it does not meet the setback or height requirements. 	No further discussion requested.
263	8/17/10	Debbie Vann	Permitted Use Table	Solar Panels	There is no differentiation between solar panels and accessory solar panels and no reference to use specific standards.	<ul style="list-style-type: none"> ○ There is a separate line in the Permitted Use Table for Solar Panels (under Utility and Telecommunications). ○ Standards for solar panels to encroach into the height requirement are contained in the Permitted Modifications section (Table 18.12.040) ○ Standards for solar panels as a primary use can be added to the use-specific standards (that they 	No further discussion requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
						meet the height and setback requirements of the zone district).	
264	8/17/10	Debbie Vann	Permitted Use Table	Temporary non-commuter parking.	There's no definition for this use.	<ul style="list-style-type: none"> The standards and description in this section have been adequate so that a definition is not necessary. 	No further discussion requested.
265	8/17/10	Debbie Vann	Use Specific Standards	Footnote #62	Why was senior citizen housing deleted and does that include assisted living facilities?	<ul style="list-style-type: none"> Senior citizen housing was deleted since it's no longer considered a separate use (it's either multi-family or healthcare facility). 	No further discussion requested.
266	8/17/10	Debbie Vann	Use Specific Standards	18.09030.B(3)	Regulation regarding "the use is limited in size so that it functions as a service intended for the convenience of the employees of the LM district" were removed.	<ul style="list-style-type: none"> This provision was deleted since it is a purpose statement more than a regulation, and there is already a provision in this section that space for restaurants is limited to 2000 square feet. 	No further discussion requested.
267	8/17/10	Debbie Vann	Use Specific Standards	Small Wind Energy Generators	There's no definition and I don't know where to find the height and width setback requirements. If they are found elsewhere then that should be noted.	<ul style="list-style-type: none"> There is a definition under 18.36.030.220. The height and setback requirements are those of the underlying zone district. 	No further discussion requested.
268	8/17/10	Debbie Vann	Use Specific Standards	Wireless Facilities	Might be helpful to repeat the definitions in this section.	<ul style="list-style-type: none"> We're trying to keep definitions in one section, so that if the definitions change, then there is only one place to update. 	No further discussion requested.
269	8/17/10	Debbie Vann	Use Specific Standards	Mining and Quarrying	While these currently exist, do we really want more of these in the R-1 and R-2 districts?	<ul style="list-style-type: none"> Comment noted. 	No further discussion requested.
270	8/17/10	Debbie Vann	Use Specific Standards	18.09.030.G.1.a	This sentence implies that the 500 foot requirement would not apply in other zones, as if mining is allowed in other zones. Since the only other zone where they are CUP is B/I, does that	<ul style="list-style-type: none"> The reference is that mining shall not be conducted within 500 feet of a <i>property</i> located in any district other than R-0.4, R-1, and R-2; in other words, the activity cannot be conducted if it 	No further discussion requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
					mean the 500-foot doesn't apply there? Just eliminate last part of sentence ("located in any zone district) and add "except for the B/I zone".	is within 500 feet of a property which is zoned R-3.5.	
271	8/17/10	Debbie Vann	Use Specific Standards	18.09.030.I.2.a	Sentence is awkward – leave out "I" as you address special events in the next section.	○ Comment noted.	No further discussion requested.
272	8/17/10	Debbie Vann	Use Specific Standards	Teaching businesses	Current code allows 24 trips per day for teaching not on an arterial but this seems like a lot of traffic for a little street.	○ Comment noted. Please also note that 24 trips is actually 12 round trips.	No further discussion requested.
273	8/17/10	Debbie Vann	Dimensional Standards	General	These are confusing – existing format is easier to read.	○ Comment noted.	No further discussion requested.
274	8/17/10	Debbie Vann	Dimensional Standards	Flexlot	Tech Memo states that note on density "except that subdivisions containing irregularly shaped lots and lots containing critical areas may not be permitted to achieve maximum density" will be removed. Can't find footnote in draft.	○ Footnote will be added to the final draft.	No further discussion requested.
275	8/17/10	Debbie Vann	Dimensional Standards	R-6	Why doesn't R-6 have % maximum lot coverage?	○ This is in the existing code; R-6 is Point Monroe, and due to the small lot sizes and other constraints, no lot coverage is applied in this district.	No further discussion requested.
276	8/17/10	Debbie Vann	Dimensional Standards	Setback to 50' Hwy 305	Disagree with decreasing setbacks to 50' on 305 from 75'.	○ Comment noted.	No further discussion requested.
277	8/17/10	Debbie Vann	Dimensional Standards	Minimum Lot Width	Why don't R-2.9 through R-5 have minimum lot widths?	○ This is a carryover from the Winslow code; most often these requirements are satisfied in other ways such as through Flexlot standards.	No further discussion requested.
278	8/17/10	Debbie Vann	Dimensional Standards	Setback Measurement	Note that setbacks are measured by nearest distance from nearest	○ This is included in 18.12.050 - Rules of Measurement.	No further discussion requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
					lot lines, planned rights-of-way, or road easements not included in new draft.		
279	8/17/10	Debbie Vann	Dimensional Standards	Building Height	While current code allows buildings 45’ height, do we want more of them allowed?	○ This is a discussion that is outside of the scope of this project.	No further discussion requested.
280	8/17/10	Debbie Vann	Dimensional Standards	Footprint	Does this mean footprint or dimensions can be larger or does this still relate to height?	○ This relates to height itself, not footprint.	No further discussion requested.
281	8/17/10	Debbie Vann	Dimensional Standards	Density	I do not agree that we should be giving further density to R-8.	○ Comment noted.	No further discussion requested.
282	8/17/10	Debbie Vann	Dimensional Standards	Format	Having long paragraph and not having references within paragraphs makes it difficult to read and reference.	○ Comment noted.	No further discussion requested.
283	8/17/10	Debbie Vann	Dimensional Standards	R-8 Height Criteria	Several sentences in 18.12.070 omitted, requiring a CUP for additional height in R-8.	○ These provisions, pertaining to height increase in the R-14 district, are located in Title 2 – 2.16.505.F.	No further discussion requested.
284	8/17/10	Debbie Vann	18.12.030.B.7	Public Amenities	Often developers will say that they are doing a public amenity by putting a bench outside; they also use things like attaching to sewer and storm water lines as a means to do this; eliminate ability to get benefits if public amenities are provided.	○ Comment noted.	No further discussion requested.
285	8/17/10	Debbie Vann	18.12.030.E.3	Public Amenities	Same as above – additional FAR should not be allowed if public amenities provided.	○ Comment noted.	No further discussion requested.
286	8/17/10	Debbie Vann	18.12.030.E.7	Ferry related parking	Underground parking should be required in FTD and try to retain open space and trees.	○ Comment noted.	No further discussion requested.
287	8/17/10	Debbie Vann	18.12.050.Q	Shoreline Structure Setback	Decks less than 30” could have an impact on runoff in the shoreline area. Will this be	○ We’re not sure if this specific item will be discussed through the SMP update yet, but that is	No further discussion requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
					covered in the SMP update?	the correct avenue to pursue discussion if you are concerned about it.	
288	8/17/10	Debbie Vann	Table 18.15.010-1	Landscaping Standards	Wording could be clarified.	o Comment noted.	No further discussion requested.
289	8/17/10	Debbie Vann	Table 18.15.010-1	Landscaping Standards	What are the non-residential uses in areas outside of Winslow, NSC, etc. other than farming?	o Institutional uses are allowed through a conditional use in residential areas.	No further discussion requested.
290	8/17/10	Debbie Vann	Table 18.15.010-1	Landscaping Standards	Core and Ferry Terminal should protect the few trees left. Why not put them in here through code update?	o Changes to the tree and vegetation retention requirements will be thoroughly discussed through the separate tree ordinance process.	No further discussion requested.
291	8/17/10	Debbie Vann	18.15.010.C.4	Landscaping Standards	Provision regarding replacement of significant trees is not in the new code.	o This provision is located in 18.15.010.C.3.b.	No further discussion requested.
292	8/17/10	Debbie Vann	18.15.010.F.2.b	Invasive Species	Should add reference to list of invasive species.	o Comment noted.	No further discussion requested.
293	8/17/10	Debbie Vann	18.15.020.B.2	Parking	Provision that plans must be approved by the city engineer in conjunction with permit review process was left out.	o There are decision criteria in each land use permit that require the city engineer or designee to approve parking and circulation.	No further discussion requested.
294	8/17/10	Debbie Vann	18.15.020.C.2.a.	Parking	Parking structure is moot – perhaps we should leave this out since it's not practical and causes the city to refund the \$.	o Comment noted.	No further discussion requested.
295	8/30/10	Debbie Vann	18.36.030.101	Group Care Facility Definition	<ul style="list-style-type: none"> o Will these facilities provide inpatient and outpatient care? o If they allow outpatient, we should allow physical therapist to have an office in denser areas like HSR and the MUTC o For inpatient, shouldn't be 	<ul style="list-style-type: none"> o The purpose of the Group Care Facility is to provide inpatient care. o A physical therapist that has their own office (e.g., not within a larger healthcare facility) is considered a professional service, which is a permitted use in the MUTC. 	The Planning Commission recommends putting Group Care vs. Small Group Living, including locations where they are allowed, in the Parking Lot for further discussion.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
					allowed in lower density residential areas – only higher density areas.	<ul style="list-style-type: none"> ○ A group care facility is currently a conditional use in the R-0-4, R-1 and R-2 districts. 	
296	8/30/10	Debbie Vann	Permitted Use Table	Retail Sales	Why not allow these in Ferry District?	<ul style="list-style-type: none"> ○ Your previous comment asked why retail sales weren't allowed in the Ferry Terminal District; our response was just to say that retail sales are allowed, per previous policy direction, as commuter-oriented retail sales. This type of retail contains restrictions regarding hours of operation, square footage, etc. It would be a policy change to allow general retail sales. 	No further discussion requested.
297	8/30/10	Debbie Vann	Permitted Use Table	Marine Rental and Sales	I understand your response in #260, but think it would be more clear to have a "P" everywhere the sales are allowed.	<ul style="list-style-type: none"> ○ Comment noted. 	No further discussion requested.
298	8/30/10	Debbie Vann	18.36.030.220	Small Wind Energy Generator	Put the definition under "Wind Energy Generator, Small" for clarity.	<ul style="list-style-type: none"> ○ Comment noted. 	No further discussion requested.
299	8/30/10	Debbie Vann	18.09.030.G.1.a	Mining	Reword to: "mining shall not be conducted within 500 feet of properties zoned R-2.9 through R-18."	<ul style="list-style-type: none"> ○ The draft T. 18 has been updated with this change. 	No further discussion requested.
300	8/30/10	Debbie Vann	Dimensional Standards	Flexlot	Tech Memo states that note on density "except that subdivisions containing irregularly shaped lots and lots containing critical areas may not be permitted to achieve maximum density" will be removed. Can't find footnote in draft, but this is a policy change.	<ul style="list-style-type: none"> ○ The provision was removed because the existing language is ambiguous, and applicants/citizens were reading it so that maximum density <i>shall</i> not be reached. 	No further discussion requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
301	10/7/10	Sally Adams	2.16.020G(3)	Preapplication	A preapplication conference should be required when a project is exempt from SEPA.	<ul style="list-style-type: none"> The code was changed so that a waiver can be requested even if a project is subject to SEPA; however, the code was also clarified that certain applications cannot request a waiver, due to their complex nature (2.16.020.G.3). In effect, most applications subject to SEPA will require a pre-app. 	No further discussion requested.
302	10/7/10	Sally Adams	2.16.020K(10) & 2.16.020K(11)	Notice requirements	Add a provision for digital distribution of notices.	<ul style="list-style-type: none"> Table 2.16.020-1 includes a reference to email. 	No further discussion requested.
303	10/7/10	Sally Adams	Footnote 67	Appeal of administrative decision	This footnote misstates the decision criteria in state law.	<ul style="list-style-type: none"> The footnote only references why the initial provision had been inserted into the code. 	No further discussion requested.
304	01/7/10	Sally Adams	2.16.020P(i)(ii)	Appeal of administrative decision	This is a policy change that could be used as a means to excuse City missteps and should be deleted.	<ul style="list-style-type: none"> This section is new in order to clarify the 3 types of possible appeals – SEPA procedural, BIMC substantive, and SEPA substantive, and the standard of review that should be used for each appeal. 	Planning Commission discussed this on 10/28/10 and no changes were requested.
305	10/7/10	Sally Adams	2.16.020.P(k)	Appeal of administrative decision	Replace “reasoning” with “decision”.	<ul style="list-style-type: none"> Staff has no objection to changing “reasoning” to “decision.” 	No further discussion requested.
306	10/5/10	Sally Adams	2.16.040.A	SPR Purpose statement	“Minimize land alteration” should be reinstated.	<ul style="list-style-type: none"> This phrase was deleted since it is a goal that is more appropriate to the Comprehensive Plan and not regulations. 	No further discussion requested.
307	10/5/10	Sally Adams	2.16.050	Minor CUP & footnote 92	Change from admin and regular to ‘minor’ and ‘major’ is policy change.	<ul style="list-style-type: none"> See #19. 	No further discussion requested.
308	10/5/10	Sally Adams	2.16.050.D.5	HDDP & CUP	Wording change suggested “including any modifications permitted...”	<ul style="list-style-type: none"> Some HDDP modifications do not require a CUP. 	No further discussion requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
309	10/5/10	Sally Adams	2.16.050.F-H	Height and CUP	Policy change to allow height increase through minor vs. major CUP.	○ See #19.	No further discussion requested.
310	10/5/10	Sally Adams	2.16.060.D.1	Variance	Removal of provision “The variance is the minimum necessary to fulfill the need of the applicant” should be reinstated.	○ See #32.	No further discussion requested.
311	10/5/10	Sally Adams	2.16.070.I.3	Short Subdivision – Surveying	Should reinstate specific surveying requirements for ¾” pipe or like marker.	○ See #35.	No further discussion requested.
312	10/5/10	Sally Adams	2.16.100.C.2	HEX Referral to PC	“Substantive” qualifier should be removed.	○ Staff has no objection to deleting the qualifier if the Planning Commission sees fit.	No further discussion requested.
313	10/5/10	Sally Adams	2.16.110.D.3.f	CUP decision criterion.	“All necessary measures have been taken to eliminate the impacts” was watered down to “eliminate or reduce to the greatest extent possible.” This is significant policy change.	○ It is impossible to fully eliminate all impacts, and the purpose of the CUP is to mitigate the impacts as much as possible.	No further discussion requested.
314	10/5/10	Sally Adams	2.16.120.E.1	Major Variance	Removal of “minimum necessary” provision should be reinstated.	○ See #32.	No further discussion requested.
315	10/5/10	Sally Adams	2.16.180.D.2	Legislative Review – Regulations	“Comprehensive Plan” should be reinstated.	○ This was deleted since Review of Comp Plan is addressed in 2.16.190.	No further discussion requested.
316	10/5/10	Sally Adams	2.16.190.H.5	Comp Plan Amendments	Verbiage should be reinstated: “In addition, applications should be reviewed for their cumulative land use impacts.”	○ A separate section has been created to review land use impacts, but we have no issue with adding the qualifier to the beginning of the section if the Planning Commission sees fit.	No further discussion requested.
317	10/18/10	Sally Adams		Footnotes	Footnoting and cross-referencing is inadequate throughout the documents.	○ Comment noted.	No further discussion requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
318	10/18/10	Sally Adams		Eliminations	What has been eliminated is revealing, although it's almost impossible to identify more than a fraction of such provisions.	○ Comment noted.	No further discussion requested.
319	10/18/10	Sally Adams	18.03.020	Title 18 title	Proposed Title 18 is still a "Zoning" chapter.	○ Comment noted.	No further discussion requested.
320	10/18/10	Sally Adams	18.03.050	Consistency with Comp Plan	This is an inappropriate overstatement.	○ This is a general statement to let code users know that the zoning regulations comply with the Comp Plan, as required.	No further discussion requested.
321	10/18/10	Sally Adams	18.03.100	Official Zoning Map	Why doesn't this require filing the map with Kitsap County?	○ This is an internal procedure that doesn't need to be included in the code itself.	No further discussion requested.
322	10/18/10	Sally Adams	18.06.050B	NSC	The requirement for the proprietor or operator of a business to provide evidence and data to demonstrate compliance with environmental standards should be added to Business/Industrial and Water-dependent Industrial zones.	○ The "Performance Standards" sections for B/I and WDI simply reference back to the NSC section, which contains this statement. (Therefore, these sections also contain that statement.)	No further discussion requested.
323	10/18/10	Sally Adams	18.06.070	Water-dependent Industrial	Why was the reference to the 200-foot shoreline jurisdiction removed?	○ The specific 200-foot reference was deleted to simply reference the shoreline jurisdiction (therefore if jurisdiction limits ever change, the code doesn't need to be changed).	Planning Commission discussed this on 10/28/10 and no change was requested.
324	10/18/10	Sally Adams	18.06.090	R-8 SF Overlay	Should this overlay be included in the table in 18.09.020? (18.05.090B explains why it isn't.)	○ It would be duplicative to include R-8SF in the table since it's the same as R-8, except multifamily uses aren't allowed.	No further discussion requested.
325	10/18/10	Sally Adams	18.06.100	Zoning District Boundaries	The statement of intent in current 18.09.010 should be retained.	○ Staff has no objection to adding the statement back in.	No further discussion requested.
326	10/18/10	Sally Adams	18.05.100H	Zoning map inconsistencies	Shifts responsibility for resolving inconsistencies from	○ See comment #162.	No further discussion requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
					the Planning Commission to the Planning Director, taking it out of the public view.		
327	10/18/10	Sally Adams	18.09.020	Permitted use table	Missing an explanation of the acronyms	<ul style="list-style-type: none"> ○ A reference to 18.06.010 can be added if necessary. 	No further discussion requested.
328	10/18/10	Sally Adams	18.09.020	Group care facility	This use should be moved to “Other public and Institutional”	<ul style="list-style-type: none"> ○ Comment noted. 	No further discussion requested.
329	10/18/10	Sally Adams	18.09.020	Group living	This is a new use that represents a major policy change that could adversely affect neighborhoods.	<ul style="list-style-type: none"> ○ “Group Living Facility” has been deleted from the final draft. “Group Care Facility” has replaced it, and is generally the same as the existing definition of in the current code. 	Planning Commission discussed this on 10/28/10 and requested to put Group Living Facility in the Parking Lot for further discussion to determine if this type of use should be allowed in the MUTC.
330	10/18/10	Sally Adams	18.09.020	Manual Car Wash Facility	This is a new use that represents a major policy change and should be publicly noticed and vetted.	<ul style="list-style-type: none"> ○ See #165. 	Planning Commission discussed this on 10/28/10 and no change was requested.
331	10/18/10	Sally Adams	18.09.020	Motor vehicle sales lot	This is a new use that represents a major policy change that should have been called out in the text of the code.	<ul style="list-style-type: none"> ○ See #165. 	<p>10/28/10: Planning Commission requested to create a caveat in the permitted Use Table that “motor vehicle-related services – not otherwise listed” will be confined to the HSR Districts as a conditional use.</p> <p>11/4/10: Planning Commission discussed further, and requested a definition of ‘motor-vehicle related services’ to further refine that the</p>

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
							<p>service oriented uses should be confined to the HSR district, but retail (e.g. auto part retail) should not be confined.</p> <p>Staff Note: the Permitted Use Table was amended to add an additional use category for “Motor Vehicle-Related Services, not including retail, and not otherwise listed.” This will be a conditional use in the High School Road District.</p>
332	10/18/10	Sally Adams	18.09.020	Transport and delivery service	This is a new use that represents a major policy change. Vehicles that will remain for more than 72 hours should be screened.	<ul style="list-style-type: none"> ○ See #165. 	See #331.
333	10/18/10	Sally Adams	18.09.020	Mining and quarrying	The Council, Commission, and public have a right to know where this use has occurred.	<ul style="list-style-type: none"> ○ The footnote is incorrect and will be changed – it should state that Mining and Quarrying was added as a conditional use in the B/I district since it is similar to other conditional uses under current code, including recycling facilities. 	No further discussion requested.
334	10/18/10	Sally Adams	18.09.030B(2)	Vegetative buffer requirements	It is a misstatement to say that the 25’ vegetation buffer for R-1 is inconsistent. The Fort Ward district appears to have been used as an excuse to reduce the setbacks for R-1 and R-2.	<ul style="list-style-type: none"> ○ See #176 regarding the vegetation buffer; regarding new comments, the 25’ vegetation buffer was deleted, not the setback requirements. ○ The dimensional standards table has been separated into flexlot (Table 1) and standard zoning 	Planning Commission discussed this on 10/28/10 and no change was requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
						(Table 2). Therefore, the standard you refer to as reducing a 25’ setback to 15’ is actually the flexlot setback, not the zoning setback.	
335	10/18/10	Sally Adams	18.09.030(B)	Affordable Housing provisions	There are issues re the applicability of the affordable housing provisions since they do not apply where one lot can accommodate only one dwelling (R-0.4 and R-1).	<ul style="list-style-type: none"> ○ Per 18.09.030.B.2, Multi-family dwellings are allowed in the Fort Ward Historic Overlay District; therefore, affordable housing provisions of 18.21 apply. 	No further discussion requested.
336	10/18/10	Sally Adams	18.09.030D(3)	Food Services vs. Restaurant Title	Prefers “food services” in the current code vs. restaurant.	<ul style="list-style-type: none"> ○ The general category “restaurant” is used, since it’s a permitted use in several zone districts; to clarify it for “Restaurant in the B/I District” means creating a separate use category just for one district. 	10/28/10: Planning Commission requested to modify the term ‘restaurant’ in the B/I district to reflect ‘food service’ or similar verbiage. A separate line labeled “Food Services” will be added to the Permitted Use Table, the use-specific standard for “Restaurant” in the B/I district will be relabeled, and the following definition for “Food Service” will be added: “Food Service Establishment” means a building, or portion thereof, containing tables and/or booths, which is designed, intended and used for the indoor sales and consumption of food prepared on the premises,

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
							for employees of businesses within the development. The term "food service establishment" shall not include "restaurant", "formula take-out food restaurant" or "drive-through restaurant". 11/4/10: PC reviewed the proposed definition above, and concurred with staff recommendation.
337	10/18/10	Sally Adams	18.09.030D(3)	Food Services	Re-insert the clarifying language that these uses are limited to employees of the district.	○ See #266.	No further discussion requested.
338	10/18/10	Sally Adams	18.09.030D(4)	Mobile Food Retail	There should be some sort of provision to ensure that these are temporary uses.	○ It is not intended that these uses be limited to temporary use.	No further discussion requested.
339	10/18/10	Sally Adams	18.09.030E(7)	Transport and Delivery Services	The text should clarify that that the limitation of 50 average daily trips means 50 one-way daily trips.	○ Staff has no objection to adding a definition of average daily trip if the Planning Commission sees fit.	No further discussion requested.
340	10/18/10	Sally Adams	18.09.030I(4)	Accessory uses – ADU	Eliminating the minimum setbacks does not support "sustainability" for the neighbors and they should be added back in.	○ Comment noted.	No further discussion requested.
341	10/18/10	Sally Adams	18.09.030I(4)	Accessory uses – ADU	How can someone other than a property owner apply?	○ See #180.	No further discussion requested.
342	10/18/10	Sally Adams	18.09.03I(8)	Accessory uses – rainwater harvesting barrels	Should the size of the barrels be restricted?	○ See #228.	No further discussion requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
343	10/18/10	Sally Adams	18.09.030J.7(b)	Temporary seasonal sales	Clarify that this does not apply to agriculture.	<ul style="list-style-type: none"> There is a separate use category for ‘accessory agricultural retail’ as such, temporary seasonal sales do not apply. 	No further discussion requested.
344	10/18/10	Sally Adams	18.36.030.267	Definition of temporary seasonal sale	Should state that it does not apply to agriculture.	<ul style="list-style-type: none"> There is a separate use category for ‘accessory agricultural retail’ as such, temporary seasonal sales do not apply. 	No further discussion requested.
345	10/18/10	Sally Adams	18.35.030.209	Seasonal agricultural sales	The deletion of this definition confuses how temporary seasonal sales apply to agricultural sales even more.	<ul style="list-style-type: none"> There is a separate use category for ‘accessory agricultural retail’ as such, temporary seasonal sales do not apply. 	No further discussion requested.
346	10/18/10	Sally Adams	18.12.030.A(3)(b)	Footnote 139	Why is it a mistake not to bar the 50% density increase in the R-14 zone?	<ul style="list-style-type: none"> R-8 and R-14 both allow density bonuses; in order to allow additional density, lot coverage requirement must also be increased. The current code contains language in the R-8 district that allows lot coverage to be increased in this instance without a CUP, but the language was inadvertently omitted from the R-14 zone district. 	No further discussion requested.
347	10/18/10	Sally Adams	18.12.030.C	Transition standards in the ferry zone	Verbiage clarifying that the intent of the transition zone is to protect adjacent neighborhoods should be added.	<ul style="list-style-type: none"> We have no objection to adding the verbiage back in. 	10/28/10: Planning Commission agreed with staff to add the verbiage.
348	10/18/10	Sally Adams	18.12.050 & 18.36.030	Rules of measurement	Suggests adding these to the definitions	<ul style="list-style-type: none"> Section 18.36.020 clarifies that those definitions are in the Rules of Measurements. 	No further discussion requested.
349	10/18/10	Sally Adams	18.16.020.B(10)	Parking standards	Core properties should have stricter parking standards than High School Road	<ul style="list-style-type: none"> The provision that on-street parking created in conjunction with a project can be counted toward parking requirements currently applies to the MUTC (therefore including the Core) 	10/28/10: Planning Commission didn’t request change to existing code, but requested to put Parking in the Core (current code provision)

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
						and the HSR districts. (See footnote #7 in current code 18.40.030)	in the parking lot for further discussion.
350	10/18/10	Sally Adams	18.30.030.A(2)	Footnote 272	This footnote should be retained when the code is published.	<ul style="list-style-type: none"> ○ The footnote is just a clarification, but isn't necessary to put in the code itself. 	No further discussion requested.
351	10/18/10	Sally Adams	18.36.030.180	Native vegetation	This definition should be enhanced.	<ul style="list-style-type: none"> ○ See #235. 	No further discussion requested.
352	10/18/10	Sally Adams		Definitions	It would be helpful to include a definition of “invasive species.”	<ul style="list-style-type: none"> ○ We can consider this through the separate tree ordinance process. 	No further discussion requested.
353	10/18/10	Sally Adams	17.12.020.D	Flex lot – large lot	Verbiage encouraging open space should be re-inserted.	<ul style="list-style-type: none"> ○ References to the Flexlot Handbook were deleted since large lot subdivisions are not subject to the Flexlot requirements. 	No further discussion requested.
354	10/18/10	Sally Adams	17.12.030.A(2)	Open Space for Subdivisions	Configuration guidelines should be re-inserted.	<ul style="list-style-type: none"> ○ See #118. 	No further discussion requested.
355	10/18/10	Sally Adams	17.12.030.A(3) & Table 17.12.030-2	Open Space for Subdivisions	Re-insert the requirement to preserve roadway buffer areas of established mature native vegetation.	<ul style="list-style-type: none"> ○ See #140. 	No further discussion requested.
356	10/18/10	Sally Adams	17.12.030A(4)(b)	Open Space	The original language is significantly clearer and should be retained.	<ul style="list-style-type: none"> ○ Comment noted. 	No further discussion requested.
357	10/18/10	Sally Adams	17.12.020.B	Landscape buffers	Removing the requirement for a landscape buffer is a significant policy change.	<ul style="list-style-type: none"> ○ This is included in draft Title 18 - 18.15.010.F.7.a.iii. 	No further discussion requested.
358	10/18/10	Sally Adams	17.16	Boundary line adjustments	Why was language from previous drafts deleted?	<ul style="list-style-type: none"> ○ Language has been included in Title 2 – 2.16.090 to clarify the intent and purpose of a boundary line adjustment. The verbiage in the draft was changed to better clarify the purpose of a boundary line adjustment. 	No further discussion requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
359	10/28/10	Charles Schmid	2.14.020	Planning Commission Duties	Add additional responsibilities that the PC already does – setting agenda, making recommendations, etc.	<ul style="list-style-type: none"> ○ Staff has no objection to adding additional verbiage into this section. 	11/4/10: PC requested that 1) reference to Table 2.16.010 and 2) provision that PC sets their agenda per Director recommendation be added to 2.14.020.
360	10/28/10	Charles Schmid	Table 2.16.010-1	Legislative Approvals	How is (P) decided whether or not a public hearing will be held?	<ul style="list-style-type: none"> ○ For legislative approvals, the Public Hearing is held at the Planning Commission; holding a Public Hearing at the City Council is optional, and is usually recommended if substantive changes have occurred during City Council review. 	No further discussion requested.
361	10/28/10	Charles Schmid	2.16.020	General Provisions	“Access to Records” section should be added stating which records the general public has access to.	<ul style="list-style-type: none"> ○ Staff recommends against adding a blanket statement on access to records. Access is based on state law, and varies according to type of document. 	No further discussion requested.
362	10/28/10	Charles Schmid	2.16.020.D	Who can Apply	There should be an avenue to appeal Director interpretation.	<ul style="list-style-type: none"> ○ As listed in Table 2.16.10, BIMC interpretations are appealable to the Hearing Examiner. 	No further discussion requested.
363	10/28/10	Charles Schmid	2.16.020.M	Time Limits & Extensions	Add: ‘in written format’ regarding how the Director grants a permit extension.	<ul style="list-style-type: none"> ○ Staff has no objection to adding this verbiage. 	11/4/10: PC agreed the verbiage should be added.
364	10/28/10	Charles Schmid	2.16.030.D.3	PC Recommendation	Change ‘may request’ to ‘should request.’	<ul style="list-style-type: none"> ○ Comment noted. 	No further discussion requested.
365	10/28/10	Charles Schmid	2.16.040.B.2.c	Site Plan & Design Review	What dimension does the 25% pertain to? Area? Height?	<ul style="list-style-type: none"> ○ This pertains to change in façade area, height, window openings, etc. 	No further discussion requested.
366	10/28/10	Charles Schmid	2.16.040.C	SPR Procedures	The ‘major’ and ‘minor’ titles should be changed back to ‘administrative’ and ‘regular’	<ul style="list-style-type: none"> ○ Comment noted. 	No further discussion requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
367	10/28/10	Charles Schmid	2.16.040.C.1	SPR	Shouldn't 2.16.040.D be 2.16.040.E?	<ul style="list-style-type: none"> ○ Correct – the October 2010 draft does state 2.16.040.E. 	No further discussion requested.
368	10/28/10	Charles Schmid	2.16.040.C.2	SPR	Add "formerly light manufacturing" at end of paragraph to reminder users of former name.	<ul style="list-style-type: none"> ○ This has been stated in 18.06.060.A – Purpose Statement for the B/I District. 	No further discussion requested.
369	10/28/10	Charles Schmid	2.16.040.D.2.d	SPR pre-app	Waiving of pre-app should require decision criteria, not just a notice.	<ul style="list-style-type: none"> ○ The decision criteria are located in section 2.16.020.G.3. 	No further discussion requested.
370	10/28/10	Charles Schmid	2.16.050.F	Add'l Ht in Residential districts	Odd to have this special type of CUP in T. 2. Should be in T. 18.	<ul style="list-style-type: none"> ○ This is located in Title 2 because it contains the decision criteria specific to approval of additional height in residential districts. Table 18.12.020-2 references additional height allowed through a CUP. 	No further discussion requested.
371	10/28/10	Charles Schmid	2.16.050.F.	Add'l Ht in Residential districts	"View Opportunities" decision criteria should specify whose view is reduced.	<ul style="list-style-type: none"> ○ This is an existing provision in the code, and allows judgment to be used on a site-specific basis. 	No further discussion requested.
372	10/28/10	Charles Schmid	2.16.050.F.	Add'l Ht in Residential districts	This should remain a major CUP.	<ul style="list-style-type: none"> ○ An increase in height is not currently a major CUP; residential height increase meets the applicability criteria for a minor CUP. 	No further discussion requested.
373	10/28/10	Charles Schmid	2.16.060	Variance Decision Criteria	"Minimum necessary" decision criterion should be reinstated.	<ul style="list-style-type: none"> ○ See #32. 	No further discussion requested.
374	10/28/10	Charles Schmid	2.16.090	BLA Decision Criteria	The BLA should not create an unbuildable lot that would require a variance or RUE b/c of environmental requirements. Staff should specify this here.	<ul style="list-style-type: none"> ○ This is one of the items that Staff ensures during review of a BLA. Proposed language in the BLA decision criteria addresses this concern: "An application for a boundary line adjustment may be approved...if no additional lot is created and no lot is created that contains insufficient area and 	No further discussion requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
						dimensions to meet the minimum requirements for area, width and depth for a building site in the zone in which the property is located.”	
375	10/28/10	Charles Schmid	18.03.090	Director Interpretation	Add statement that Director decision can be appealed.	<ul style="list-style-type: none"> ○ This is a ‘process’ question, so should be located in Title 2, but staff has no objection to adding a reference to T. 2 here. 	11/4/10: PC recommended to add provision that Director’s Interpretation can be appealed pursuant to 2.16.020.P.1 be added to 18.03.090.
376	10/28/10	Charles Schmid	18.06.050	NSC Performance Standards	Language should be inserted that parking lots should be screened.	<ul style="list-style-type: none"> ○ BIMC 18.15.010 contains screening standards for parking lots. 	No further discussion requested.
377	10/28/10	Charles Schmid	18.09.010	Table of Abbreviations	Place an ‘X’ where uses are prohibited vs. leaving the space blank.	<ul style="list-style-type: none"> ○ Comment noted. 	No further discussion requested.
378	10/28/10	Charles Schmid	18.09.020	Permitted Use Table	The redline permitting Mixed Use Commercial/Res in NSC and B/I – current ordinance doesn’t allow this use in B/I other than for security guard. And there are restrictions for Mixed Use in NSC which should be referenced.	<ul style="list-style-type: none"> ○ The use-specific standards (18.09.030.B.3) contain a provision that no other residential uses are allowed other than a single residential unit for security. ○ 18.09.030.B.3.b also contains restrictions for mixed use facilities in the NSC district. 	No further discussion requested.
379	10/28/10	Charles Schmid	18.09.020	Hotels in FTD	Use Table states that Hotels are permitted uses in Ferry Terminal District, but it should reference only allowed south of Winslow Way.	<ul style="list-style-type: none"> ○ This provision is located in 18.09.030.D.1. 	No further discussion requested.
380	10/28/10	Charles Schmid	18.09.020	Car Wash Facilities	The facilities are listed as “P” in NSC but “C” in HSR. I would expect the opposite. Where are references to car washes in	<ul style="list-style-type: none"> ○ In current BIMC 18.40.020, “Uses that service the automobile (e.g., gas service station, car wash, auto repair shop) are “C” 	11/4/10: PC recommended changes to the NSC district to make auto related uses more

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
					current zoning ordinance? Where do proposed uses come from?	<p>in the HSR districts.</p> <ul style="list-style-type: none"> ○ In current BIMC 18.66.020 and -040 (NSC district), car wash facilities are not addressed at all. However, auto repair are “P” and gas service stations are “C”. In trying to make the code consistent and address car wash facilities in each zone district, this use was made “P” in the NSC district since Auto Repair is currently “P.” 	stringent than HSR (currently NSC is less stringent than HSR district for auto related uses, even though the HSR district is intended for auto-related uses). Specific recommendation includes: in the NSC district, car wash, auto repair, and small engine repair shall be conditional (“C”) rather than permitted (“P”). Planning Commission also recommended that discussion of allowing some auto-related services as “P” in the MUTC under certain conditions (size limitation, etc.) be added to the PARKING LOT for further discussion.
381	10/28/10	Charles Schmid	18.09.030.B.1	Residential Use Specific Standards	1.a. and 1.b – what does it mean? Why was the 25-foot vegetative buffer removed in R-1? What are multifamily buffer reqs outside of the MUTC?	<ul style="list-style-type: none"> ○ 1.a. and 1.b were added to clarify how we currently treat single family residences (SFR) in the NSC district. So, 1a is saying that single-family dwellings must follow the standards in the R-2 district, and 1b is saying that existing single family dwellings in the MUTC must follow the R-4.3 zoning standards. ○ See #176 regarding the vegetation buffer. 	No further discussion requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
						<ul style="list-style-type: none"> ○ For multifamily development in the Urban Multifamily districts, the buffer varies – 20’ partial screen along the roadside, 20’ partial screen adjacent to residential, and 15’ filtered screen adjacent to other urban multifamily districts. For multifamily development in the other residential zone districts, there are no buffer requirements, but this can be reviewed through the separate tree ordinance process. 	
382	10/28/10	Charles Schmid	18.09.030.D.3	Restaurants Use-Specific Standards	Outdoor storage and trash dumpster screening provision seems out of place – should apply to all commercial uses. Can it be combined somehow?	<ul style="list-style-type: none"> ○ This information is also located in 18.15.010.G, so will be removed from the use-specific standards. 	No further discussion requested.
383	10/28/10	Charles Schmid	18.09.030.G.1	Mining & Quarrying	Glad that it’s now included in code. Hope there are requirements to restore the land after soil & rock removal. Add section that ‘no mining or quarrying shall be permitted in areas that will potentially endanger water quality or significantly affect aquifer recharge’.	<ul style="list-style-type: none"> ○ The use-specific standards for mines and quarries contain a requirement to follow reclamation requirements in Chapter 78.44 RCW, which has standards for reclamation (18.09.030.G.1.g). 	No further discussion requested.
384	10/28/10	Charles Schmid	18.09.030.I	ADU	Why remove the requirement that only property owner may apply for an ADU?	<ul style="list-style-type: none"> ○ See #180. 	No further discussion requested.
385	10/28/10	Charles Schmid	18.15.010.H	Alternative Compliance	Not clear how ‘equal’ or ‘superior’ will be evaluated, or how public will be able to review these exceptions.	<ul style="list-style-type: none"> ○ Landscape regulations provide for “alternative compliance” in those situations where normal compliance is not feasible. 	No further discussion requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
						<p>Examples include circumstances where improved environmental quality would result from alternative methods, or where spatial limitations and unusually shaped lots limit normal compliance.</p> <ul style="list-style-type: none"> ○ The applicant will have to demonstrate to the Director’s satisfaction that the intended outcome is satisfied (e.g., screening). 	
386	10/28/10	Charles Schmid	18.15.020	Parking	Add “visual” reference to impact in purpose statement.	<ul style="list-style-type: none"> ○ Staff has no objection to adding the clarifier “visual” when referencing the impact of motor vehicle facilities. 	11/4/10: PC agreed that ‘visual’ should be added to 18.15.020 Purpose Statement.
387	10/28/10	Charles Schmid	18.15.020	Parking – movie theaters	Allowing 75% parking for theaters within 400 feet of the site doesn’t work. At a minimum, line should be added that off-site parking must be legally established to go with property, and if extinguished, equivalent parking shall be approved in order to meet parking requirements.	<ul style="list-style-type: none"> ○ This is an existing provision in the code. Proposed 18.15.020.C.2.c contains a provision that off-site parking used to meet the parking requirement must be acquired through fee simple ownership by the developer, or through irrevocable easements/agreements. 	No further discussion requested.
388	10/28/10	Charles Schmid	18.15.020.	Parking Table	Change “ to ‘ to avoid confusion (7’6” should be 7.5)	<ul style="list-style-type: none"> ○ Comment noted. 	No further discussion requested.
389	10/28/10	Charles Schmid	18.30.030.B	Nonconforming	What does “moved” mean? Stipulations for replacement focus on footprint and square footage – what if present structure is environmental hazard?	<ul style="list-style-type: none"> ○ The “moved” provision is an existing provision in the code. ○ The new provisions for replacement are similar to what is currently allowed within the shoreline jurisdiction and the critical areas ordinance; the argument could be made that it is 	No further discussion requested.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
						less impactful to move a structure to an undisturbed area of a property than to rebuild in an area that is already disturbed.	
390	10/28/10	Charles Schmid	18.36.010	Rules of Construction	“May” and “should” are defined as “permissive.” Should be changed to add “May – expresses possibility” and “should – used to indicate obligation, duty or correctness.”	○ Comment noted.	No further discussion requested.
391	10/28/10	Charles Schmid	18.36.030.194	Outdoor Storage	Insert “repair services” to reflect current definition.	○ The proposed definition is the same as the existing definition.	No further discussion requested.
392	10/28/10	Charles Schmid	18.36.030	Definitions	Office Business and Special Event definitions have been omitted.	○ See #186.	No further discussion requested.
393	10/28/10	Dennis Reynolds	18.09.030.I.	Accessory Structures	Accessory structures built on contiguous lots should not be limited to 800 s.f. – should be based on % of total lot size or something similar.	○ The accessory structure was limited in size in order to keep them “accessory” to a primary structure; as such, the 800-square foot provision was chosen since it is the maximum size of an Accessory Dwelling Unit.	11/4/10: PC recommends adding a provision that accessory structure can be 800 square feet, or a percentage of underlying lot coverage, based on City Council decision.
394	10/28/10 (Public Hearing comment)	Debbie Vann		Subdivisions – critical areas footnote	Footnote that full density may not be achieved when critical areas are present should be reinstated.	○ See #300.	No further discussion requested.
395	10/28/10 (Public Hearing comment)	Sarah Blossom		Farm Management Plans	Requirement for Farm Management Plans – code should allow other City-approved entities to create farm plans, in case funding for KCD is not available in the future.	○ Proposed 18.09.030.A.1.a shall be modified to read, “...unless the City, its designee, or a qualified 3 rd party as approved by the Director approves a farm management plan permitting a higher animal density.”	11/4/10: PC agreed with staff to add the proposed verbiage.
396	10/30/10	Sally Adams	Group Living	18.09.020	Addition of Group Living Facility is a policy change that shouldn’t have been included in	○ Group Living Facility has been deleted from the proposed Title 18, as shown in the October 2010	See #329.

Land Use Code Update – Adoption Process Comments

PUBLIC COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
					the update.	draft. Group Care Facility in the proposed draft is the same as existing code, with minor changes to the definition. Small Group Living Facility is the same as a Group Care Facility, but is limited to 6 residents, and was added per the Fair Housing Act.	
397	10/30/10	Sally Adams	18.09.020	Motor Vehicle Sales Lots	Even though a motor vehicle sales lot is not explicitly allowed in the code, doesn't necessarily mean that we have to allow it as retail. At the very least, this should be footnoted as being "new."	<ul style="list-style-type: none"> o Comment noted. Footnote #47 states that this is a new provision. 	See #331.
398	10/31/10	Debbie Vann	18.09.020	Motor Vehicle Sales Lot	Just because someone wants a use on the island doesn't mean we need to address it in the code. Better approach would be for the Director to alert the PC or CC that an applicant wants a new retail use on the Island and ask them to decide whether or not that use should be permitted.	<ul style="list-style-type: none"> o The code needs to be specific enough about what is and what is not allowed, without having to depend on city council to determine on an ad hoc basis. 	See #331.
PLANNING COMMISSION COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
1	2/25/10	Commissioner Gale	N/A	Code Update Process	Should the planning commission hold a public hearing after every Title, vs. holding one large public hearing at the end?	Staff recommends holding a public meeting after the review of each Title in order to obtain public comment. If the Commission favors this approach, three public meetings would be held, tentatively scheduled for March 18 th	3/11/10: PC agrees with staff proposal, and will make adjustments as necessary to improve the process.

Land Use Code Update – Adoption Process Comments

PLANNING COMMISSION COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
						(Title 2), May 6 th (Title 17), and August 5 th (Title 18). Planning Commission recommendations as a result of these public meetings would be incorporated for review and recommendation during the Public Hearings at the end of the process.	
2	3/11/10	Commissioner Minkoff	2.16.110.E	Conditional Use, Major	Currently the LM design guidelines apply to institutional uses within residential zone districts (this is a decision criterion for the CUP process). Staff recommended that the Commercial/Mixed Use Design Guidelines should apply, and the Ad Hoc Committee agreed.	<ul style="list-style-type: none"> ○ <u>Planning Commission</u>: ensure that there are not design guidelines in the LM that should also apply to these institutional uses within residential zone districts. ○ <u>Staff response</u>: most likely the LM design guidelines were applied to these uses in order to screen them from surrounding residential uses. ○ Note that there are additional decision criteria for institutional uses in residential areas, which include vegetative screening pursuant to 18.15.010 and that the bulk, height, and architectural design features are compatible with the immediately surrounding area. ○ <u>3/9/10</u>: Ad Hoc Committee reviewed this topic again, and determined that the LM Design Guidelines should apply (and therefore, existing code should not be changed). 	<u>3/11/10</u> : Planning Commission agrees with Ad Hoc Committee recommendation that the LM Design Guidelines should apply to institutional uses in residential zone districts (and therefore existing code should not change).

Land Use Code Update – Adoption Process Comments

PLANNING COMMISSION COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
3	2/25/10	Commissioner Gale	Title 2	Name of Title	Consider changing the name of Title 2 to reference procedures and land use bodies.	<ul style="list-style-type: none"> ○ “Administration and Personnel” applies to the entire Title, not just the chapters that we are reviewing through this process. The term “Administration” covers procedures, and the specific chapters we are reviewing contain “Procedure” in the title. Also, Titles 17 and 18 make clear reference to Title 2 for specific procedures and processes. 	3/11/10: Planning Commission does not recommend changing the name of the Title.
4	2/25/10	Commissioner Gale	N/A	SEPA review	Discuss the possibility of providing the full SEPA analysis to the Planning Commission so they can use it in their recommendation deliberations.	<ul style="list-style-type: none"> ○ If the Director is responsible for making the decision, the Planning Commission receives the SEPA checklist and the draft staff report, including conditions as a result of the SEPA analysis, for review. The Director then considers the PC recommendation in making the SEPA determination. ○ If the Hearing Examiner is the final decision maker, but receives public comments that warrant Planning Commission review, then the SEPA determination will have already been made prior to PC review. ○ Is there additional information that is necessary for the Planning Commission to make a recommendation? 	3/11/10: Planning Commission does not recommend changing SEPA procedures – current practice works well.

Land Use Code Update – Adoption Process Comments

PLANNING COMMISSION COMMENTS							
	<i>Date</i>	<i>Name</i>	<i>Code Section(s)</i>	<i>Subject</i>	<i>Comment</i>	<i>Response</i>	<i>PC Recommendation</i>
5	4/22/10	Planning Commission	17.12.030.A.3	Open Space Priority Table		○	4/22/10: Footnote the priority table to allow flexibility to preserve an open space feature lower down on the priority list if it is exceptional and/or rare.
6	11/4/10	Commissioner Gale	18.30.030.C	Nonconforming Structures	Planning Commission had recommended, pursuant to Ad Hoc recommendation, to change the nonconforming structure provisions that a nonconforming structure can be rebuilt in the same location, to the same height and square footage as previously existing, even if more than 50% of the structure was destroyed or in need of rebuild. It was also recommended that structures are nonconforming to zoning be treated the same as structures that are nonconforming to shoreline. On 11/4/10, Commissioner Gale recommended to keep the existing code provisions, so they only need to be changed once, when the SMP Update is completed.	○	11/4/10: PC agreed with Commissioner Gale's recommendation to keep the existing provisions for nonconforming structures.