



**Anacortes City Council**  
**Municipal Building Council Chambers**  
**904 Sixth Street**

**May 2, 2016**  
**6:00 p.m.**

**PRELIMINARY AGENDA**

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Announcements and Committee Reports**
  - a. Proclamation: National Nursing Home Week
  - b. Finance Committee
  - c. Public Works Committee
4. **Public Comment**
5. **Consent Agenda (Action)**
  - a. Minutes of April 25, 2016
  - b. Approval of Claims in the amount of: \$170,934.34
  - c. Accept as Complete - 2015 "U" District SS Line Rehab (Columbia Pumping & Construction)
  - d. Interlocal Agreement with Anacortes School District #103 regarding Operation and Maintenance of Volunteer Park Facilities
  - e. Resolution 1956: Authorizing Temporary Road Closure
6. **Public Hearings**
7. **Other Business**
  - a. 2016 Comprehensive Plan Update Revised Schedule (Discussion)
  - b. Final Plat Approval: Leeward Landing PUD, PUD-2014-0001 / Ordinance 2974: Minnesota Avenue ROW Vacation (Discussion/Possible Action)
  - c.\*Ordinance 2978: Title 6 Updates (Discussion/Possible Action)
8. **Adjournment**



## Anacortes City Council

### Proposed Agenda Items for the Next Eight Weeks Beginning May 9, 2016

*Subjects listed below have been tentatively suggested for consideration by the Anacortes City Council on the dates indicated. Items may be added to, removed from or rearranged on this list. Routine business such as approval of minutes, vouchers and consent agenda items is not included. The complete Preliminary Agenda for each meeting is published at 3:00 on the Wednesday prior to the meeting. Published Agendas are subject to change and may be updated following the posting period. For additional information on agenda topics, please contact the City Clerk's office at 360-299-1960 to be directed to the sponsoring staff member.*

#### **May 9, 2016**

- Historic Preservation Board Update (Discussion)
- Planning Committee Update: AMC Title 19 (Discussion)

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#### **May 16, 2016**

- Public Hearing: Ordinances 2975, 2976, 2977, Jeretzky, Allen and Rockwood Right of Way Vacations (Discussion/Possible Action)

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#### **May 23, 2016**

- Skagit Community Action Update (Discussion)
- Marine Tech Schools Update (Discussion)

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#### **June 6, 2016**

- Public Meeting: Proposed Water Use Efficiency Goal (WUE) (Discussion/Possible Action)

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#### **June 13, 2016**

- WSDOT 2017 SR 20 Spur Overlay Project Presentation (Discussion)

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#### **June 20, 2016**

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#### **June 27, 2016**

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#### **July 5, 2016**

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#### **Upcoming City Council Committee Meetings**

*The public is welcome to attend City Council Committee Meetings.*

- Finance, Wednesday, Apr 27, 2016, 5:00 PM, Johnny Picasso's, 501 Commercial Avenue
- Public Works, Monday, May 2, 2016, 5:00 PM, Main Floor Conference Room (Parks Office)
- Housing Affordability & Community Services, Thursday, May 5, 2016, 1:30 PM, Main Floor Conference Room (Parks Office)
- Planning, Monday, May 9, 2016, 5:00 PM, Main Floor Conference Room (Parks Office)
- Finance, Wednesday, May 11, 2016, 5:00 PM, Johnny Picasso's, 501 Commercial Avenue
- Public Works, Monday, May 16, 2016, 5:00 PM, Main Floor Conference Room (Parks Office)
- Tourism Promotion Strategic Planning, Thursday, May 19, 2016, 4:30 PM, Anacortes Public Library Meeting Room
- Parks & Recreation, Thursday, May 19, 2016, 6:00 PM, Main Floor Conference Room (Parks Office)
- Planning, Monday, May 23, 2016, 5:00 PM, Main Floor Conference Room (Parks Office)

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## ANACORTES EXECUTIVE DEPARTMENT

P.O. BOX 547, ANACORTES, WA 98221-0547  
LAURIE GERE, MAYOR

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### CITY OF ANACORTES NATIONAL NURSING HOME WEEK MAY 8 ~ 14, 2016

**WHEREAS**, National Nursing Home Week is an opportunity for the individual nursing homes to bring into focus its residents who mean so much to the community and their families; and

**WHEREAS**, we salute our community's citizens now residing in nursing facilities, many of whom planted the seeds that made our city grow and prosper; and

**WHEREAS**, nursing facilities provide caring and supportive services that make quality of life possible for our loved ones; and

**WHEREAS**, our nursing facilities are meeting needs and changing lives; and

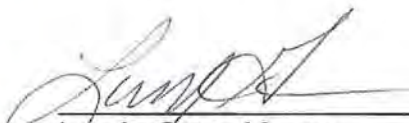
**WHEREAS** we celebrate this year's theme, "**It's a Small World with a Big Heart**".

**NOW, THEREFORE**, I Laurie Gere, Mayor of the City of Anacortes, do hereby proclaim, do hereby proclaim the week of May 8 – May 14, 2016

#### National Nursing Home Week

in the City of Anacortes, and encourage our community's citizens to honor and serve the individuals who laid the foundations of our community by participating in this year's National Nursing Home Week observance at Anacortes nursing facilities.

Signed this 2nd day of May, 2016.

  
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Laurie Gere, Mayor



# THE PEOPLE'S CLIMATE CONFERENCE 2016

**EDUCATE, INSPIRE AND ENVISION**

**- FEATURED SPEAKERS -**

**STEVE GARY, FORMER PRESIDENT OF THE UNITED STEEL WORKERS  
KC GOLDEN OF CLIMATE SOLUTIONS,  
PLANT FOR THE PLANET'S AIJI PIPER  
WOMEN OF COLOR SPEAK OUT**

**PORT OF ANACORTES**

**MAY 13-15TH, 2016**

**THE PEOPLE'S CLIMATE CONFERENCE 2016 IS A SPACE FOR  
ANACORTES RESIDENTS TO COME TOGETHER TO DISCUSS  
WHAT A JUST TRANSITION AWAY FROM FOSSIL FUELS  
LOOKS LIKE FOR OUR COMMUNITY. WE HOPE THAT YOU ARE  
ABLE TO COME AND JOIN IN THE DISCUSSION.**

**FOR FULL SCHEDULE: [WWW.BREAKFREEPNW.ORG/PROGRAMMING](http://WWW.BREAKFREEPNW.ORG/PROGRAMMING)**





## **City Council Minutes – April 25, 2016**

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Mayor Laurie Gere called to order the regular Anacortes City Council meeting of April 25, 2016 at 6:00 p.m. Councilmembers Eric Johnson, Ryan Walters, Erica Pickett, Brad Adams, Liz Lovelett and John Archibald were present. Councilmember Matt Miller was absent. The assembly joined in the Pledge of Allegiance.

### **Announcements and Committee Reports**

Police Chief Bonnie Bowers updated Council about the protests scheduled for May 13-15, 2016 at the Anacortes refineries. She stressed that the Police Department would guarantee protection of the public's right to free assembly and speech. Chief Bowers described joint planning efforts with the Skagit County Sheriff's Office and other law enforcement agencies to safeguard the area and its critical infrastructure. She advised that possibly 1000 participants would visit from out of town for the events and that extra officers would be on duty for the weekend to ensure public safety.

Housing Affordability and Community Services Committee: Mr. Johnson reported from the affordable housing and community services symposium held April 21 from 1:30-4:30 with approximately 50 attendees. He said the committee would recap the results at its next meeting. Mr. Johnson reported much interest in affordable housing and in the disconnect between people needing services in Anacortes and services available in Mount Vernon, which participants would be addressing. He thanked Dr. Ann Hutchison Meyers for facilitating the event. Ms. Lovelett added that the session would be broadcast on Channel 10.

Personnel Committee: Ms. Pickett reported from the committee meeting earlier in the evening where the group discussed hiring a new engineering technician, the city's Sustainable Cities application, and the revised Emergency Operations plan.

Mayor Gere reported that she, Fire Chief Richard Curtis and Councilmember Matt Miller had attended a meeting of the Skagit EMS Delivery Model Advisory Group earlier in the day. She said the group would be meeting for the next several months towards the end of developing the best comprehensive collaborative EMS system in the state. She added that the Anacortes delegation also met with Fire District #13 in support of their BLS transport implementation.

Mayor Gere announced a meeting of the Anacortes Community Drug and Alcohol Task Force at 6:30 p.m. on April 26, 2016 in the Council chambers. She advised that Eric Jacobs of Compass Health would speak about community-based outreach teams with the ability to respond to and provide services in the community 24 hours-a-day.

Mr. Walters reported from the Skagit Council of Governments (SCOG) meeting the prior week at which SCOG's 2015 Annual Report was distributed. He said the meeting focused on housing and that there were no votes of substance to report.

Mr. Johnson reminded the public about the Port of Anacortes public meeting regarding the Anacortes Airport fencing improvements and obstruction removal 6:00-8:00 p.m. on April 26, 2016 at the Port Transit Shed.

### **Public Comment**

No one present wished to address the Council.

### **Consent Agenda**

Ms. Lovelett removed Item C from the Consent Agenda. Mr. Johnson moved, seconded by Mr. Archibald, to approve the following Consent Agenda items. The motion carried unanimously by voice vote.

- a. Minutes of April 18, 2016
- b. Approval of Claims in the amount of: \$240,738.49

The following vouchers/checks were approved for payment:

Voucher (check) numbers: 80027 through 80284, total \$320,099.77

EFT numbers: 202775 through 203116, total \$6,902.13

Payroll for April 20, 2016 in the total amount of \$834,272.39

Check Numbers 41259 through 41279 in the total amount of \$17,683.52

Direct Deposit Numbers from 63380 through 63597 in the total amount of \$545,611.86

EFT Numbers from 1947 through 1954 in the total amount of \$270,977.01

c. Contract Amendment: Waste Management, Residential Recyclables and Organics Collection

Ms. Lovelett asked Public Works Director Fred Buckenmeyer for more information on the new services and whether any future amendments were planned. Mr. Buckenmeyer recalled that during initial contract negotiations interest had been expressed in adding restaurant-based food scrap service and also a dumpster alternative to multiple recycling totes for multi-family customers. The amendment would add those services to the Waste Management contract, both as elective options for customers. He responded to questions from the mayor and councilmembers about the details of the new services. Ms. Lovelett moved, seconded by Mr. Johnson, to approve the contract amendment with Waste Management for residential recyclables and organics collection. The motion carried unanimously by voice vote.

**OTHER BUSINESS**

**Open Streets 2016 Presentation**

Warren Tessler reported to Council on the third annual Open Streets event which would close Commercial Avenue between 10<sup>th</sup> Street and the Port dock to non-motorized activity of all types, essentially turning Commercial Avenue into a linear park for a day. Mr. Tessler said the event would be held on Sunday, August 28, 2016, several weeks earlier than in previous years. He reported that he had met with the Chamber of Commerce to address concerns expressed about the date. Mr. Tessler noted that the event is local and non-commercial and encourages participants to visit local merchants along the route. He thanked the city for its support and expressed appreciation for sponsorship from both area hospitals and other groups.

**Oakes Avenue 30 MPH Speed Limit**

Mr. Buckenmeyer advised that following the discussion of the Oakes Avenue speed limit, WSDOT personnel were present to update Council about SR20 intersection improvements at Sharpes Corner. He said Anacortes has been actively participating in the multi-agency committee reviewing the Sharpes Corner design alternatives and staff wanted to keep Council apprised of the next steps in the process.

City Engineer Eric Shjarback shared a slide presentation regarding potential changes to the speed limit on the 40 MPH section of Oakes Avenue, from Kansas to Ferry Terminal Road. Mr. Shjarback advised that while the Traffic Safety Committee had been considering changes for some time, WSDOT makes the final determination of speed limits on state highways. He described the 85<sup>th</sup> Percentile methodology typically used by traffic engineers for determining the appropriate speed limit for a stretch of roadway. Mr. Shjarback noted that the methodology does not consider the non-motorized users of the roadway and adjacent shoulders. He recapped the connection between car speed and survivability of pedestrian-vehicle collisions, then described a number of recent and upcoming changes to Oakes Avenue including the new stairway access to the Guemes Channel Trail at Kansas Ave and the planned flashing crosswalk at that location, the planned roundabout at Glasgow Way and Ship Harbor Boulevard, the WSDOT paving project on the SR20 spur in 2017 which may include restriping to reduce lane width and increase shoulder width, and continued residential development along the corridor. Mr. Shjarback advised that lowering the speed on the 1.55 mile section in question from 40 MPH to 30 MPH would increase the travel time by 46.5 seconds.

Mr. Shjarback introduced Barbara Briggs from WSDOT who discussed the factors considered when determining appropriate speed limits and shared the results of the speed study conducted by WSDOT in the area. She noted that the 85<sup>th</sup> Percentile speeds measured in the sample were 40 MPH in the 40 MPH zone and 36 MPH in the 30 MPH zone, so some additional enforcement and/or traffic calming measures would likely be needed to achieve compliance with a reduced speed limit. Ms. Briggs responded to councilmember questions about potentially changing all of Oakes Avenue to a 35 MPH zone, measuring speeds during peak ferry traffic periods, and the next steps that would be required by City Council and WSDOT staff to process a speed limit change. Councilmembers Walters, Johnson, Lovelett, Pickett and Archibald expressed support for establishing a 30 MPH speed for the entirety of Oakes Avenue. Mr. Adams noted the value of consistent speed limits throughout town and asked Police Chief Bonnie Bowers to address the impacts of the proposed change. Chief Bowers noted that the current fluctuating speed limit along the roadway presents enforcement challenges and confuses ferry visitors. She commented on the collision statistics between cars, pedestrians and bicycles in the area and said that the Police Department was very much in favor of a consistent 30 MPH speed limit on Oakes Avenue. Mayor Gere invited Council to address at a future meeting whether it wished to initiate a speed limit change via ordinance.

Jay Drye of WSDOT then updated Council on the Sharpe's Corner project following a number of well attended open houses and much public comment. Mr. Drye reported that WSDOT met the previous Friday with the multi-agency interdisciplinary team representing many local stakeholders and that the group unanimously recommended a preferred alternative. He said on May 11, WSDOT staff would present its recommendation and supporting documentation to the Statewide Practical Solution Committee in Olympia. After review by that committee, a preferred alternative would be rolled out to the public in June, including additional open houses and public outreach. Mr. Drye advised that WSDOT's goal was to construct the improvements in 2018. Ms. Lovelett confirmed with Mr. Drye that the alternatives under consideration included a non-motorized trail connecting Sharpes Corner with March Point and also a second roundabout at Miller/Gibraltar Roads.

At 7:09 p.m. Mr. Walters excused himself from the remainder of the meeting and left the chambers.

#### **Contract Award: 2016 Waterline Project**

Mr. Buckenmeyer requested Council approval to award a contract for the 2016 waterline replacement project. He displayed the locations of the project: adjacent to Anacortes High School prior to its expansion project and on 4<sup>th</sup> and 5<sup>th</sup> Streets between Commercial and R Avenues. Mr. Buckenmeyer said five bids were received with the low bid from C. Johnson Construction, Inc. in the amount of \$532,057.42. He recommended awarding the contract to C. Johnson. Councilmembers confirmed that the project was funded by water rates per the 2016 budget. Ms. Pickett moved, seconded by Ms. Lovelett, to authorize a contract award to C. Johnson Construction, Inc. in the amount of \$532,057.42 to construct the 2016 Waterline Replacement Project. The motion carried unanimously by voice vote.

#### **Library Update**

Library Director Sheri Miklaski reported to Council on the Anacortes Public Library Foundation use of the Legacy Endowment funds transferred into its care by Ordinance 2948 adopted May 18, 2015, subject to the Agreement to Provide Library Support Services between the City and the Foundation dated May 22, 2015. Ms. Miklaski summarized the Foundation's 2015 and 2016 budgets. She advised that in 2016 the Foundation anticipated dedicating \$1,500 of interest from the Legacy Fund to fund development of the 2016-2020 APL Strategic Plan and that an amendment to the city's agreement with the Foundation may be forthcoming to address that expenditure. Ms. Miklaski announced that a survey had been launched earlier in the day to solicit public input on the strategic plan. She said the survey was available in hard copy and also on line at <https://goo.gl/KNuAFS> and would remain open until May 24. She invited everyone to take the survey and to encourage other community members to do so, including both those who are and are not regular library users. In closing, Ms. Miklaski honored the passing of three longtime library supporters, Naomi Hollister, Margaret Yeoman, and Helen Vincent.

There being no further business, at approximately 7:20 p.m. the Anacortes City Council meeting of April 25, 2016 was adjourned.



The following claims against the City of Anacortes have been preaudited and certified by the Clerk-Treasurer as ready for City Council approval at the May 2, 2016 City Council meeting:  
[Download this file in OpenDocument spreadsheet format.](#)

| Invoice Doc # | Transaction Date | Invoice #           | Vendor # | Vendor Full Name             | Description                                               | Total Amount |
|---------------|------------------|---------------------|----------|------------------------------|-----------------------------------------------------------|--------------|
| 203508        | 11/14/2015       | LS2016PS            | 09018    | EDASC FOUNDATION             | PHILIP STEFFEN LEADERSHIP SKAGIT                          | \$1,600.00   |
| 203475        | 2/25/2016        | S25751501           | 10136    | AMEC FOSTER WHEELER          | GROUNDWATER SAMPLING @ 3205 V PLACE                       | \$5,518.36   |
| 202859        | 3/1/2016         | S6-879483           | 05774    | SEATTLE AUTOMOTIVE           | PART FOR VEH #215                                         | \$26.00      |
| 203496        | 3/11/2016        | BI-0307129          | 00317    | BECKWITH & KUFFEL            | BEARING CAP                                               | \$831.34     |
| 203382        | 3/31/2016        | 00002               | 09418    | ZERVAS GROUP ARCHITECTS      | WWTP REMODEL                                              | \$14,537.50  |
| 203483        | 3/31/2016        | 010976              | 00930    | SKIDMORE PHARMACY INC.       | MARCH, LEOFF1 PHARMACY COPAYS                             | \$123.13     |
| 203504        | 3/31/2016        | 114-3901700         | 04834    | UNITED SITE SERVICES         | PORTA POTTY RENTAL AT PARK NEXT TO ROCKRIDGE PUMP STATION | \$105.56     |
| 203392        | 4/1/2016         | 1386471-0043-8      | 02997    | WASTE MANAGEMENT             | MARCH 2016 CONTRACT SERVICES                              | \$93,718.95  |
| 203427        | 4/1/2016         | 4-1-2016            | 01921    | NORTHWEST PARKING EQUIPMENT  | 2ND QUARTER MAINTENANCE - WASH. PARK                      | \$461.13     |
| 203169        | 4/5/2016         | 0674355-001         | 00306    | BAYSHORE OFFICE PRODUCTS     | PRINTING                                                  | \$24.14      |
| 203445        | 4/5/2016         | 1105331             | 02681    | SURETY PEST CONTROL          | PEST CONTROL SERVICE FOR OPS                              | \$48.83      |
| 203488        | 4/7/2016         | 3466                | 02338    | TULIP VALLEY SUPPLY          | CARWASH, SCRUBBING PADS                                   | \$170.78     |
| 203396        | 4/9/2016         | CDBG public service | 09481    | ANACORTES FAMILY CENTER, THE | CDBG 3RD QUARTER PUBLIC SERVICES PYMT                     | \$3,206.00   |
| 203467        | 4/10/2016        | 8498 30 030 0111230 | 04412    | COMCAST                      | WTP - PHONE SERVICE                                       | \$184.87     |
| 203484        | 4/11/2016        | 0032694-IN          | 02199    | PUGET SAFETY EQUIPMENT       | SAFETY HARNESES                                           | \$423.15     |
| 203442        | 4/11/2016        | 264838              | 04637    | ANACORTES METALWORKS LLC     | SIGN POSTS-FABRICATE, PAINT AND DELIVER                   | \$5,286.12   |
| 203157        | 4/12/2016        | 0294251-IN          | 10115    | LAFFERTY EQUIPMENT MFG, INC  | LC FOAMER WITH GAUGES                                     | \$496.62     |
| 203461        | 4/13/2016        | 00268791            | 07378    | MUNICIPAL CODE CORPORATION   | 4/2016 - 4/2017 WEB HOSTING OF AMC                        | \$950.00     |
| 203506        | 4/13/2016        | 9884450             | 01165    | HACH COMPANY                 | STABLCAL KIT & REPLACEMENT LAMP FOR LAB ANALYZER          | \$342.74     |
| 203497        | 4/13/2016        | 9885870             | 01165    | HACH COMPANY                 | LAB SUPPLIES RESTOCK                                      | \$1,349.14   |
| 203266        | 4/13/2016        | B326928             | 02405    | SEBO'S DO-IT CENTER          | FLEX CONNECTOR                                            | \$18.09      |
| 203492        | 4/13/2016        | I4180168            | 01004    | FOWLER COMPANY INC, H D      | HYDROCYCLONE SPRAY SHIELD REPLACEMENTS                    | \$2,747.55   |
| 203459        | 4/14/2016        | 00269005            | 07378    | MUNICIPAL CODE CORPORATION   | MUNICIPAL CODE ELECTRONIC UPDATE                          | \$313.57     |
| 203429        | 4/14/2016        | 0097957             | 06543    | PACIFIC TIRE                 | PARTS FOR VEH #405                                        | \$233.68     |
| 203514        | 4/14/2016        | 1988551040          | 06718    | ARAMARK                      | LAUNDRY SVC FOR OPS & PARKS                               | \$46.05      |
| 203524        | 4/14/2016        | 57908615            | 01036    | GALE/CENGAGE LEARNING        | BOOKS - ADULT                                             | \$71.59      |

| Invoice Doc # | Transaction Date | Invoice #            | Vendor # | Vendor Full Name                | Description                                | Total Amount |
|---------------|------------------|----------------------|----------|---------------------------------|--------------------------------------------|--------------|
| 203522        | 4/14/2016        | 57908617             | 01036    | GALE/CENGAGE LEARNING           | BOOKS - ADULT                              | \$412.11     |
| 203502        | 4/14/2016        | 686343               | 01421    | JCI JONES CHEMICALS INC         | SODIUM HYDROXIDE                           | \$3,075.77   |
| 203534        | 4/14/2016        | 92690398             | 01318    | INGRAM LIBRARY SERVICES         | BOOKS - JUVENILE                           | \$11.08      |
| 203525        | 4/14/2016        | 92690399             | 01318    | INGRAM LIBRARY SERVICES         | BOOKS - ADULT                              | \$36.49      |
| 203535        | 4/14/2016        | 92690400             | 01318    | INGRAM LIBRARY SERVICES         | BOOKS - JUVENILE                           | \$20.19      |
| 203536        | 4/14/2016        | 92690401             | 01318    | INGRAM LIBRARY SERVICES         | BOOKS - JUVENILE                           | \$38.32      |
| 203526        | 4/14/2016        | 92690402             | 01318    | INGRAM LIBRARY SERVICES         | BOOKS - ADULT                              | \$39.21      |
| 203537        | 4/14/2016        | 92690403             | 01318    | INGRAM LIBRARY SERVICES         | BOOKS - JUVENILE                           | \$37.03      |
| 203527        | 4/14/2016        | 92690404             | 01318    | INGRAM LIBRARY SERVICES         | BOOKS - ADULT                              | \$12.44      |
| 203528        | 4/14/2016        | 92697307             | 01318    | INGRAM LIBRARY SERVICES         | BOOKS - ADULT                              | \$935.28     |
| 203538        | 4/14/2016        | 92697308             | 01318    | INGRAM LIBRARY SERVICES         | BOOKS - JUVENILE                           | \$43.49      |
| 203485        | 4/14/2016        | 973358               | 09237    | WASHINGTON TRACTOR              | WHEEL KIT                                  | \$32.15      |
| 203505        | 4/14/2016        | 9887899              | 01165    | HACH COMPANY                    | CHLORINE STANDARD FOR LAB                  | \$52.24      |
| 203507        | 4/14/2016        | 9887900              | 01165    | HACH COMPANY                    | REPLACEMENT LAMP ASSEMBLY FOR LAB ANALYZER | \$100.91     |
| 203410        | 4/15/2016        | 0500302              | 00932    | FERGUSON ENTERPRISES, INC       | M520M-F13W METERS, 11-YR PRORATIONS        | \$2,876.55   |
| 203469        | 4/15/2016        | 16-06991             | 00850    | EDGE ANALYTICAL INC             | TOC SAMPLES                                | \$98.00      |
| 203286        | 4/15/2016        | 5004875347           | 00007    | CINTAS CORP                     | FIRST AID SUPPLIES - VARIOUS DEPTS         | \$490.82     |
| 203487        | 4/15/2016        | 9083354069           | 03120    | GRAINGER                        | COOLING FANS                               | \$128.24     |
| 203500        | 4/16/2016        | 0586-5               | 02434    | SHERWIN WILLIAMS                | PAINT FOR SAND PUMP PIPE                   | \$53.76      |
| 203503        | 4/17/2016        | 874 3508 017768<br>2 | 01616    | LOWE'S BUSINESS<br>ACCOUNT/GEMB | MARCH/APRIL HARDWARE SUPPLIES              | \$1,626.19   |
| 203493        | 4/18/2016        | 0542005-001          | 02835    | UNUM LIFE INS CO OF AMERICA     | UNUM LEOFF1 LONG-TERM CARE INSURANCE       | \$1,898.25   |
| 203547        | 4/18/2016        | 1464706              | 00632    | CONCRETE NOR'WEST               | SAND - KIWANIS MEADOWS OVERSANDING         | \$470.40     |
| 203198        | 4/18/2016        | 317077               | 08598    | ARIZONA INSTRUMENT LLC          | GLASS FIBER FILTERS                        | \$551.23     |
| 203498        | 4/18/2016        | 887604/1             | 00021    | ACE HARDWARE                    | VACUUM BELT                                | \$4.87       |
| 203246        | 4/18/2016        | 9085550755           | 03120    | GRAINGER                        | REDUCING COUPLINGS                         | \$63.14      |
| 203539        | 4/18/2016        | 92731706             | 01318    | INGRAM LIBRARY SERVICES         | BOOKS - JUVENILE                           | \$404.02     |
| 203532        | 4/18/2016        | 92731707             | 01318    | INGRAM LIBRARY SERVICES         | BOOKS - ADULT                              | \$253.15     |
| 203542        | 4/18/2016        | 92731708             | 01318    | INGRAM LIBRARY SERVICES         | BOOKS - JUVENILE                           | \$13.00      |
| 203533        | 4/18/2016        | 92731709             | 01318    | INGRAM LIBRARY SERVICES         | BOOKS - ADULT                              | \$36.00      |
| 203241        | 4/18/2016        | Ref000203241         | 10117    | CARLANDER, LAURENCE M           | Refund receipt #: 000000001769             | \$38.57      |
| 202579        | 4/18/2016        | TI-0296828           | 01869    | NEWMAN TRAFFIC SIGNS            | SIGN ROOM MATERIAL FOR STREET DEPT         | \$463.56     |
| 203402        | 4/19/2016        | 001-333009           | 02109    | PISTON SERVICE OF<br>ANACORTES  | PART FOR VEH #001                          | \$6.16       |
| 203426        | 4/19/2016        | 0098191              | 06543    | PACIFIC TIRE                    | PARTS FOR SHOP STOCK                       | \$1,502.11   |
| 203548        | 4/19/2016        | 1465020              | 00632    | CONCRETE NOR'WEST               | SAND - KIWANIS MEADOWS                     | \$1,054.35   |
| 203499        | 4/19/2016        | 1988558330           | 06718    | ARAMARK                         | WTP LAUNDRY SERVICE                        | \$33.24      |



| Invoice Doc # | Transaction Date | Invoice #      | Vendor # | Vendor Full Name            | Description                                             | Total Amount |
|---------------|------------------|----------------|----------|-----------------------------|---------------------------------------------------------|--------------|
| 203564        | 4/19/2016        | 2454095        | 02342    | SAFEWAY INC                 | ICE FOR THE LAB                                         | \$41.86      |
| 203495        | 4/19/2016        | 300023403      | 01443    | KCDA PURCHASING COOPERATIVE | PAPER                                                   | \$63.59      |
| 203579        | 4/19/2016        | 400000991424   | 02192    | PUGET SOUND ENERGY          | STREET LIGHTS-CHANGEOUT PHASE 3                         | \$164.93     |
| 203443        | 4/19/2016        | 5038596MB      | 01530    | LAKESIDE INDUSTRIES         | CRUSHED ROCK - CRANBERRY, WHISTLE AND                   | \$788.78     |
| 203439        | 4/19/2016        | 887772/1       | 00021    | ACE HARDWARE                | SANDWICH BAGS FOR PARK NOTICES                          | \$19.49      |
| 203558        | 4/19/2016        | 917 600 0000 9 | 00494    | CASCADE NATURAL GAS CORP.   | GAS SERVICE @ VOL. PARK RESTROOM APRIL                  | \$18.76      |
| 203403        | 4/19/2016        | IB04751        | 00936    | FARMERS EQUIPMENT COMPANY   | PARTS FOR VEH #850                                      | \$118.09     |
| 203422        | 4/20/2016        | 001-333160     | 02109    | PISTON SERVICE OF ANACORTES | PART FOR VEH #203                                       | \$7.57       |
| 203489        | 4/20/2016        | 0189723-IN     | 02260    | REISNER DISTRIBUTOR INC     | OIL AND GREASE RESTOCK                                  | \$548.98     |
| 203453        | 4/20/2016        | 12799          | 09617    | FRONTLINE CLEANING SERVICES | JANITORIAL SERVICES FOR APRIL,                          | \$336.00     |
| 203390        | 4/20/2016        | 1328-27        | 06080    | MAKERS                      | 2016 COMP PLAN - MAR 2016                               | \$1,257.50   |
| 203473        | 4/20/2016        | 1445459        | 02519    | SKAGIT PUBLISHING           | AA-1445459 CITY COUNCIL PUBLIC HEARING STREET VACATIONS | \$87.56      |
| 203511        | 4/20/2016        | 2016-6637      | 04403    | PUBLIC SAFETY TESTING INC   | POLICE & FIRE SUBSCRIPTION TESTING FEES                 | \$600.00     |
| 203513        | 4/20/2016        | 96719415       | 01351    | RICOH USA, INC              | MUSEUM C32029268 COPIER LEASE                           | \$154.39     |
| 203401        | 4/20/2016        | A1096877       | 02405    | SEBO'S DO-IT CENTER         | PARTS FOR VEH #850                                      | \$14.55      |
| 203400        | 4/20/2016        | A1097111       | 02405    | SEBO'S DO-IT CENTER         | PARTS FOR WATER DEPT                                    | \$20.85      |
| 203399        | 4/20/2016        | Ref000203399   | 10134    | PEERENS, EMIL E & ALINE I   | Refund receipt #: 000000001777                          | \$19.71      |
| 203421        | 4/21/2016        | 001-333198     | 02109    | PISTON SERVICE OF ANACORTES | PART FOR VEH #128                                       | \$9.16       |
| 203491        | 4/21/2016        | 038 200 0000 2 | 00494    | CASCADE NATURAL GAS CORP.   | 1218 24TH ST                                            | \$297.43     |
| 203436        | 4/21/2016        | 04/21/2016     | 00955    | FIDALGO CLEANING            | CLEANING CARNEGIE APRIL                                 | \$100.00     |
| 203437        | 4/21/2016        | 04/21/2016     | 00955    | FIDALGO CLEANING            | CLEANING MHC APRIL 2016                                 | \$50.00      |
| 203404        | 4/21/2016        | 100            | 02744    | TIDRINGTON, CHUCK           | REIMBURSEMENT FOR BELT BUCKLES                          | \$120.00     |
| 203510        | 4/21/2016        | 1255576864     | 09923    | GRAY, MATTHEW               | O'LEARY, TIMOTHY, DENTAL SERVICES, DOS: 3/30/16         | \$44.60      |
| 203471        | 4/21/2016        | 16-08249       | 00850    | EDGE ANALYTICAL INC         | FINAL EFFLUENT TESTING FOR NPDES PERMIT                 | \$129.00     |
| 203515        | 4/21/2016        | 1988561859     | 06718    | ARAMARK                     | LAUNDRY SVC FOR OPS & PARKS                             | \$46.05      |
| 203430        | 4/21/2016        | 226244         | 01023    | FRONTIER BUILDING SUPPLY    | PRODUCT FOR STREET DEPT                                 | \$41.33      |
| 203519        | 4/21/2016        | 710 300 0000 5 | 00494    | CASCADE NATURAL GAS CORP.   | NATURAL GAS FOR OPS/SHOP                                | \$414.47     |
| 203423        | 4/21/2016        | 9880           | 02144    | PORT SUPPLY                 | HEAD CHEM FOR HEART LAKE TOILETS                        | \$65.03      |
| 203420        | 4/21/2016        | A1097068       | 02405    | SEBO'S DO-IT CENTER         | PARTS FOR VEH #203 & #90009                             | \$51.32      |
| 203444        | 4/21/2016        | MV135204       | 01801    | MOTOR TRUCKS INC            | PART FOR VEH #203                                       | \$223.19     |
| 203411        | 4/21/2016        | Ref000203411   | 09520    | SIMILK INC                  | UB Refund Cst #044626                                   | \$1,282.50   |

| Invoice Doc # | Transaction Date | Invoice #      | Vendor # | Vendor Full Name           | Description                                                | Total Amount |
|---------------|------------------|----------------|----------|----------------------------|------------------------------------------------------------|--------------|
| 203412        | 4/21/2016        | Ref000203412   | 09520    | SIMILK INC                 | UB Refund Cst #044626                                      | \$234.83     |
| 203413        | 4/21/2016        | Ref000203413   | 09520    | SIMILK INC                 | UB Refund Cst #044626                                      | \$232.09     |
| 203414        | 4/21/2016        | Ref000203414   | 09520    | SIMILK INC                 | UB Refund Cst #044626                                      | \$1,322.59   |
| 203415        | 4/21/2016        | Ref000203415   | 09520    | SIMILK INC                 | UB Refund Cst #044626                                      | \$5,983.29   |
| 203416        | 4/21/2016        | Ref000203416   | 09520    | SIMILK INC                 | Adjustment for payment made in error per contract attached | \$4,840.67   |
| 203417        | 4/21/2016        | Ref000203417   | 09520    | SIMILK INC                 | Adjustment for payment made in error per contract attached | \$179.02     |
| 203418        | 4/21/2016        | Ref000203418   | 09520    | SIMILK INC                 | Adjustment for payment made in error per contract attached | \$177.13     |
| 203419        | 4/21/2016        | Ref000203419   | 09520    | SIMILK INC                 | UB Refund Cst #044626                                      | \$35.11      |
| 203474        | 4/22/2016        | 0675261-001    | 00306    | BAYSHORE OFFICE PRODUCTS   | USB DRIVES                                                 | \$44.36      |
| 203446        | 4/22/2016        | 226435         | 01023    | FRONTIER BUILDING SUPPLY   | PRODUCT FOR WATER DEPT                                     | \$189.57     |
| 203435        | 4/22/2016        | C271433        | 02405    | SEBO'S DO-IT CENTER        | AUTOCUT 25-2 WEED-EATER HEAD / STRING                      | \$26.61      |
| 203441        | 4/22/2016        | Travel Expense | 07442    | COOPER, SYLVIA             | MILEAGE REIMBURSEMENT TO RISK                              | \$63.60      |
| 203477        | 4/25/2016        | 101412         | 00244    | ASSN OF WASHINGTON CITIES  | MAY, SUPPLEMENTAL LIFE INSURANCE                           | \$318.61     |
| 202970        | 4/25/2016        | 16-08257       | 00850    | EDGE ANALYTICAL INC        | FINAL EFFLUENT TESTING                                     | \$166.00     |
| 203468        | 4/25/2016        | 191852         | 00768    | DEPT OF LABOR & INDUSTRIES | ANNUAL DUMBWAITER PERMIT                                   | \$32.00      |
| 203455        | 4/25/2016        | April          | 01127    | YATES, CAROL               | 2 DAYS TRAVEL TO/FROM BURL. FOR TRAINING                   | \$39.96      |
| 203470        | 4/25/2016        | reimbursement  | 05684    | GONZALEZ, MARIO            | TRAVEL MEALS REIMBURSEMENT                                 | \$165.00     |
|               |                  |                |          |                            |                                                            |              |

**Total**

**109**

**\$170,934.34**





**P**ublic **W**orks  
Engineering and Development Services

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## NOTICE OF PHYSICAL COMPLETION

DATE: March 8<sup>th</sup>, 2016

TO: Columbia Pumping & Construction, Inc.  
Mr. Frank Long  
1005 S. Maitland  
Pasco, WA 99301

PROJECT: 2015 "U" District Sanitary Sewer Line Rehabilitation  
Contract No. 15-042-SEW-003

Upon final inspection, the City Engineer determined this work as physically complete on

**March 7<sup>th</sup>, 2016.**

This does not imply acceptance of the work or that all contractor obligations under the contract have been fulfilled.

City of Anacortes  
Owner

By

  
Jeff Beltramini, Project Manager



# City Council Agenda Bill

**Meeting Date:** 5/2/2016

**Agenda Item:** 5d

**Subject:** Interlocal Agreement for Maintenance and Operation of Volunteer Park

**Staff Contact:** Gary Robinson, Darcy Swetnam

| Approved for Submittal to Council by |                                 |
|--------------------------------------|---------------------------------|
|                                      | Laurie Gere, Mayor              |
|                                      | Steve Hoglund, Finance Director |
| x                                    | Darcy Swetnam, City Attorney    |
|                                      |                                 |
|                                      |                                 |

| Action Type |                |
|-------------|----------------|
|             | Ordinance No.  |
|             | Code Revision? |
|             | Resolution No. |
| x           | Contract       |
|             | Public Hearing |
|             | Staff Report   |

**Summary Statement:** The attached Agreement is an Interlocal with Anacortes School District 103 for the City use, maintenance, and operation of facilities at Smiley's Bottom on school owned property.

**Background:** The City and the ASD first entered into a lease for the use of Smiley's Bottom in the 1980's. Since then, the City has developed and operated the facility. The Agreement does not require payment for the use of the area.

| Budget Impact              |     |
|----------------------------|-----|
| Amount Budgeted            | N/A |
| Budget Account (BARS)      |     |
| Proposed Expenditure       |     |
| Budget Amendment Required? |     |
| Revenue Source             |     |

| Proposed Contract |  |
|-------------------|--|
| Contractor        |  |
| Amount            |  |
| Start Date        |  |
| End Date          |  |

**Previous Council/Committee Action:** N/A

**Competing Viewpoints Considered:** N/A

**Recommended Motion:** I move that Council authorize the Mayor to execute the Interlocal Cooperation Act Agreement for Maintenance and Operation of Recreational Facilities with Anacortes School District 103.

**Alternative Actions:** Decline to authorize the agreement

**Attachments** (listed in order presented): Proposed Agreement

**INTERLOCAL COOPERATION ACT AGREEMENT  
FOR MAINTENANCE AND OPERATION OF RECREATIONAL FACILITIES**

THIS AGREEMENT ("Agreement") dated this 18<sup>th</sup> day of April, 2016, is made and entered into by and the CITY OF ANACORTES, a municipal corporation of the State of Washington ("City"); and ANACORTES SCHOOL DISTRICT NO. 103, a municipal corporation of the State of Washington ("District"), pursuant to the authority of chapter 39.34 RCW and other provisions of the law.

**RECITALS**

- A. The District owns certain property described on the attached Exhibit A ("Property").
- B. The City desires to maintain and operate the Property for recreational purposes.
- C. It is the mutual intention of the parties to create public recreational opportunities where none would otherwise exist.
- D. It is, therefore, in the best interest of the District and the City to maintain and utilize said Property exclusively for recreational purposes.

**AGREEMENT**

NOW, THEREFORE, for and in consideration of the promises set forth hereafter, the City and the District hereby agree as follows:

1. Lease of Property. *The District leases to the City, and the City leases from the District the Property, including the two existing baseball fields, a combination softball / little league field, a multi-use soccer playfield, parking lot(s), fences, toilet facilities, etc. (collectively, "the Facilities"), for the Term. The lease of the Property shall include the right of the City to permit the public to use, without cost or fee of any kind, all of the Facilities located on the Property exclusively for recreational purposes. The City accepts the Property and the Facilities in their "AS IS" condition without any agreements, representations, understandings or obligations on the part of the District to perform any alterations, repairs or improvements.*
2. Term. The Term shall commence on January 1, 2016 and expire on the December 31, 2040, unless sooner terminated pursuant to this Agreement. Either party



may terminate the Agreement at any time by providing six (6) months prior written notice to the other.

3. Shared Use of the Facilities. The City shall provide the District with first priority to schedule the use of the Facilities for the purpose of supporting the District's physical education and extra-curricular programs. The use of the Facilities by the District and the public shall be subject to the City's procedures and reasonable rules and regulations. The parties shall cooperate in good faith to schedule the District's use of the Facilities in advance to avoid scheduling conflicts.

4. Development of the Property. In addition to the existing Facilities, the City shall be permitted to develop, at its sole cost and expense, the Property with additional outdoor recreational and ancillary facilities, with the prior consent of the District, which shall not be unreasonably withheld, conditioned or delayed. Any improvements and alterations made by either party shall remain on and be surrendered with the Property on expiration or termination of the Term. Any improvements and alterations that remain on the Property upon expiration or termination of the Term shall automatically become the property of the District and title to such improvements and alterations shall automatically pass to the District at such time without any payment therefor by the District to the City.

5. Closure of the Property. The City, in its sole discretion, reserves the right and authority to close the Property and disallow public recreational use.

6. Maintenance of the Property. The City, at its sole cost and expense, shall maintain in good condition and repair the Property. If the City fails to maintain the Property in good condition and repair as required hereunder and if such failure is not cured within ninety (90) days after notice of such failure is given by the District to the City, then the District may, at its option, terminate this Agreement with written notice.

7. Utilities and Services. The City shall be solely responsible for providing the Property and the Facilities with utility services, and the City shall be solely responsible for such utility charges.

8. Compliance with Laws. Each party shall comply with all applicable laws concerning the Property and the Facilities and the use thereof.

9. **INDEMNIFICATION:**

Since the City is solely responsible for maintenance of the property, the City shall protect, defend, indemnify, and hold the DISTRICT harmless from and against any claim for damage, injury cost or liability including reasonable attorney fees, for injuries to persons or property arising from acts or omissions of the CITY, or its employees,

volunteers, agents, contractors or sub-contractors, howsoever caused. The CITY shall be responsible for any damages sustained by its employees, volunteers, contractors or sub-agents to District fixtures and shall provide all repairs/replacements, as appropriate, at no cost to the District. The terms of this Indemnification Clause shall survive the Termination of this Agreement for all matters arising during the term of the Agreement.

10. INDEPENDENT STATUS OF THE CITY AND THE DISTRICT:

The parties to this Agreement, in the performance of work pursuant to this Agreement, will be acting in their individual capacities and not as agents, employees, volunteers, partners, joint ventures, or associates of one another. The employees, volunteer, or agents of one party shall not be considered or construed to be the employees, volunteers, or agents of the other party for any purpose whatsoever.

11. INSURANCE REQUIREMENTS: The City and any contractor hired by the City to perform work on any project or provide services for any part of a project shall obtain insurance coverage at that party's or contractor's sole cost, which shall be maintained in full force and effect during the term of this Agreement. The City shall list the District as an additional insured on their policy and maintain minimum coverage consistent with the City's current levels of insurance for recreational properties and general liability. The City's membership in Washington Cities Insurance Authority shall meet the terms set forth in this Section of the parties' Agreement.

12. Notices. All notices or requests required or permitted under this Agreement shall be in writing; shall be personally delivered, delivered by a reputable express delivery service such as Federal Express or UPS, or sent by certified mail, return receipt requested, postage prepaid, and shall be deemed given upon receipt or refusal. All notices or requests shall be sent as follows:

The District: Anacortes School District 103  
2200 M Avenue  
Anacortes WA 98221  
ATTN: Superintendent

The City: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Either party may change the address to which notices shall be sent by notice to the other party.

13. Severability. In the event any provision of this Agreement shall be declared by a court of competent jurisdiction to be invalid, illegal, or unenforceable, the validity,

legality and enforceability of the remaining provisions shall not, in any way, be affected or impaired thereby.

14. Waiver. No officer, employee, or agent of either party has the power, right, or authority to waive any of the conditions or provisions of this Agreement. No waiver of any breach of this Agreement by either party shall be held to be a waiver of any other or subsequent breach. Failure of either party to enforce any of the provisions of this Agreement or to require performance of any of the provisions herein, shall in no way be construed to be a waiver of such conditions, nor in any way effect the validity of this Agreement or any part hereof, or the right of either party to hereafter enforce each and every such provision.

15. Integration. This Agreement contains all of the terms and conditions agreed upon by the parties concerning the Property and the Facilities, and the maintenance and operation thereof. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the parties hereto. The parties have read and understand all of this Agreement, and now state that no representation, promise, or agreement not expressed in this Agreement has been made to induce the officials of either party to execute this Agreement.

IN WITNESS WHEREOF, the City of Anacortes and the Anacortes School District No. 103 have executed this Agreement by their duly authorized officials pursuant to all requirements of law.

Dated as of the date first written above.

**CITY OF ANACORTES**

By: \_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Darcy J. Swetnam, WSBA #40530  
Assistant City attorney



*[Signature]*  
School Board President

School Board President

  
Superintendent

Anacondes School District 103  
School Board Approved

MAR 17 2016

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2016, before me personally appeared \_\_\_\_\_, to me known to be the \_\_\_\_\_ of City of Anacortes, the municipal corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said municipal corporation, for the uses and purposes therein mentioned, and on oath stated that s/he was authorized to execute the same instrument.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.

\_\_\_\_\_  
Notary Public in and for the State of \_\_\_\_\_  
residing at \_\_\_\_\_  
My appointment expires \_\_\_\_\_  
\_\_\_\_\_  
Print Name

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF Skagit )

On this 17<sup>th</sup> day of March, 2016, before me personally appeared Bobbilyn Hoppe, to me known to be the School Board President of Anacortes School District 103, the municipal corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said municipal corporation, for the uses and purposes therein mentioned, and on oath stated that s/he was authorized to execute the same instrument.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.



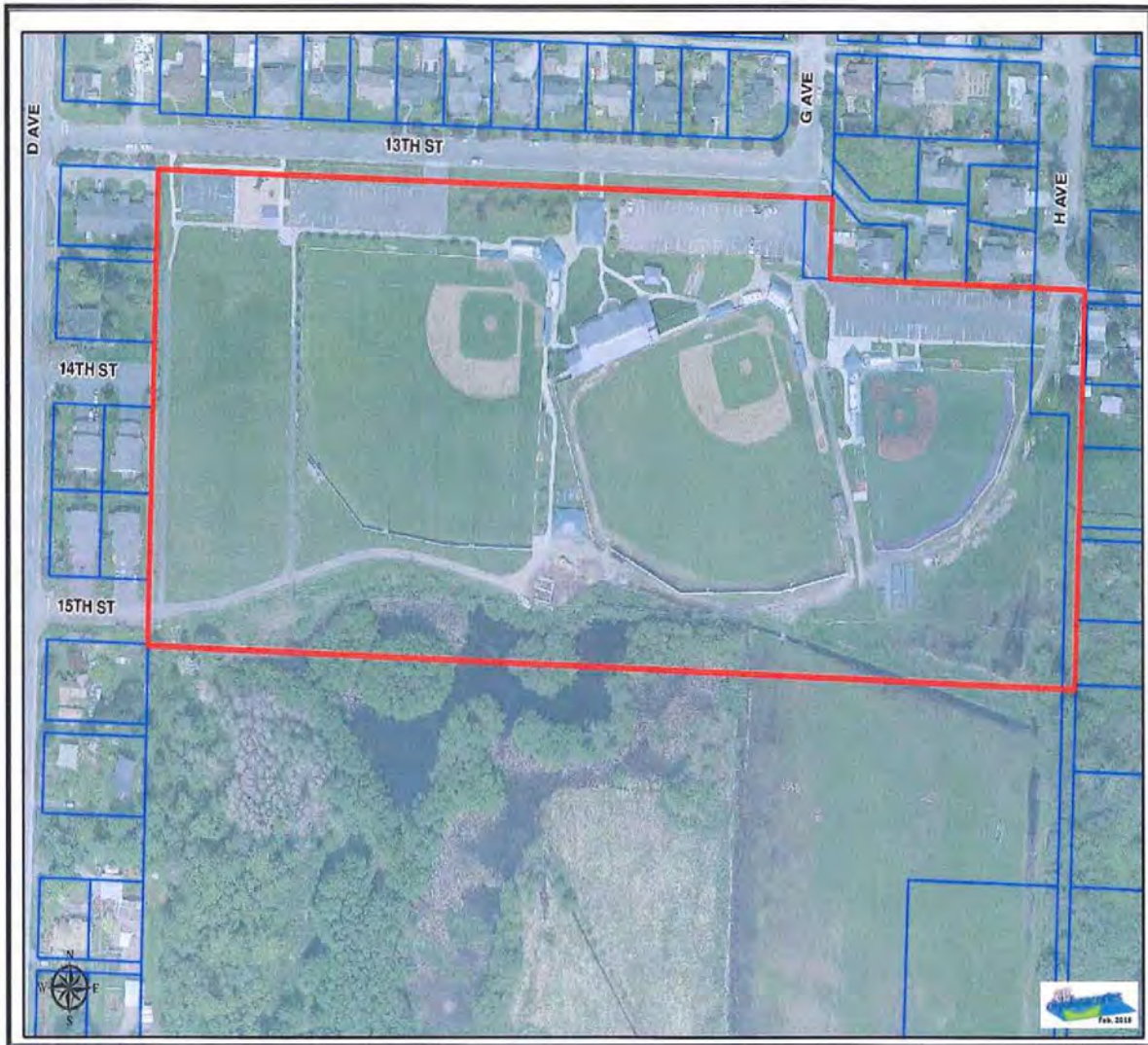
Vanessa A. Wellington  
Notary Public in and for the State of Washington  
residing at Bellingham WA  
My appointment expires August 14, 2019

Vanessa A. Wellington  
Print Name



## Exhibit A

Beginning at the SW corner of Lot 10 of Block 8 Munks Queen Anne Edition, thence South 496 feet, more or less, to the NW corner Lot 10 Block 12 of Munks Queen Anne Edition, thence West 1,368 feet, more or less, to the NE corner of Lot 1 Block 191 of the Anacortes Original Edition, thence North 592 feet, more or less, to the NE corner of Lot 1 Block 193 of the Anacortes Original Edition, thence East 996 feet, more or less, to the intersection of Allknights Edition and the SE corner of 13<sup>th</sup> Street ROW, thence South 100 feet, more or less, to the SW corner of the Allknights Edition, thence East 380 feet, more or less, to the point of beginning.





# City Council Agenda Bill

**Meeting Date:** 5/2/2016

**Agenda Item:** 5e

**Subject:** Resolution 1956 Closing Road

**Staff Contact:** Darcy Swetnam, Chief Bonnie Bowers

| Approved for Submittal to Council by |                                 |
|--------------------------------------|---------------------------------|
| x                                    | Laurie Gere, Mayor              |
|                                      | Steve Hoglund, Finance Director |
| x                                    | Darcy Swetnam, City Attorney    |
|                                      |                                 |
|                                      |                                 |

| Action Type |                     |
|-------------|---------------------|
|             | Ordinance No.       |
|             | Code Revision?      |
| x           | Resolution No. 1956 |
|             | Contract            |
|             | Public Hearing      |
|             | Staff Report        |

**Summary Statement:** To prepare for the upcoming demonstration at March's Point, due to the number of anticipated participants, the Anacortes Police Department has determined that the City should close the area of March's Point Road where demonstrators will be protesting.

**Background:** Local law enforcement have determined that the number of protesters in the congested area of March's Point Road will likely be dangerous to traffic. Staff therefore recommends that Council authorize the closure of March's Point Road from SR 20 to the intersection of the Tommy Thompson Trail trestle and March's Point Road for the duration of the demonstration.

| Budget Impact              |  |
|----------------------------|--|
| Amount Budgeted            |  |
| Budget Account (BARS)      |  |
| Proposed Expenditure       |  |
| Budget Amendment Required? |  |
| Revenue Source             |  |

| Proposed Contract |  |
|-------------------|--|
| Contractor        |  |
| Amount            |  |
| Start Date        |  |
| End Date          |  |

**Previous Council/Committee Action:** N/A

**Competing Viewpoints Considered:** N/A

**Recommended Motion:** I move that we adopt Resolution 1956 temporarily closing March's Point Road.

**Alternative Actions:** Council could leave the Road open and attempt to control traffic through other means.

**Attachments** (listed in order presented): Proposed Resolution 1956

**RESOLUTION NO. 1956**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
ANACORTES TEMPORARILY CLOSING MARCH'S POINT ROAD**

**MAY 13-15, 2016**

**WHEREAS**, the City Council is the road authority for the City of Anacortes; and

**WHEREAS**, a large public demonstration is planned May 13-15, 2016, which will include a large number of protesters, including pedestrian and bicycle traffic in the roadway described in Appendix A; and

**WHEREAS**, the City Council hereby determines that vehicular traffic in the area of the protest may pose a threat to public safety and will be dangerous to traffic; and

**WHEREAS**, section 47.48.010 RCW gives the City Council authority to restrict or close city streets.

**NOW THEREFORE, BE IT RESOLVED**, by the City Council of the City of Anacortes, Washington, that the roads or portions of roads described on the attached Appendix A will be closed effective as of 5:00 am on Friday, May 13<sup>th</sup>, at which time barricades and signs may be placed in the area by the Anacortes Police Department or Skagit County Sheriff's Department, and running until 10:00 pm on Sunday May 15<sup>th</sup>, at which time all barricades and signs must be removed.

**INTRODUCED, PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY  
OF ANACORTES on this \_\_\_\_ day of May, 2016.**

---

LAURIE M. GERE, MAYOR

Approved as to form and legality:

ATTEST:

---

Darcy Swetnam, WSBA #40530  
City Attorney

---

Steve D. Hoglund, City Clerk Treasurer



**Resolution 1956**  
**Appendix A**

That portion of March's Point Road between State Route 20 and the intersection of the Tommy Thompson Trail and March's Point Road.

# Draft 2016 Comp Plan Update schedule – City Council

| Date        | Description                                                                                     |
|-------------|-------------------------------------------------------------------------------------------------|
| April 19-29 | Incorporate CC-directed changes into Plan; send to Makers; Respond to SEPA comments             |
| May 6       | Makers complete formatting, graphics, map updates, etc.                                         |
| May 16      | Make Version 3 available on website; send link to Council                                       |
| May 20      | End of Commerce 60-Day review                                                                   |
| May 24      | CC Meeting: Special meeting to review revisions; discuss Capital Facilities, financing, etc.    |
| May 27      | Prep notice of public hearing, send to AA for publication                                       |
| May 30      | Send notices of public hearing to parties of record, email dist., city staff, pc, cac, cc, etc. |
| May 30      | Begin developing adoption ordinance                                                             |
| June 1      | Public hearing notice published in AA, etc.                                                     |
| June 20     | CC Meeting: Public Hearing                                                                      |
| June 21     | Incorporate any changes to plan, if needed                                                      |
| July 5      | CC Meeting: Final review of plan / Ordinance draft                                              |
| July 18     | CC Meeting: Plan adoption                                                                       |

Updated May 2, 2016



# City Council Agenda Bill

**Meeting Date:** 5/2/2016    **Agenda Item:** 7A

**Subject:** Minnesota Avenue Vacation, Leeward Landing Replat & PUD, PUD-2014-0001

**Staff Contact:** Don Measamer

| Approved for Submittal to Council by |                                 |
|--------------------------------------|---------------------------------|
|                                      | Laurie Gere, Mayor              |
|                                      | Steve Hoglund, Finance Director |
|                                      | Darcy Swetnam, City Attorney    |
| X                                    | Don Measamer, Planning Director |
|                                      |                                 |

| Action Type |                    |
|-------------|--------------------|
| X           | Ordinance No. 2974 |
|             | Resolution No.     |
|             | Contract           |
|             | Public Hearing     |
|             | Staff Report       |

## **BACKGROUND:**

At the July 6, 2015, City Council closed-record public hearing, City Council approved the subject vacation request and associated replat, planned unit development, code variance /deviation, shoreline substantial development permit, and shoreline variance subject to conformance with conditions of approval listed in the respective Findings of Fact, Conclusions of Law, and Decision.

Pursuant to AMC 12.50.130(A) and 12.50.135(A), in lieu of compensation, the value of the vacated right-of-way will be used to construct a public trail, with steps/rails that connects to the Guemes Channel Trail below the bank.

Accordingly, the applicant, Nels Strandberg of Strandberg Construction, has constructed the public trail and steps/rails connecting the trail to Guemes Channel Trail below the bank as was conditioned as part of preliminary approval granted by City Council on July 6, 2015, to the Leeward Landing replat, planned unit development, code variance /deviation, vacation request, shoreline substantial development permit, and shoreline variance.

## **RECOMMENDED MOTION:**

I move that City Council approve the subject vacation request, Ordinance 2974, which is part of preliminarily approved Leeward Landing replat, planned unit development, code variance /deviation, shoreline substantial development permit, and shoreline variance (File #: PUD-2014-0001).



**ATTACHMENTS:**

1. Memo from Public Works Department, April 1, 2016
2. City Council's Findings of Fact, Conclusions of Law & Decision for Leeward Landing
3. Applicant's statement regarding Compliance with "Findings of Fact", April 5, 2016
4. Applicant's letter re: Leeward Landing Public Stairs/ ROW vacation cost, March 30, 2016
5. Arborists Notes, Urban Forestry Services, Inc., March 29, 2016
6. Applicant's Hillside/NGPE Landscape Plan and proposed 5-Year Maintenance and Monitoring Plan
7. Geotechnical Hazardous Area Covenant, Conditions and Restrictions
8. Draft Native Growth Protection Easement (NGPE) Agreement for Maintenance and View Protection
9. NGPE As-Built
10. Final Replat/ PUD Map
11. April 13, 2016, Planning Commission Minutes
12. Ordinance 2974, Minnesota Avenue Vacation



## ANACORTES PUBLIC WORKS DEPARTMENT

Steven Lange, Project Manager

P.O. BOX 547, ANACORTES, WA 98221

E-MAIL: stevel@cityofanacortes.org

PH(360) 293-1920

FAX(360) 293-1938

### Memo

Date: April 1, 2016

To: Don Measamer, Planning Director

From: Steven Lange

Subject: Leeward Landing Final Plat Acceptance (PW#14-013-DEV)

cc: Fred Buckenmeyer, Eric Shjarback, Libby Grage, Kevin Cricchio, Kaitlyn Nelson

The construction of the Leeward Landing project is completed and ready for Final Plat approval.

The inspection of the deficiency list was completed on Thursday, March 31, 2016 and found that all items were completed to the satisfaction of the Public Works Department

At this time, the Public Works Department recommends approval of the Leeward Landing project subject to a 2-year Maintenance Bond being submitted prior to the recording of the Final Plat.

Thank you,

A handwritten signature in blue ink, appearing to read "Steven Lange".

Steven Lange  
Project Manager



• Water • Wastewater • Streets • Storm Drainage • Engineering • Solid Waste  
• Transportation • Equipment • Capital Projects • Development Services

Attachment 1



**CITY COUNCIL'S  
FINDINGS OF FACT, CONCLUSIONS OF LAW,  
& DECISION:**

**CLOSED RECORD  
HEARING DATE:**

June 1, 2015, at 7:00 PM  
July 6, 2015, at 7:00 PM (Continued to)

**SITE VISIT:**

June 1, 2015, at 5:30 PM

**PROJECT NAME:**

Leeward Landing PUD

**FILE NUMBER:**

PUD-2014-0001 (Planned Unit Development)  
SDP-2014-0001 (Shoreline Permit)

**APPLICANT:**

Nels Strandberg  
Strandberg Construction  
2018 "R" Avenue  
Anacortes, WA 98221

**LANDOWNER:**

Leeward Landing, LLC  
P.O. Box 319  
Anacortes, WA 98221

**PROJECT PLANNER:**

Kevin Cricchio, AICP  
Associate Planner  
City of Anacortes  
904 6<sup>th</sup> Street  
Anacortes, WA 98221

**SUBJECT PROPOSAL:**

Preliminary approval of a 10-lot replat (preliminary plat approval) including vacation of public right-of-way; Planned Unit Development (PUD) approval including modification(s) to underlying zoning standards; Shoreline Substantial Development Permit for site development and a shoreline trail (public & private), shoreline variance for trail setback to OHWM; & SEPA environmental review. The site consists of approximately 4.63 ± net acres along the Guemes Channel shoreline.



Ten (10) residential lots are proposed ranging in size from 17,776 to 20,236 square feet in area. One single-family residence with an attached garage is proposed for each lot. Additionally, one twenty-eight (28) foot high detached 2,000 square foot (maximum) accessory structure is also proposed on each lot. Where an accessory dwelling unit (ADU) is proposed within each accessory building, living space is limited to 1,200 square feet (maximum). A more in depth discussion regarding the applicant's proposed variance /deviation to code is listed below.

Access to the site off of Oakes Avenue is proposed from a one way internal private roadway serving the 10 lots maintained by the homeowners association.

**PROJECT LOCATION:**

The subject properties are 4.63 ± net acres in area. The subject properties are located in a portion of Section 23; Township 35 North; Range 01 East; Willamette Meridian

**SUBJECT PARCELS:**

Parcel #: P58285, P58264, P31716, & P31717

**ZONING DISTRICT:**

The subject property is located in the Residential (R2) Zoning District of the City of Anacortes.

**COMPREHENSIVE PLAN DESIGNATION:**

Residential Low Density (R2)

**SHORELINE ENVIRONMENT /DESIGNATION:**

Conservancy Environment (within first 100 feet landward of the OHWM) and Shoreline Residential Environment (from 100 feet to 200 feet as measured landward from the OHWM).

**EXISTING LAND USE:**

The subject property is vacant with no structures or improvements located on it.

**SURROUNDING ZONING & LAND USES:**

| Direction: | Zoning:                | Present Land Use:         |
|------------|------------------------|---------------------------|
| North:     | Commercial Marine (CM) | Guemes Channel Trail      |
| South:     | Residential (R2)       | Oakes Avenue              |
| East:      | Residential (R2)       | Single-Family Residential |
| West:      | Residential (R2)       | Single-Family Residential |

**PERMITS REQUIRED:**

The following permits /approval may be required in addition to the above: Civil Construction Plan approval, Final PUD and Plat approval, NPDES Construction Stormwater General Permit, building permit(s); DOE approval of shoreline variance, other applicable state and federal permits/authorizations.

**EXISTING ENVIRONMENTAL DOCUMENTS:**

Critical Areas Report (11/17/14); SEPA Environmental Checklist (2/11/15); JARPA (2/11/15); Large Parcel Storm Water Plan (1/8/15); Tree Preservation Plan & Vegetation Conservation (11/5/14); Revised Tree Preservation Plan & Vegetation Conservation Drawing (3/31/15), Landscape Plan (11/6/14); Archeological Evaluation (7/24/14); Geotechnical Evaluation (11/4/14); Traffic Impact Analysis (10/3/14); Description of Shade Conditions (3/31/15); ATSI's ESA Compliance & SMP Shoreline Functions; Assessment (2/27/15); Shoreline Functions by Hart Crowser

**UTILITIES:**

- **Water:** City of Anacortes
- **Sanitary Sewer:** City of Anacortes
- **Garbage:** City of Anacortes
- **Storm-water:** City of Anacortes

**FIRE:**

- City of Anacortes

**POLICE:**

- City of Anacortes

**A. FINDINGS OF FACT:**

**I. SITE DESCRIPTION:**

The project site is vacant with no structures located on it. It is predominantly vegetated with alder trees with sporadic maple and fir located on it. The understory mostly consists of ferns, grasses, blackberry, and nettle.

The southern and central part of the project site has a gentle northward sloped bench. Along the northern part of the subject property, the site dips to the north at an inclination of approximately 40 to 45 degrees and descends to approximately 60 to 80 vertical feet to the shoreline of Guemes Channel.

At the base of the project site is located the Guemes Channel Trail (a public trail) and the Guemes Channel shoreline.

**II. REPLAT /PUD /SHORELINE PERMIT CHRONOLOGY & BACKGROUND:**

1. The applicant submitted the application for the subject replat, PUD, & shoreline permit to the City of Anacortes on November 26, 2014.

2. After reviewing the application material, it was deemed incomplete on December 23, 2014.
3. The applicant submitted to revisions to the city for review on February 13, 2015. The application was still deemed incomplete on February 25, 2015.
4. Additional revisions were submitted to the city on March 5, 2015. After reviewing the additional revisions, the application was deemed complete on March 11, 2015.
5. On April 22, 2015, an open-record public hearing was conducted regarding the subject PUD, replat, and shoreline permit applications. The open-record public hearing was continued to May 13, 2015 at 7:00 PM.
6. Prior to the continued open-record public hearing on May 13, 2015, Planning Commission members conducted a site visit of the subject property at 6:00 PM.
7. Prior to the closed-record public hearing/meeting, City Council conducted a site visit of the subject property at 5:30 PM on June 1, 2015.

### **III. CRITICAL AREAS REVIEW:**

#### **Geologically Hazardous Area:**

The project development was reviewed for proximity to critical areas. The 100-foot Conservancy shoreline environment setback from the ordinary high water mark includes steep slopes that are considered a geologically hazardous landslide /erosion hazard area. According to the Geotechnical Evaluation prepared by Geotest dated November 4, 2014, flatter portions of the site range from 8 to 15 percent slopes while the bluff's slope is 70 to 90 percent. According to the Geotechnical Report, a thirty (30) foot building setback/ buffer is recommended from the top of the bluff. Additionally, the report states that the proposed roof and footing drains should be parallel to the top of the slope and setback a minimum of twenty-five (25) feet from the slope. The recommendations of the Geotechnical Evaluation have been incorporated herein as conditions. The Planning Commission has added condition of approval number forty (40) hereto requiring a forty-five (45) foot building setback as measured from the top of bank.

#### **Third Party Review:**

GeoEngineers located in Bellingham, Washington, reviewed the applicant's geotechnical report and has suggested recommendations to the city which have been made as conditions of approval herein.

#### **Cultural Resources:**

According to a Cultural Resource Report and Addendum prepared by Caldera Archaeology dated August 29, 2013, and July 24, 2014, respectively no cultural resources or anthropogenically modified soils were identified during the investigation.

Both the State of Washington's Department of Archaeology and Historic Preservation and Samish Indian Nation reviewed the results of this archaeological survey report and concur with the finding that no further archaeological oversight is necessary for the project.

#### **Wetlands:**



According to a Critical Areas Report prepared by ATSI dated November 17, 2014, there are no wetlands located onsite.

*Priority Habitat & Species:*

No known priority habitat or species is located on or within close proximity to the subject properties following a review of Washington State Department of Fish and Wildlife's website.

*Shoreline Functions:*

On January 22, 2015, Hart Crowser prepared a memorandum addressing no net loss of shoreline functions and processes to comply with the Shoreline Master Program regulations. According to Hart Crowser's memo, the proposed 10 lot PUD, does not propose to make any changes to the beach substrate below the ordinary high water mark. Therefore, the physical beach and habitat functions (bluff erosion prevention, maintenance of littoral drift, and habitat) will not be altered and no loss of functions will occur.

Hart Crowser states that no "direct impacts to the beach will occur due to the proposed project. Therefore, there will be no loss of forage fish spawning habitat due to the project. The current condition of the beach habitat for forage fish spawning would not change due to the proposed project. While some trees on the upper portions of the bluff will be removed and replaced with shrubs and small trees, the vegetation that directly overhangs the beach is proposed to remain." Hart Crowser anticipates that the shading of the beach will remain the same as currently exists or only slightly altered but restored over time. Therefore, no net loss of shoreline functions is anticipated by this project.

*Endangered Species Act (ESA) & Shoreline Functions:*

According to an Assessment of ESA Compliance & Shoreline Master Program (SMP) functions prepared by ATSI dated February 27, 2015, ATSI identified the Guemes Channel shoreline adjacent to the project area to the north as having endangered species within the marine waters of the Guemes Channel. However, ATSI states that the project as designed is ESA compliant and that there will be no net loss of ecological functions per the city's SMP.

**IV. TREE PRESERVATION PLAN & VEGETATION CONSERVATION::**

The applicant submitted both a Tree Preservation Plan (See Exhibit 10) prepared by Urban Forestry Services and a revision to the Tree Preservation Plan's drawing. According to the report, 187 trees were located onsite of which eight-four (84) trees are proposed for retention and 103 slated for removal which includes 7 trees at risk of failing. The site consists mostly of a dense canopy of red alder and big-leaf maple.

Replacement and proposed planting of native trees and shrubs will be used to comply with City of Anacortes Municipal Code. Planting will also help mitigate and minimize possible erosion while contributing to shoreline shading below. Trees designated for retention and proposed for planting can also be viewed in the Landscape Plan (See Exhibit 11).

**V. TRANSPORTATION:**

Transportation Solutions, Incorporated (TSI) of Redmond, Washington performed a traffic impact analysis of the proposed ten (10) lot Planned Unit Development (PUD). According to this report, the site accesses satisfy City of Anacortes level of service standards. Furthermore, no sight distance deficiencies exist. No offsite mitigation was recommended. Frontage improvements shall be consistent with city standards.

#### **VI. VACATION REQUEST:**

The applicant has requested that the unimproved portion of Minnesota Avenue shown on the preliminary PUD map (See Exhibits 1 & 12) which is surrounded by the subject properties be vacated as part of the subject 10 lot PUD request. If approved, this ROW area vacated would then be used as part of the subject PUD resulting in 10 lots. The City's Public Works Department supports this vacation request (See Exhibit 3).

#### **VII. PRIVATE & PUBLIC TRAILS:**

The applicant also is proposing to construct a private trail from Tract A and B as shown on the preliminary replat/ PUD map (See Exhibits 1, 11, & 12). The private trail would connect to a proposed public trail located offsite beginning at the eastern edge of Tract B. The public trail would meander along the bank/bluff in an east to west direction and connect to the Kansas Street Park.

In exchange for the vacated portion of Minnesota Avenue, the applicant would construct the public trail, improve Kansas Street Park (including paved parking areas) and construct a trail with steps/rails that connects to the Guemes Channel Trail below the bank as approved by the Parks Department (See Exhibit 3).

#### **VIII. PROPOSED CODE DEVIATION /MODIFICATION:**

The applicant has applied for a Planned Unit Development (PUD) which allows for some deviation /modification to city standards /code. Specifically, the applicant has proposed that the required setback for the underlying R2 Zoning District be reduced to 5 feet on both side yards instead of the required 5 feet on onside and no less than 15 on both sides combined (per AMC § 17.36.060).

Additionally, the applicant proposes a deviation to both the maximum permitted square footage to accessory structures and accessory dwelling units (ADU). According to municipal code, accessory structures are limited to 1,000 maximum square feet while accessory dwelling units are limited to 900 square feet per AMC 17.48.010(B) and AMC 17.10.170(D)) respectively. The applicant also proposes a variance /deviation to the maximum permitted height to accessory structures. According to AMC 17.48.010(B), accessory structures are limited in height to 16 feet above original grade. The applicant has requested that one twenty-eight (28) foot high detached 2,000 square foot (maximum) accessory building be permitted on each lot. Where an accessory dwelling unit (ADU) is proposed within each accessory building, living space would not exceed 1,200 square feet.

Lastly, the applicant proposes constructing a six (6) foot fence within the front yard parallel and adjacent to Oakes Avenue. According to AMC § 17.52.010, fences within a front yard shall not

exceed 4 ½ feet (the first 2 ½ feet is a 100% sight obscuring fence. On top of this, an additional 2 feet is permitted provided it is 50% sight obscuring).

**IX. NOTICE OF APPLICATION & HEARING:**

1. A "Notice of Application & Hearing with Optional SEPA DNS" was published in the Anacortes American Newspaper on March 11, 2015.
2. Notice was also posted on the subject property in three (3) different locations on March 9, 2015.
3. Notice was posted at city hall, the library, and the USPS on March 6, 2015. Additionally, the notice was posted on the city's website.
4. Neighbors within 300 feet of the subject property were mailed "Notice of Application & Hearing with Optional SEPA DNS" on March 9, 2015.
5. Departments and agencies of jurisdiction were emailed the respective application material, notice, and comment form on March 6, 2015.
6. Notice of application & hearing with optional SEPA DNS was emailed to Department of Ecology on March 6, 2015, for posting on to the SEPA register.
7. The 30-day comment period ended on April 10, 2015.
8. A SEPA MDNS was issued on April 15, 2015 (**See Exhibit 5**). Parties of record and departments/ agencies of jurisdiction were mailed /emailed copies of the MDNS. The SEPA MDNS was emailed to Department of Ecology for posting again on to the SEPA register.
9. Notice of continuance of Planning Commission open-record public hearing was posted at city hall on April 23, 2015.
10. Notice of Closed Record Public Hearing /Meeting was published in the Anacortes American Newspaper on May 13, 2015. Additionally, Notice of Closed Record Hearing was posted at city hall, the library, the post office, and on the city's website on May 5, 2015. Neighbors and parties of record were also mailed Notice of Closed Record Hearing on May 13, 2015. The subject property was posted with four (4) Notice of Closed Record Public Hearing on May 7, 2015.

**X. COMMENTS RECEIVED:**

**Public Comments:**

To date, staff has received five (5) written comments (**See Exhibit 4**) on the subject PUD request from the following individuals:

|    | <b>Public Comments:</b>              | <b>Date Received:</b> |
|----|--------------------------------------|-----------------------|
| 1. | Don (Pete) Peterson                  | 3/16/15               |
| 2. | Bruce Flanagan (& names undersigned) | 4/10/15               |
| 3. | Ross Barnes                          | 4/22/15 & 5/13/15     |
| 4. | Joan Osborne                         | 4/22/15               |
| 5. | Marilyn Derig                        | 5/13/15               |

**Department & Agencies of Jurisdiction Comments:**

To date, staff has received several comments from departments & agencies of jurisdiction (See Exhibit 3) and the table listed below.

The Skagit River System Cooperative expressed concerns and doubts that the proposed tree removal and trimming on the bluff above Guemes Channel will not result in no net loss of shoreline habitat due to a loss of shading. Strandberg Construction responded to this comment by revising their Tree Preservation Plan Drawing showing less trees proposed for removal. Additionally, Strandberg Construction prepared a Shade Study with a description and graphical representation of shade provided by those trees designated for retention.

The Samish Indian Nation provided comment stating that they had no cultural resource concerns after reviewing the applicant's submitted Archaeological Evaluation.

Washington State Department of Transportation also provided comment requesting that a single access to State Route (SR) 20 be used for the subject 10 lot PUD. Staff forwarded this comment to the applicant for review. The applicant along with representatives from the City of Anacortes Public Works Department met with WSDOT on Tuesday April 14, 2015, to discuss WSDOT's comment. Please see the attached memo (See Exhibit 3) from the Public Works Department summarizing this meeting.

|     | <b>DEPARTMENT &amp; AGENCY COMMENTS:</b>                 | <b>DATE RECEIVED:</b> |
|-----|----------------------------------------------------------|-----------------------|
| 1.  | Washington State Department of Fish & Wildlife           | 5/4/15                |
| 2.  | Washington State Department of Transportation            | 4/7/15                |
| 3.  | Department of Archaeology and Historic Preservation      | 3/24/14               |
| 4.  | City of Anacortes Parks Department                       | 4/15/15               |
| 5.  | City of Anacortes Public Works Department                | 4/14/15               |
| 6.  | Samish Indian Nation Tribal Historic Preservation Office | 3/30/15               |
| 7.  | Skagit River System Cooperative                          | 3/19/15 & 3/23/15     |
| 8.  | City of Anacortes Water Department                       |                       |
| 9.  | City of Anacortes Street Department                      |                       |
| 10. | City of Anacortes Solid Waste Department                 |                       |
| 11. | City of Anacortes Operations Department                  |                       |

**XI. APPEALS:**

Parties of record were mailed copies of the signed recommendation following the Planning Commission's open-record public hearing conducted on May 13, 2015, to recommend approval to City Council. No appeals have been received to date.

**XII. SEPA ENVIRONMENTAL REVIEW:**

1. According to AMC § 16.080.010, SEPA environmental review is required for the subdivision of property into five (5) or more lots, tracts, parcels, sites, or divisions, for sale or lease.
2. Notice of application and hearing with optional SEPA DNS was published, mailed to property owners within 300 feet of the subject property, and posted onsite as required by AMC and state law.



3. Notice of application & hearing with optional SEPA DNS was also emailed to the Department of Ecology on March 6, 2015, for posting on to the SEPA register.
4. On April 15, 2015, a SEPA Mitigated Determination of Non-Significance (MDNS) was issued using the optional DNS process pursuant to WAC § 197.11.355. Parties of record and departments/agencies of jurisdiction were mailed /emailed copies of the MDNS.
5. The issued SEPA MDNS was emailed to the Department of Ecology for posting on to the SEPA register on April 15, 2015.

### **XIII. SHORELINE MANAGEMENT ACT & 2010 SHORELINE MASTER PROGRAM:**

1. A portion of the subject property lies within 200 feet of a shoreline of statewide significance. Therefore, conformance with the City of Anacortes' 2010, Shoreline Master Program which implements and administers the State of Washington's Shoreline Management Act (RCW 90.58) is applicable.
2. Within the first one hundred (100) feet landward of the Ordinary High Water Mark is located the "Conservancy" Shoreline Designation /Environment.
3. According to SMP's DR-5.8.3, structures shall be setback a minimum of 100 feet from the Ordinary High Water Mark within the Conservancy Shoreline Designation /Environment. The applicant's site plan shows conformance with this requirement.
4. According to SMP's DR-5.8.6 impervious surface is limited based on the percent of slope.
5. From one hundred (100) feet to two hundred (200) feet landward as measured from the ordinary high water mark, is located the "Shoreline Residential" Shoreline Designation /Environment.
6. According to SMP's Table 5.1, single-family residential developments within the "Shoreline Residential" Shoreline Designation /Environment, are permitted.
7. According to SMP's DR-5.9.5, structures shall be setback a minimum of 60 feet from the ordinary high water mark.
8. Since the subject development lies within two shoreline designations /environments, the stricter of the two setback requirements (100 feet as required in the Conservancy Shoreline Designation /Environment) will prevail /apply.
9. According to SMP's Table 5.2, the maximum permitted height in the Shoreline Residential" Shoreline Designation /Environment is thirty-five (35) feet.
10. Maximum percent of impervious surface within the "Shoreline Residential" Shoreline Designation /Environment is based on percent of slope per SMP's DR-5.9.10.
11. A subdivision within two hundred feet of a shoreline of the statewide significance requires an approved Shoreline Substantial Development Permit (SSDP).
12. According to SMP Chapter 6.5, all clearing and grading activities shall be limited to the minimum necessary for the intended development. Additionally, exposed soils shall be immediately developed or revegetated to prevent erosion. Exposed soils must be replanted such that complete coverage of exposed soils is attained within one growing season, or otherwise stabilized using mulch or other similar best management practice. Conformance with these requirements will be met as conditioned.

13. According to SMP Chapter 6.9, applicants proposing development adjacent to a marine bluff shall submit a geotechnical engineering report prepared by a Washington State licensed professional civil engineer with a specialty in geotechnical engineering. All proposed development on a marine bluff or in the required buffer is prohibited. The applicant has met these requirements.
14. According to SMP DR-8.11.3, residential development shall be located and designed to avoid the need for structural shore defense and flood protection works in the foreseeable future. The applicant has met this requirement.
15. According to SMP DR 8.11.4, subdivisions shall be designed to minimize potential conflicts with the use of adjacent public lands and areas of public access. This may include providing a physical separation to reinforce the distinction between public and private space, achieved by providing adequate space, through screening with landscape planting or fences, or other means. Additionally, subdivisions shall comply with local plans, codes, and/or ordinances. The applicant has met this requirement.
16. Additionally, a Shoreline Variance is required as the private /public trail at times traverses into the required one hundred foot (100) setback requirement per DR-5.8.3 and Table 5.2 of the Shoreline Master Program (SMP).

Criteria for granting upland variances: Variance permits for development that will be located landward of the ordinary high water mark, including those areas designated by the Department of Ecology as wetlands pursuant to WAC 173.22, may be authorized provided the applicant can demonstrate all of the following:

- A) That the strict requirements of the bulk, dimensional, or performance standards set forth in the Master Program preclude or significantly interfere with a reasonable use of the property not otherwise prohibited by the Master Program.

**Staff Analysis:**

*A Shoreline Variance is required as a portion of the public trail proposed as part of this 10 lot PUD is within the 100 foot setback for the Conservancy Shoreline Designation /Environment. This trail would be built by the developer as part of the subject development. The site sits on city owned property. A public trail that starts at the subject property traverse eastward along the bank and connects to Kansas Street Park. The public trail would also include a switchback that traverses northward down the bank connecting to Guemes Channel Trail.*

- B) That the hardship described in subsection (a) above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the Master Program, and not, for example from deed restrictions or the applicant's own actions.

**Staff Analysis:**

*The subject property's northern portion abuts a steep slope /bank. A public trail within this area that traverses east and west ultimately connecting to the Guemes Channel Trail below is located within the 100 foot setback of the Conservancy Shoreline Designation /Environment. The hardship results from the property's proximity to a steep slope /bank and existing Guemes Channel Trail below.*

- C) That the design of the project will be compatible with other authorized uses in the area and will not cause adverse effects to adjacent properties or the shoreline environment.

**Staff Analysis:**

*The proposed trail (public and private) that may be located within the 100 foot setback of the Conservancy Designation /Environment per SMP DR 5.8.3.b is compatible with existing and authorized land uses within the area. For example, Guemes Channel Trail a public trail located along the shoreline of Guemes Channel was recently permitted by the Department of Ecology.*

*Additionally, the public trail will not result in adverse impacts to adjacent properties or the shoreline environment. The applicant has submitted numerous studies analyzing its impacts including but not limited to: a critical areas report, geotechnical report, storm-water plan, tree preservation plan, archaeological evaluation, traffic impact analysis, landscape plan, description of shade conditions, and Endangered Species Act compliance.*

D) That the variance requested will not constitute a grant of special privilege not enjoyed by the other properties in the area.

**Staff Analysis:**

*The variance request will not constitute a grant of special privilege. If approved, the variance would result in a public trail which ultimately would connect to Guemes Channel Trail below. Guemes Channel Trail recently permitted already existing within the 100 foot setback of the Conservancy Shoreline Designation /Environment.*

E) That the variance requested is the minimum necessary to afford relief.

**Staff Analysis:**

*The variance requested is the minimum necessary to permit the construction of a city owned public trail designed for the public use and enjoyment.*

F) That the public interest will suffer no substantial detrimental effect.

**Staff Analysis:**

*There will be no detrimental effect to the public interest. Conversely, the construction of the public trail represents an improvement to the public interest for both the residents and visitors to the City of Anacortes.*

17. The subject proposal is consistent with the City of Anacortes' 2010, Shoreline Master Program and development regulations listed therein for developments within both the "Conservancy" and "Shoreline Residential" Shoreline Designation /Environment.

**B. CITY OF ANACORTES' 2012 COMPREHENSIVE PLAN:**

*The following goals from the City of Anacortes' Comprehensive Plan appear to be applicable to the subject PUD proposal:*

General City Goal 1: Create and maintain a high quality of life and environment that maximizes the opportunity for all citizens to share the social, psychological, physical, and economic benefits of Anacortes /Fidalgo Island; aesthetics and health are key components of quality of life.

General City Goal 2: Improve the image of Anacortes as a marine oriented City by encouraging, protecting and enhancing marine views from public places, public access, and marine habitats and resources by encouraging marine water-dependent and water-related businesses and activities.

General City Goal 3: Promote compatible land uses and improve visual appearance in each and every zoning district.

General City Goal 5: Encourage the development of a balanced and adequate employment and revenue base necessary for provision of needed services.

Transportation Goal 5: Develop the City as a pedestrian friendly community and improve non-motorized circulation patterns.

Transportation Goal 6: Encourage a physically active community by allowing people of all ages to incorporate physical activity into their lives by walking, bicycling, exercising and using public transit as part of everyday living.

Transportation Goal 7: Require adequate off-street parking in all zones.

Tourism Goal 1: Encourage an attractive community in order to increase the City's appeal to visitors and residents alike.

Tourism Goal 4: Utilize the shoreline and marine resources of Anacortes to increase tourism while maintaining the quality of the resource.

Parks and Recreation Goal 4: Increase the opportunities for public access to and enjoyment of the shorelines of Anacortes.

Conservation Goal 4: Public access to shorelines and tidelands should be maintained, enhanced, and increased.

The subject proposal is consistent with the goals of the City of Anacortes' Comprehensive Plan identified above.

**C. ZONING ORDINANCE/ CODE:**

1. The City's Zoning Map establishes zoning district boundaries and the City Zoning Ordinance establishes (1) the permitted use of land in the various zones, and (2) development standards.
2. The subject property is located in the Residential (R2) Zoning District.
3. Pursuant to AMC § 17.36.010, the purpose of the Residential (R2) Zoning District is to maintain and create an environment which meets the standards for single-family residential development, by restricting uses within the district, and by requiring a minimum lot size and maximum density.



4. According to AMC § 17.36.020, "single-family dwellings" are permitted land uses within the Residential (R2) Zoning District.
5. According to AMC § 17.36.050, the minimum lot size for the Residential (R2) Zoning District is 7,500 square feet.
6. AMC § 17.36.060 lists the required setbacks for the Residential (R2) Zoning District. The applicant however has applied for variance /deviation (see above) to the required side yard setback to permit a five (5) foot setback on both side yards of each lot.
7. The maximum lot coverage for the Residential (R2) Zoning District is thirty-five (35) percent per AMC § 17.36.080. This requirement is reviewed at time of building permit application submittal.
8. According to AMC § 17.36.070, the maximum permitted density for the Residential (R2) Zoning District is four (4) dwelling units per gross acre. The applicant has 5.48 ± gross acres. According to code, the applicant could potentially create twenty-one (21) homes based on the permitted density and gross acreage (5.48 acres X 4 = 21.92 dwelling units). Ten (10) dwelling units are proposed as part of the subject PUD request. The density of the development is 1.82 dwelling units per gross acre (10 lots divided by 5.48 gross acres).
9. AMC § 17.46.020, two (2) parking spaces are required for each residence. Additionally, since Accessory Dwelling Units are proposed, the minimum number of parking spaces for both the ADU and single family residence is three (3) off-street parking spaces per AMC § 17.10.170(F). The applicant proposes two car garages attached to each residence and a one car garage serving and attached to each accessory dwelling units.
10. The maximum permitted square footage to an Accessory Dwelling Unit's habitable area is 900 square feet per AMC § 17.10.170(D). The applicant however has applied for a variance /deviation to this requirement (**See Section IX**) to exceed this standard. The applicant proposes constructing a 1,200 square foot Accessory Dwelling Unit within a two thousand (2,000) square foot accessory building. The balance of the accessory building (800 square feet) will be used to house a one (1) car garage serving the ADU.
11. The maximum permitted area for a detached accessory structure /building is one thousand (1,000) square feet per AMC § 17.48.010. The applicant however has applied for a variance /deviation (**See Section IX**) to this requirement to exceed this requirement. The applicant proposes construct a 1,200 square foot Accessory Dwelling Unit within a 2,000 square foot accessory building.
12. According to AMC § 17.52.010, fences within a front yard shall not exceed 4 ½ feet (the first 2 ½ feet can be a 100% sight obscuring fence. On top of this, an additional 2 feet is permitted provided it is 50% sight obscuring). The applicant proposes constructing a six (6) foot fence within the front yard parallel and adjacent to Oakes Avenue.
13. Landscaping is required according to AMC Chapter 17.41. The applicant has submitted a landscape plan meeting this requirement (**See Exhibit 11**). Additionally, a final landscape and tree preservation will be required before final replat /PUD submittal or approval is given.
14. According to AMC § 16.50.050, a Tree Preservation Plan is required as part of application for a subdivision /planned unit development. Accordingly, the applicant has

submitted both a Tree Preservation Plan and calculation of tree unit credits meeting this requirement (**See Exhibit 10**). The minimum tree density per AMC § 16.50.070 is one (1) tree unit per one thousand square feet. The applicant has met this requirement.

15. According to AMC § 17.44.010, the purpose of a Planned Unit Development (PUD) is: to permit greater flexibility and consequently more creative and imaginative design for the development of residential and business uses than generally is possible under conventional zoning regulations; To promote more economical and efficient use of the land while providing a harmonious variety of housing choices, a higher level of city attractiveness and quality, and preservation of scenic open space; and To correlate the intentions of this title and other ordinances of the city to encourage developments which will provide a desirable and stable environment in harmony with that of the surrounding area.
16. According to AMC § 17.44.020, a PUD is permitted on any size parcel of land, whether or not it is part of a plat. Additionally, according to AMC § 17.44.030, single-family uses shall be permitted in a PUD in any residential zone subject to the criteria listed in AMC Chapter 17.44.
17. According to AMC 17.42.010, street and alley vacations associated with dedication of new rights of way shall go through the replatting process set forth in AMC Title 17.
18. According to AMC 17.04.050, creation of or changes to lot lines shall conform to the use provisions, dimensional and other standards, and procedures of this title and Title 16, Subdivisions.
19. According to AMC 17.05.030, development shall be prohibited, and all applications therefore shall be denied, if the development would cause the level of service on a concurrency facility or service to decline below adopted levels of service standards, unless the improvements or strategies to accommodate the new development are made concurrent with the development, subject to the provisions of AMC § 17.05.070(3). For potable water, sewer/on-site sewage disposal and stormwater management, only available capacity or capacity that can be provided prior to the actual use of the facility will be used.
20. The subject proposal is consistent with the above development regulations.

**D. OTHER APPLICABLE CODE, REVIEW CRITERIA, & PROCESS:**

The preliminary replat /PUD application is also subject to review for conformance with the following Anacortes Municipal Code Titles and Chapters:

1. According to AMC § 16.40.040, there are four (4) steps for approval of a PUD: A) Pre-application conference during which the city's planning coordinating committee reviews sketches and conceptual information and makes recommendations to the applicant. Particular attention shall be given to the items where the PUD concept varies from normal subdivision standards, B) Preliminary PUD development plan where a more complete conceptual plan is submitted for planning coordinating committee review and then goes through a standard planning commission and city council approval process, C) Preliminary plat review and approval process with a detailed plan incorporating the approved preliminary PUP development plan concepts and conditions, and D) Final plat

meeting the submittal requirements of and following the approval process for a standard subdivision.

2. According to AMC § 16.12.010, when a preliminary plat meeting the requirements has been submitted, the administrator shall establish the date and time for an open record public hearing before the planning commission on the preliminary plat which shall not be more than sixty days from the date of the notice of complete application and which shall coincide with a regular meeting of the planning commission. Following planning commission action, the administrator shall schedule the preliminary plat for the city council agenda for its next available meeting date in accordance with its rules and regulations.
3. The subject proposal is consistent with the above development regulations.

**E. CONCLUSIONS OF LAW:**

1. The Planning Commission having fully reviewed the staff report hereby adopts said staff report as properly setting forth the issues, the land use requests, consistency with the existing regulations, principles, conditions and their effect upon the request. It is therefore adopted by the Planning Commission as a conclusion as if set forth in full herein.
2. The proposed preliminary planned unit development and preliminary re-plat as conditioned conforms to the general purposes of the city comprehensive plan, the city's planning standards and specifications of the zoning ordinance, Title 16 and other ordinances applicable to the proposal. Additionally, the proposal makes appropriate provisions for the elements listed in Section 16.12.020.E AMC.
3. The proposal includes a street vacation of a portion of Minnesota Avenue. The Planning Commission supports the proposed street vacation through the re-platting and Planned Unit Development (PUD) process and finds no evidence to do so otherwise.
4. The requirements of the State Environmental Policy Act have been complied with.
5. The public notice requirements of the Shoreline Management Act have been complied with.
6. The Planning Commission bases its Findings of Fact and Conclusions of Law on the entire record, including all testimony and exhibits. Any finding which would be deemed a Conclusion of Law and any Conclusion of Law which should be deemed a finding is hereby adopted as such.
7. The project is consistent with the shoreline designation and general goals, policies and development regulations of the Anacortes Shoreline Master Program, the Shoreline Management Act, the general purposes of the city comprehensive plan, the city's planning standards and specifications of the zoning ordinance, and other ordinances applicable to the proposal.

**F. STAFF RECOMMENDATION:**

The Department of Planning, Community, and Economic Development recommend that the subject replat, PUD, code deviation/ modification, vacation request, shoreline substantial development permit, and shoreline variance be approved by the City Council subject to staff's suggested conditions of approval listed below.

**G. PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission conducted an open-record hearing on both April 22, 2015, and May 13, 2015, (continued to). At the conclusion of the hearing on May 13, 2015, the Planning Commission voted 6-0 to recommend that City Council approve the subject replat, PUD, code variance /deviation, vacation request, shoreline substantial development permit, and shoreline variance based on staff's suggested conditions of approval and two additional conditions added thereto ( #40 & #41).

**H. DECISION:**

Based on the foregoing information and analysis submitted by the applicant, and the City regulatory authority to implement the policies, standards, and the regulations of the Comprehensive Plan, and the Anacortes Municipal Code (AMC), the Anacortes City Council hereby approves the subject replat, planned unit development, code variance /deviation, vacation request, shoreline substantial development permit, and shoreline variance subject to the following conditions of approval:

1. A clearing and grading plan consistent with City requirements shall be submitted by the applicant for review and approval by the City of Anacortes Planning\Building and Public Works Departments prior to any construction activities taking place on or off-site. Site grading shall not adversely impact adjacent neighbors.
2. A Large Parcel Storm Water Plan and Water Quality Control Plan consistent with City requirements shall be submitted by the applicant for review and approval by the Planning\Building and Public Works Departments prior to any construction activities taking place on or off-site.
3. Clearing activities may require a Forest Practice Permit (logging permit) issued by the Department of Natural Resources prior to construction activities taking place on or off-site.
4. Prior to any clearing\fill\grade work beginning, construction civil plans consistent with the City of Anacortes Engineering Development Standards, including but not limited to, Erosion Control Plan, Site utility\Infrastructure improvements Plan, Roadway Improvements Plan, Signage Plan, Street Lighting Plan and other plans and/or information required by the City Planning\Building and Public Works Departments shall be submitted for review and approval.
5. Engineering and Inspection fees in the amount of \$500.00, plus 2% of the total estimated construction cost shall be due upon civil plan approval. No construction activity is



allowed until the construction plans are approved, all fees have been paid and a preconstruction conference held.

6. Prior to the final plat approval, all infrastructure improvements shall be completed as required by the City of Anacortes Public Works Director and a 2-year Maintenance Bond in place. The 2-year Maintenance Bond is 10% of the actual construction cost.
7. Fire Hydrants are to be located as approved by the City of Anacortes Fire Chief. Fire flows shall be addressed in a manner acceptable to the Fire Chief and the City of Anacortes Public Works Department.
8. The water main will need to be extended to the most easterly boundary of the property and designed to allow for future extension by others per Public Works Department approval.
9. The value of the vacated right-of-way shall only go toward the offsite public portion of trail construction (Kansas Avenue Park north to the Guemes Channel Trail). Any remaining funds shall be paid to the City of Anacortes. The value of the proposed vacated right-of-way will be determined prior to construction plan approval.
10. Mailbox locations shall be reviewed and approved by the City of Anacortes Public Works Department and the U.S. Postal Service.
11. Street lighting shall be required at both ingress and egress of the project. Street lighting shall be energy efficient and shall limit glare and/or emission of light downward to the street and front yard areas. Street lighting will be installed per PSE Schedule 52, Option "B". Lighting fixtures and design shall be approved by the Public Works Director. Shields may be necessary to reduce impacts to adjacent properties.
12. Sanitation, recycling, and compost collection shall be picked-up from the internal private road serving the subject replat/ PUD -not placed on Oakes Avenue.
13. There shall be no parking permitted on any portion of either Oakes Avenue or the one-way street located within the development. No parking signage shall be demarcated onsite. A note to this effect shall be added to final replat /PUD.
14. Internal private driveway shall be required to provide for:
  - A. A minimum of 24-feet of paved asphalt with a thickened edge on one side to control sheet flow runoff.
  - B. Maximum grade of 12%.
  - C. One-way direction from west to east.
  - D. Appropriate signage, shall be installed at Oakes Avenue to identify ingress and egress locations.
  - E. The road shall be constructed to meet City requirements and maintained by the property owners of which it serves.
15. Oakes Avenue, along the frontage of this project is required to provide for:
  - A. Cement Concrete Traffic Curb and Gutter with a 5-foot minimum meandering sidewalk, landscaping, and driveway approaches.

- B. Storm drainage conveyance system that discharges on the south side of Oakes Avenue.
  - C. If the City Engineer finds that inconsistencies of the asphalt edge along Oakes Avenue would not allow for proper drainage into the new curb and stormwater facilities, the appropriate amount of asphalt will need to be removed and replaced by the applicant to correct the issue.
  - D. These improvements would extend to the easterly and westerly boundaries fronting Oakes Avenue.
16. The proposed storm-water conveyance to the public outfall and casement shall be considered private and maintained by the property owners of which it serves.
  17. The proposed 10-foot storm drain casement and collector system near top of bank shall be private and maintained by the property owners of which it serves.
  18. The conveyance system proposed along Oakes Avenue will be considered Public. This system will discharge to a swale along the south side of Oakes Avenue. This crossing will need to be coordinated with the Washington State Department of Transportation Local Region for appropriate permits.
  19. Sewer will need to be extended across Oakes Avenue to service this project and will need to be coordinated with the Washington State Department of Transportation Local Region for appropriate permits.
  20. Proposed 15-foot sanitary sewer easement for pump lines and collector side service pipe on the north side of the proposed manhole will be a private easement and maintained by the property owners of which it serves.
  21. The scope of the project shall not exceed that as set-out in the replat, PUD, shoreline substantial development permit, and shoreline variance applications (including attachments), and in accordance with the determinations made and conditions imposed. **Exhibit 12** shall be the approved site plan.
  22. The project shall comply with all applicable Shoreline Master Program regulations, including but not limited to, Chapter 5, *Shoreline Environments & Associated Policies and Regulations*, Chapter 6, *Environmental Protection General Regulations*, and Chapter 8, *Specific Use Policies and Development Regulations*.
  23. The applicant shall be responsible for reimbursement to the City for the cost of third party review, posting/mailling and publication of the public hearing for this proposal. Payment in full shall be made before building permit issuance.
  24. Development shall comply with the revised landscape plan (**See Exhibit 11**). Landscaping shall be in place and complete before building permit certificate of occupancy will be issued.
  25. Preliminary subdivision and Planned Unit Development approval authorizes the applicant to proceed with application for necessary permits to construct required improvements and to prepare construction drawings in accordance with the determinations made and conditions imposed.

26. A note on the final short plat shall denote the following minimum building setbacks from the respective property lines as follows:
  - A) Front: 20-feet
  - B) Rear: 20-Feet
  - C) Side: 5-feet
27. Both Tracts A & B shall be owned and maintained by the property owner, property owner's association, successors or assigns. A note to this effect shall be recorded on the final replat/ PUD map.
28. Private utilities shall be owned and maintained by the property owner, property owner's association, successors or assigns in a manner to ensure their functioning consistent with applicable regulations. A note to this effect shall be recorded on the final plat map.
29. Those trees designated for retention on the submitted tree preservation plan shall be protected before and during site development and construction through adherence to AMC § 16.50.100. Chain link fencing (or other sturdy construction fencing) shall be erected along the drip line (plus 6 feet) of each of the trees designated for retention on the plan.
30. Before any site development or construction activities occur on the subject property the applicant shall contact the Department of Planning, Community, and Economic Development to arrange a tree fence inspection.
31. The lots in this subdivision are subject to applicable water, sewer, and stormwater general facility and hookup fees and transportation, fire, and park impact fees. These fees are payable at levels in effect at the time of building permit issuance and may differ from those fee levels currently in effect; sewer and water latecomer charges may be payable. A note to this effect shall be recorded on the final plat map.
32. Before final replat /PUD approval is given, the applicant /landowner shall provide covenants, conditions, and restrictions (CC&Rs) to the city for review and approval.
33. Before final replat /PUD submittal or approval, the land surveyor shall place the respective property corners of the subject property.
34. Unless otherwise outlined within a vegetation management plan that has been approved by the City of Anacortes, within the NGPE, vegetation or tree removal, topping, or trimming is prohibited unless approved by the City. The applicant would need to submit an ISA certified report that states a tree is dead, diseased, or dying and hazardous to surrounding uses, along with a geological hazardous area critical area report to the City of Anacortes' Planning Department and Parks and Recreation Department for review and approval. Notwithstanding, vegetation /tree removal from an erosion or landslide hazard area and its associated buffer is prohibited per AMC § 17.70.260(4).
35. One twenty-eight (28) foot high, detached 2,000 square foot (maximum) accessory building is permitted on each lot provided it is in compliance with all other bulk and dimensional standards for the zone, except where modified through these conditions of approval. Where an accessory dwelling unit (ADU) is proposed within said building, the living space shall not exceed 1,200 square feet. Impact fees & GFC shall be payable at

the time of building permit issuance for both the ADU and primary residence. The 2,000 square foot (maximum) permitted accessory building size and 28 foot high (maximum) height limit variance/deviance only applies to lots 3 through 9. Accessory structures on lots 1, 2, & 10 shall meet current zoning code standards including but not limited to maximum permitted building size and height.

36. Development shall comply with the issued SEPA Mitigated Determination of Non-Significance (MDNS) mitigation measures as follows:
- A. Development shall comply with all of the recommendations of the Geotechnical Evaluation prepared by Geotest dated November 4, 2014, listed therein (MDNS Condition #1).
  - B. All structures shall be setback a minimum of thirty (30) feet from the top of the bank of the geologically hazardous /steep slope as identified on the face of the replat /PUD (MDNS Condition #2). [See Condition of Approval #40 below. The stricter of the two conditions shall prevail]
  - C. A final tree preservation plan shall be submitted for review and approval prior to construction plan approval (MDNS Condition #3).
  - D. Erosion control, dust control, and best management practices shall be employed during construction /development activities as required by both the Building and Public Works Departments (MDNS Condition #4).
  - E. The applicant shall submit a Large Parcel Stormwater & Water Quality Plan to minimize runoff, control erosion, and protect adjacent properties. Such measures may include replanting, reseeding, storm retention ponds, buffer areas or prompt development. This plan shall be prepared by a licensed civil engineer (MDNS Conditions #5).
  - F. Orange construction fencing shall be installed at the project boundary's clearing limits as required by the Planning Department (MDNS Condition #6).
  - G. All applicable permits shall be secured before any construction activities begin onsite. (MDNS Condition #7).
  - H. Before building permits for each of the proposed residences will be issued, the applicant shall contact the Department of Planning, Community, and Economic Development to arrange a tree fence inspection (MDNS Condition #8).
  - I. The landowner /applicant shall obtain a National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharge as required by the State of Washington's Department of Ecology (MDNS Condition #9).
  - J. A legally enforceable agreement, which shall be recorded as a covenant and noted on the face of the deed or plat, and executed in a form satisfactory to the City of Anacortes' acknowledging that the site is located in a geologically hazard area; the risks associated with development of such site; and a waiver and release of any and all claims of the owner(s), their directors, employees, successors, or assigns against the City of Anacortes for any loss, damage or injury, whether direct or indirect, arising out of issuance of development permits for this proposal (MDNS Condition #10).

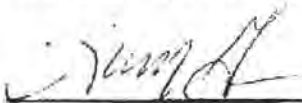


- K. Pursuant to City of Anacortes' Shoreline Master Program (SMP) Appendix A-3.9.4, unless otherwise provided or as part of an approved alteration, removal of vegetation from an erosion or landslide hazard area or related buffer shall be prohibited. The applicant however has submitted a geotechnical report, tree preservation plan, and landscape plan addressing proposed vegetation removal. Any vegetation removal shall be consistent with the submitted geotechnical report, tree preservation plan, and landscape plan (MDNS Condition #11).
  - L. Pursuant to City of Anacortes' SMP A-3.9.5, clearing shall be allowed only from May 1<sup>st</sup> to October 1<sup>st</sup> of each year provided that the city may extend or shorten the dry season on a case-by-case basis depending on actual weather conditions. Clearing limits shall be consistent with the submitted geotechnical report, tree preservation plan, and landscape plan (MDNS Condition #12).
  - M. The project geotechnical engineer, shall review the final civil drawings for consistency with the geotechnical report and provide specific detail for anchoring of the storm line on the slope. Site work shall be monitored by the geotech as determined by the Planning Department (MDNS Condition #13).
  - N. Before final replat /PUD submittal or approval is given, the applicant shall provide a tree cutting and debris management plan for review and approval prior to any activity taking place onsite (MDNS Condition #14).
  - O. Before final replat /PUD submittal or approval is given, the applicant shall submit a final report from their project biologist and geotechnical engineer prior to plan approval concerning the construction of the off-site public trail (MDNS Condition #15).
  - P. Before final replat /PUD approval is given, the off-site public trail connecting to Kansas Street Park, improvements to Kansas Street Park, and connection to Guemes Channel Trail below shall be constructed to city standards (MDNS Condition #16).
  - Q. Before final replat /PUD submittal or approval is given, the applicant shall submit a detailed landscape plan addressing re-vegetation of both the steep slope and area of the project site that lies within the Conservancy Shoreline Designation /Environment. An as built shall be prepared after planting has been completed. Additionally, a 5-year maintenance and monitoring plan shall be prepared and submitted to the city for approval (MDNS Condition #17).
  - R. Before final replat/ PUD submittal or approval is given, that portion of each lot that lies within the Conservancy Shoreline Designation /Environment shall be placed into a Native Growth Protection Easement with a long-term maintenance plan for the homeowners association. A split rail cedar fence shall be constructed at the edge of the Conservancy Environment as determined by the Planning Department with critical area signage placed on it as required by the Planning Department (MDNS Condition #18).
37. The applicant / landowner shall work with neighboring property owners east of the subject property that are adjacent to the private and public trail and provide a combination of a sight obscuring fencing and/or landscaping utilizing only native plants indigenous to Western Washington.

38. The Homeowner's Association shall be responsible for the maintenance of all landscaping provided along the sidewalk fronting the subject property that runs parallel to Oakes Avenue. The height of any trees planted therein shall be similar to the landscaping in the San Juan Passage development /PUD fronting Oakes Avenue. This shall also be reflected in the CC&Rs. Additionally, the maximum permitted height of the fence proposed located within the front yard setback shall be five (5) feet from grade.
39. Before final PUD/ replat submittal or approval is given, the applicant/ landowner shall submit a 5-year maintenance and monitoring plan to the city for approval for all planting along the public trail, private trail, sidewalk located within the right-of-way, and plantings within the Native Growth Protection Easement (NGPE) located onsite. Once approved, the plan shall be noted on the final PUD /replat.
40. As modified since the SEPA MDNS was issued, all structures shall be setback forty-five (45) feet from the top of the bank of the geologically hazardous /steep slope. This shall be identified and noted on the face of the final replat /PUD.
41. The twenty-eight (28) foot high detached accessory structures (which may include ADUs) shall not exceed sixteen (16) feet in height (maximum) as measured above Oakes Avenue.

**INTRODUCED, PASSED, AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ANACORTES on this 6<sup>th</sup> day of July, 2015.**

**CITY OF ANACORTES, WASHINGTON**



LAURIE M. GERE, MAYOR

Approved as to form and legality:



Darcy Swetnam, WSBA# 40530  
City Attorney

ATTEST:



Steve D. Hoglund, City Clerk Treasurer

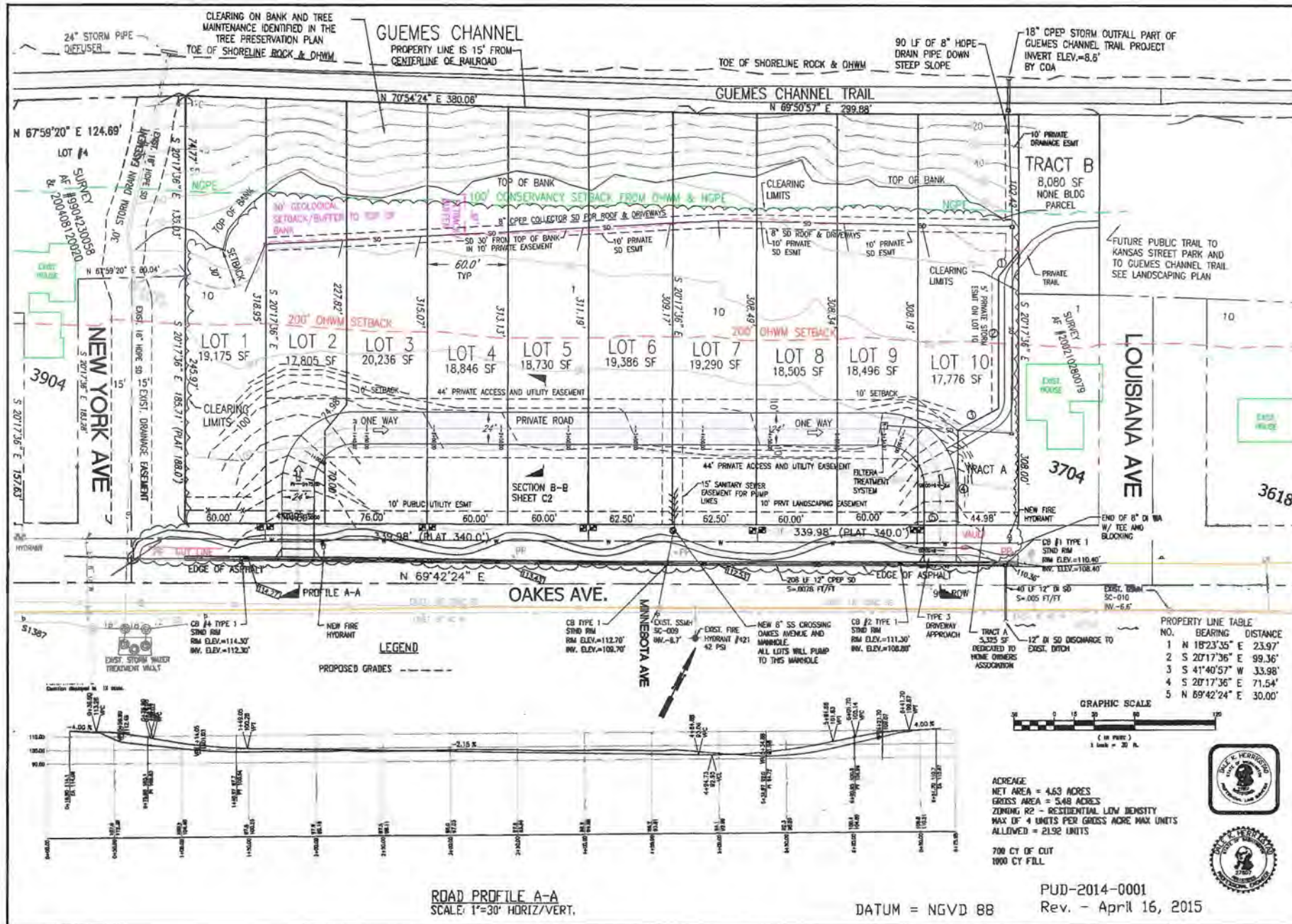
**JUDICIAL APPEAL:**

AMC § 17.08.090 - Notice of appeal of any final action taken under this title must be filed with the Superior Court and served on the city attorney for the city within twenty-one (21) days of the date on which such final action was taken. For purpose of appeals from decisions of the Anacortes City Council, the "date of final action" shall mean the date on which the city council made its decision by vote taken at a regular or special public meeting.

**EXHIBITS:**

| EXHIBIT<br>NUMBER: | NAME OF EXHIBIT:                                                                                               |
|--------------------|----------------------------------------------------------------------------------------------------------------|
| Exhibit #1         | Narrative, Master Permit Application, JARPA Application, & Letter of Authorization                             |
| Exhibit #2         | Notice of Application & Hearing with Optional DNS                                                              |
| Exhibit #3         | Department /Agency Comments Received                                                                           |
| Exhibit #4         | Public Comments Received                                                                                       |
| Exhibit #5         | Issued SEPA MDNS                                                                                               |
| Exhibit #6         | Geotechnical Report & Third Party Review                                                                       |
| Exhibit #7         | Traffic Impact Analysis                                                                                        |
| Exhibit #8         | ATSI Critical Area Report, Addendum, ESA Compliance, & Ecological Functions, & Description of Shade Conditions |
| Exhibit #9         | Caldera Archaeological Report & Addendum                                                                       |
| Exhibit #10        | Urban Forestry Service's Tree Preservation Plan & Vegetation Conservation + Tree Credit Table                  |
| Exhibit #11        | Landscape Plan                                                                                                 |
| Exhibit #12        | Assessor's Info & GIS Map                                                                                      |
| Exhibit #13        | Site Plan                                                                                                      |





| REVISIONS | BY         | DATE       |
|-----------|------------|------------|
| 1         | HERRIGSTAD | 04/16/2015 |

**HERRIGSTAD ENGINEERING & SURVEYING**  
DALE K. HERRIGSTAD P.E., P.L.B.  
4330 WHISTLE LAKE ROAD  
AMARICUS, VA 22621 (940) 299-8804

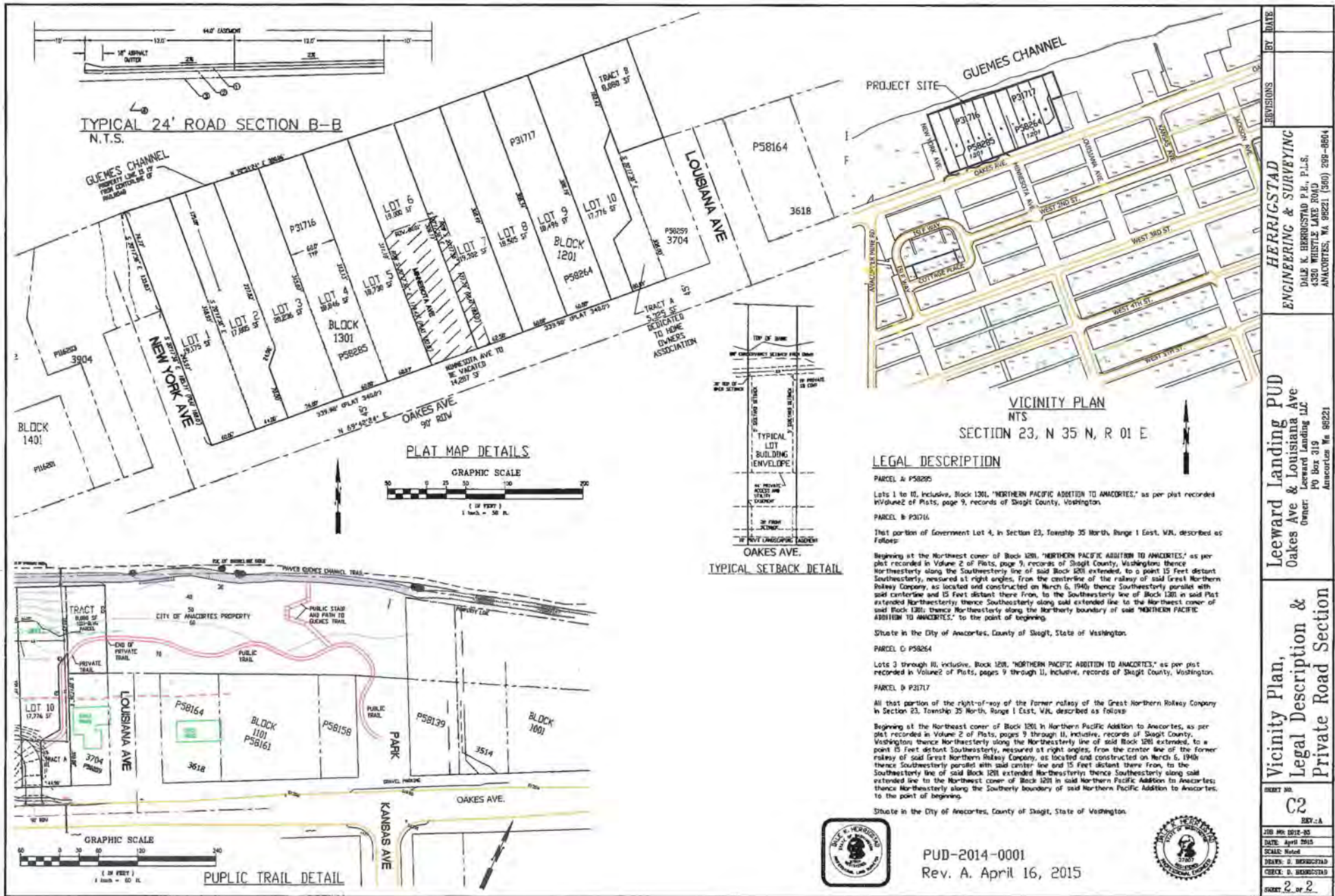
**Leeward Landing PUD**  
Oakes Ave & Louisiana Ave  
Owner: Leeward Landing LLC  
PO Box 319  
Amaricurus, VA 22621

**Preliminary Site Plan & Road Profile**

**SHEET NO. C1**  
REV. 1

**DATE: April 2015**  
**SCALE: 1"=30'**  
**DRAWN: D. HERRIGSTAD**  
**CHECKED: D. HERRIGSTAD**  
**PROJECT: 1 of 2**





|                                                                                                                                                            |           |      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|------|
| REVISIONS                                                                                                                                                  | BY        | DATE |
| <b>HERRIGSTAD</b><br><b>ENGINEERING &amp; SURVEYING</b><br>DALE K. HERRIGSTAD P.E., P.L.S.<br>4330 WHISTLE LAKE ROAD<br>ANACORTES, WA 98021 (360) 299-8864 |           |      |
| <b>Leeward Landing PUD</b><br><b>Oakes Ave &amp; Louisiana Ave</b><br>Owner: Leeward Landing LLC<br>PO Box 319<br>Anacortes WA 98021                       |           |      |
| <b>Vicinity Plan,</b><br><b>Legal Description &amp;</b><br><b>Private Road Section</b>                                                                     |           |      |
| SHEET NO.                                                                                                                                                  | <b>C2</b> |      |
| REV. A                                                                                                                                                     |           |      |
| JOB NO. 1002-00                                                                                                                                            |           |      |
| DATE: April 2015                                                                                                                                           |           |      |
| SCALE: As Shown                                                                                                                                            |           |      |
| DRAWN: D. HERRIGSTAD                                                                                                                                       |           |      |
| CHECK: D. HERRIGSTAD                                                                                                                                       |           |      |
| SHEET 2 of 2                                                                                                                                               |           |      |

**LEGAL DESCRIPTION**

PARCEL A: P58295

Lots 1 to 10, inclusive, Block 1301, "NORTHERN PACIFIC ADDITION TO ANACORTES," as per plat recorded in Volume 2 of Plats, page 9, records of Shagit County, Washington.

PARCEL B: P31716

That portion of Government Lot 4, in Section 23, Township 35 North, Range 1 East, W.N., described as follows:

Beginning at the Northwest corner of Block 1201, "NORTHERN PACIFIC ADDITION TO ANACORTES," as per plat recorded in Volume 2 of Plats, page 9, records of Shagit County, Washington; thence Northwesterly along the Southwesterly line of said Block 1201 extended, to a point 15 feet distant Southwesterly, measured at right angles, from the centerline of the railway of said Great Northern Railway Company, as located and constructed on March 6, 1940; thence Southwesterly parallel with said centerline and 15 feet distant therefrom, to the Southwesterly line of Block 1301 in said Plat extended Northwesterly; thence Southwesterly along said extended line to the Northwest corner of said Block 1301; thence Northwesterly along the Northern boundary of said "NORTHERN PACIFIC ADDITION TO ANACORTES," to the point of beginning.

Situate in the City of Anacortes, County of Shagit, State of Washington.

PARCEL C: P58264

Lots 3 through 10, inclusive, Block 1201, "NORTHERN PACIFIC ADDITION TO ANACORTES," as per plat recorded in Volume 2 of Plats, pages 9 through 11, inclusive, records of Shagit County, Washington.

PARCEL D: P31717

All that portion of the right-of-way of the former railway of the Great Northern Railway Company in Section 23, Township 35 North, Range 1 East, W.N., described as follows:

Beginning at the Northeast corner of Block 1201 in Northern Pacific Addition to Anacortes, as per plat recorded in Volume 2 of Plats, pages 9 through 11, inclusive, records of Shagit County, Washington; thence Northwesterly along the Northwesterly line of said Block 1201 extended, to a point 15 feet distant Southwesterly, measured at right angles, from the center line of the former railway of said Great Northern Railway Company, as located and constructed on March 6, 1940; thence Southwesterly parallel with said center line and 15 feet distant therefrom, to the Southwesterly line of said Block 1201 extended Northwesterly; thence Southwesterly along said extended line to the Northwest corner of Block 1201 in said Northern Pacific Addition to Anacortes; thence Northwesterly along the Southern boundary of said Northern Pacific Addition to Anacortes, to the point of beginning.

Situate in the City of Anacortes, County of Shagit, State of Washington.



PUD-2014-0001  
Rev. A. April 16, 2015







## LEEWARD LANDING LLC

### Compliance with "Findings of Fact" Leeward Landing Planned Unit Development April 5<sup>th</sup>, 2016 PUD-2014-0001

1. A clearing and grading plan consistent with City requirements shall be submitted by the applicant for review and approval by the City of Anacortes Planning\Building and Public Works Departments prior to any construction activities taking place on or off-site. Site grading shall not adversely impact adjacent neighbors. **Complete**
2. A Large Parcel Storm Water Plan and Water Quality Control Plan consistent with City requirements shall be submitted by the applicant for review and approval by the Planning\Building and Public Works Departments prior to any construction activities taking place on or off-site. **Large Parcel Storm Water Plan submitted to the COA for review.**
3. Clearing activities may require a Forest Practice Permit (logging permit) issued by the Department of Natural Resources prior to construction activities taking place on or off-site. **A Forest Practice Permit was not required as no timber was sold.**
4. Prior to any clearing\fill\grade work beginning, construction civil plans consistent with the City of Anacortes Engineering Development Standards, including but not limited to, Erosion Control Plan, Site utility\Infrastructure improvements Plan, Roadway Improvements Plan, Signage Plan, Street Lighting Plan and other plans and\or information required by the City Planning\Building and Public Works Departments shall be submitted for review and approval. **All plans and information have been submitted, approved and improvements are complete.**
5. Engineering and Inspection fees in the amount of \$500.00, plus 2% of the total estimated construction cost shall be due upon civil plan approval. No construction activity is allowed until the construction plans are approved, all fees have been paid and a preconstruction conference held. **Inspection Fees have been paid, receipt submitted, pre-construction meeting complete.**
6. Prior to the final plat approval, all infrastructure improvements shall be completed as required by the City of Anacortes Public Works Director and a 2-year Maintenance Bond in place. The 2-year Maintenance Bond is 10% of the actual construction cost. **The 2 year maintenance bond is pending the final letter of completion from COA stating all infrastructure improvement work is complete.**
7. Fire Hydrants are to be located as approved by the City of Anacortes Fire Chief. Fire flows shall be addressed in a manner acceptable to the Fire Chief and the City of Anacortes Public Works Department. **Fire Hydrants have been installed and approved, hydrant flow test are complete, test results submitted to COA on 4/1/2016.**
8. The water main will need to be extended to the most easterly boundary of the property and designed to allow for future extension by others per Public Works Department approval. **Water main installed per design.**



## LEEWARD LANDING LLC

9. The value of the vacated right-of-way shall only go toward the offsite public portion of trail construction (Kansas Avenue Park north to the Guemes Channel Trail). Any remaining funds shall be paid to the City of Anacortes. The value of the proposed vacated right-of-way will be determined prior to construction plan approval. **The value of the vacated ROW has been determined, the actual costs for improvements related to Kansas Park and Public Stairs-Trail access to GTC has been submitted to COA.**
10. Mailbox locations shall be reviewed and approved by the City of Anacortes Public Works Department and the U.S. Postal Service. **Mailboxes are installed, located on the North side of Oakes Avenue west of the Leeward entrance.**
11. Street lighting shall be required at both ingress and egress of the project. Street lighting shall be energy efficient and shall limit glare and/or emission of light downward to the street and front yard areas. Street lighting will be installed per PSE Schedule 52, Option "B". Lighting fixtures and design shall be approved by the Public Works Director. Shields may be necessary to reduce impacts to adjacent properties. **Street lighting installed and complete.**
12. Sanitation, recycling, and compost collection shall be picked-up from the internal private road serving the subject replat/ PUD -not placed on Oakes Avenue. **This is noted as Condition #1 on Final Plat Map.**
13. There shall be no parking permitted on any portion of either Oakes Avenue or the one-way street located within the development. No parking signage shall be demarcated onsite. A note to this effect shall be added to final replat /PUD. **Signs will be installed per plan this is Noted as Condition #2 on final plat map.**
14. Internal private driveway shall be required to provide for:
  - A. A minimum of 24-feet of paved asphalt with a thickened edge on one side to control sheet flow runoff. **Complete**
  - B. Maximum grade of 12%. **We had permission from Jack Kennedy to increase road grades to 14% at both access points.**
  - C. One-way direction from west to east. **One way street designed entrance at West, exit at East.**
  - D. Appropriate signage, shall be installed at Oakes Avenue to identify ingress and egress locations. **Signs have been ordered, will be installed once received.**
  - E. The road shall be constructed to meet City requirements and maintained by the property owners of which it serves. **Leeward Lane is complete and approved, page 4 of final plat Easements #2 notes, Leeward Landing HOA is responsible for the maintenance of the private road.**
15. Oakes Avenue, along the frontage of this project is required to provide for:
  - A. Cement Concrete Traffic Curb and Gutter with a 5-foot minimum meandering sidewalk, landscaping, and driveway approaches. **Complete per plans.**
  - B. Storm drainage conveyance system that discharges on the south side of Oakes Avenue. **Complete per plans.**



## LEEWARD LANDING LLC

- C. If the City Engineer finds that inconsistencies of the asphalt edge along Oakes Avenue would not allow for proper drainage into the new curb and stormwater facilities, the appropriate amount of asphalt will need to be removed and replaced by the applicant to correct the issue. **Complete.**
- D. These improvements would extend to the easterly and westerly boundaries fronting Oakes Avenue. **Improvements are complete.**
16. The proposed storm-water conveyance to the public outfall and easement shall be considered private and maintained by the property owners of which it serves. **Complete and noted under Easements.**
17. The proposed 10-foot storm drain easement and collector system near top of bank shall be private and maintained by the property owners of which it serves. **Complete and noted under Easements #6.**
18. The conveyance system proposed along Oakes Avenue will be considered Public. This system will discharge to a swale along the south side of Oakes Avenue. This crossing will need to be coordinated with the Washington State Department of Transportation Local Region for appropriate permits. **This work is complete, permits were approved by WSDOT and copies submitted to COA.**
19. Sewer will need to be extended across Oakes Avenue to service this project and will need to be coordinated with the Washington State Department of Transportation Local Region for appropriate permits. **This work is complete, permits were obtained.**
20. Proposed 15-foot sanitary sewer easement for pump lines and collector side service pipe on the north side of the proposed manhole will be a private easement and maintained by the property owners of which it serves. **Complete and noted under Easements on Final Map.**
21. The scope of the project shall not exceed that as set-out in the replat, PUD, shoreline substantial development permit, and shoreline variance applications (including attachments), and in accordance with the determinations made and conditions imposed. **Exhibit 12** shall be the approved site plan.
22. The project shall comply with all applicable Shoreline Master Program regulations, including but not limited to, Chapter 5, *Shoreline Environments & Associated Policies and Regulations*, Chapter 6, *Environmental Protection General Regulations*, and Chapter 8, *Specific Use Policies and Development Regulations*. **Project is complete and in compliance.**
23. The applicant shall be responsible for reimbursement to the City for the cost of third party review, posting/ mailing and publication of the public hearing for this proposal. Payment in full shall be made before building permit issuance. **Leeward Landing LLC has reimbursed COA for 3<sup>rd</sup> party review.**
24. Development shall comply with the revised landscape plan (**See Exhibit 11**). Landscaping shall be in place and complete before building permit certificate of occupancy will be issued. **Landscape is complete per plans submitted for the development, individual homes will be landscaped at completion of construction.**



## LEEWARD LANDING LLC

25. Preliminary subdivision and Planned Unit Development approval authorizes the applicant to proceed with application for necessary permits to construct required improvements and to prepare construction drawings in accordance with the determinations made and conditions imposed. **Complete**
26. A note on the final short plat shall denote the following minimum building setbacks from the respective property lines as follows: **Building setbacks are identified on the final plat map.**
  - A) Front: 20-feet
  - B) Rear: 20-Feet
  - C) Side: 5-feet
27. Both Tracts A & B shall be owned and maintained by the property owner, property owner's association, successors or assigns. A note to this effect shall be recorded on the final replat/ PUD map. **Tracts A & B will be maintained by property owner (s), this is noted on the final plat map Condition #8.**
28. Private utilities shall be owned and maintained by the property owner, property owner's association, successors or assigns in a manner to ensure their functioning consistent with applicable regulations. A note to this effect shall be recorded on the final plat map. **Noted as Condition #9 on final plat map, utilities will be owned and maintained by property owners and Leeward Landing Owners Association.**
29. Those trees designated for retention on the submitted tree preservation plan shall be protected before and during site development and construction through adherence to AMC § 16.50.100. Chain link fencing (or other sturdy construction fencing) shall be erected along the drip line (plus 6 feet) of each of the trees designated for retention on the plan. **Complete**
30. Before any site development or construction activities occur on the subject property the applicant shall contact the Department of Planning, Community, and Economic Development to arrange a tree fence inspection. **Complete**
31. The lots in this subdivision are subject to applicable water, sewer, and stormwater general facility and hookup fees and transportation, fire, and park impact fees. These fees are payable at levels in effect at the time of building permit issuance and may differ from those fee levels currently in effect; sewer and water latecomer charges may be payable. A note to this effect shall be recorded on the final plat map. **Noted as Condition #10 on final plat map.**
32. Before final replat /PUD approval is given, the applicant /landowner shall provide covenants, conditions, and restrictions (CC&Rs) to the city for review and approval. **Complete draft CCRs re-submitted to COA on April 1<sup>st</sup>, 2016. CCRs are noted on page 4 final plat map.**
33. Before final replat /PUD submittal or approval, the land surveyor shall place the respective property corners of the subject property. **Property corners were located and marked by Herrigstad Engineering & Surveying.**



## LEEWARD LANDING LLC

34. Unless otherwise outlined within a vegetation management plan that has been approved by the City of Anacortes, within the NGPE, vegetation or tree removal, topping, or trimming is prohibited unless approved by the City. The applicant would need to submit an ISA certified report that states a tree is dead, diseased, or dying and hazardous to surrounding uses, along with a geological hazardous area critical area report to the City of Anacortes' Planning Department and Parks and Recreation Department for review and approval. Notwithstanding, vegetation /tree removal from an erosion or landslide hazard area and its associated buffer is prohibited per AMC § 17.70.260(4). **This is outlined in the Draft NGPE Agreement submitted to the COA on April 1<sup>st</sup>, 2016**
35. One twenty-eight (28) foot high, detached 2,000 square foot (maximum) accessory building is permitted on each lot provided it is in compliance with all other bulk and dimensional standards for the zone, except where modified through these conditions of approval. Where an accessory dwelling unit (ADU) is proposed within said building, the living space shall not exceed 1,200 square feet. Impact fees & GFC shall be payable at the time of building permit issuance for both the ADU and primary residence. The 2,000 square foot (maximum) permitted accessory building size and 28 foot high (maximum) height limit variance/deviance only applies to lots 3 through 9. Accessory structures on lots 1, 2, & 10 shall meet current zoning code standards including but not limited to maximum permitted building size and height. **This is noted as Condition #12 on final plat map and in the CCRs of Leeward Landing.**
36. Development shall comply with the issued SEPA Mitigated Determination of Non-Significance (MDNS) mitigation measures as follows:
  - A. Development shall comply with all of the recommendations of the Geotechnical Evaluation prepared by Geotest dated November 4, 2014, listed therein (MDNS Condition #1). **All work was constructed in accordance to Geo Test recommendations, required inspections complete, copies have been submitted to COA.**
  - B. All structures shall be setback a minimum of thirty (30) feet from the top of the bank of the geologically hazardous /steep slope as identified on the face of the replat /PUD (MDNS Condition #2). [See Condition of Approval #40 below. The stricter of the two conditions shall prevail] **Geological setback from slope is noted on the final plat map.**
  - C. A final tree preservation plan shall be submitted for review and approval prior to construction plan approval (MDNS Condition #3). **Tree Preservation Plan by Urban Forestry has been submitted to the COA.**
  - D. Erosion control, dust control, and best management practices shall be employed during construction /development activities as required by both the Building and Public Works Departments (MDNS Condition #4). **All BMPs will be applied and enforced during development and construction.**
  - E. The applicant shall submit a Large Parcel Stormwater & Water Quality Plan to minimize runoff, control erosion, and protect adjacent properties. Such measures may include replanting, reseeding, storm retention ponds, buffer areas or prompt development. This plan shall be prepared by a licensed civil engineer (MDNS



## LEEWARD LANDING LLC

- Conditions #5). The Large Parcel Storm Water Plan completed by Herrigstad Engineering Dated January 8, 2015 has been submitted to the COA.
- F. Orange construction fencing shall be installed at the project boundary's clearing limits as required by the Planning Department (MDNS Condition #6). Fencing was installed.
  - G. All applicable permits shall be secured before any construction activities begin onsite. (MDNS Condition #7). Permits obtained and work is complete.
  - H. Before building permits for each of the proposed residences will be issued, the applicant shall contact the Department of Planning, Community, and Economic Development to arrange a tree fence inspection (MDNS Condition #8). Owners, Builders, Contractors will comply with to MDNS Condition #8.
  - I. The landowner /applicant shall obtain a National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharge as required by the State of Washington's Department of Ecology (MDNS Condition #9). The Storm Water Permit was obtained from DOE remains active, site is monitored, site inspection forms have been submitted to COA on April 1<sup>st</sup>, 2016
  - J. A legally enforceable agreement, which shall be recorded as a covenant and noted on the face of the deed or plat, and executed in a form satisfactory to the City of Anacortes' acknowledging that the site is located in a geologically hazard area; the risks associated with development of such site; and a waiver and release of any and all claims of the owner(s), their directors, employees, successors, or assigns against the City of Anacortes for any loss, damage or injury, whether direct or indirect, arising out of issuance of development permits for this proposal (MDNS Condition #10). The Geologically Hazardous Covenant is pending, a draft document was resubmitted to COA for review on April 1<sup>st</sup>, 2016.
  - K. Pursuant to City of Anacortes' Shoreline Master Program (SMP) Appendix A-3.9.4, unless otherwise provided or as part of an approved alteration, removal of vegetation from an erosion or landslide hazard area or related buffer shall be prohibited. The applicant however has submitted a geotechnical report, tree preservation plan, and landscape plan addressing proposed vegetation removal. Any vegetation removal shall be consistent with the submitted geotechnical report, tree preservation plan, and landscape plan (MDNS Condition #11). This is noted on page 3 of final plat map #13.
  - L. Pursuant to City of Anacortes' SMP A-3.9.5, clearing shall be allowed only from May 1<sup>st</sup> to October 1<sup>st</sup> of each year provided that the city may extend or shorten the dry season on a case-by-case basis depending on actual weather conditions. Clearing limits shall be consistent with the submitted geotechnical report, tree preservation plan, and landscape plan (MDNS Condition #12). Clearing was completed during the allowed time and consistent with reports and plans.
  - M. The project geotechnical engineer, shall review the final civil drawings for consistency with the geotechnical report and provide specific detail for anchoring of the storm line on the slope. Site work shall be monitored by the geotech as determined by the Planning Department (MDNS Condition #13). Complete

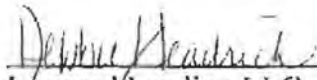


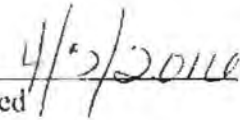
## LEEWARD LANDING LLC

- N. Before final replat /PUD submittal or approval is given, the applicant shall provide a tree cutting and debris management plan for review and approval prior to any activity taking place onsite (MDNS Condition #14). **Draft management plan submitted to COA for review.**
  - O. Before final replat /PUD submittal or approval is given, the applicant shall submit a final report from their project biologist and geotechnical engineer prior to plan approval concerning the construction of the off-site public trail (MDNS Condition #15). **Final reports submitted to COA on April 1<sup>st</sup>, 2016 complete.**
  - P. Before final replat /PUD approval is given, the off-site public trail connecting to Kansas Street Park, improvements to Kansas Street Park, and connection to Guemes Channel Trail below shall be constructed to city standards (MDNS Condition #16). **Trail and Stairs to the Guemes Channel Trail are complete, inspections complete, all documents submitted to COA.**
  - Q. Before final replat /PUD submittal or approval is given, the applicant shall submit a detailed landscape plan addressing re-vegetation of both the steep slope and area of the project site that lies within the Conservancy Shoreline Designation /Environment. An as built shall be prepared after planting has been completed. Additionally, a 5-year maintenance and monitoring plan shall be prepared and submitted to the city for approval (MDNS Condition #17). **As Builts of re-vegetation and the 5-year maintenance and monitoring plan have been submitted to COA.**
  - R. Before final replat/ PUD submittal or approval is given, that portion of each lot that lies within the Conservancy Shoreline Designation /Environment shall be placed into a Native Growth Protection Easement with a long-term maintenance plan for the homeowners association. A split rail cedar fence shall be constructed at the edge of the Conservancy Environment as determined by the Planning Department with critical area signage placed on it as required by the Planning Department (MDNS Condition #18). **NGPE is noted on final plat, the NGPE Agreement has been submitted to COA for approval prior to recording of document. Split rail cedar fence is installed, critical areas signage posted.**
37. The applicant / landowner shall work with neighboring property owners east of the subject property that are adjacent to the private and public trail and provide a combination of a sight obscuring fencing and/or landscaping utilizing only native plants indigenous to Western Washington. **Applicant met with the neighboring property owner Ms. Joan Osborne several times during construction. Together they designed a cedar fence for privacy that has been built between the properties. Ms. Osborne is pleased with the privacy fence and prefers no further buffer plantings be installed.**
38. The Homeowner's Association shall be responsible for the maintenance of all landscaping provided along the sidewalk fronting the subject property that runs parallel to Oakes Avenue. The height of any trees planted therein shall be similar to the landscaping in the San Juan Passage development /PUD fronting Oakes Avenue. This shall also be reflected in the CC&Rs. Additionally, the maximum permitted height of the fence proposed located within the front yard setback shall be five (5) feet from grade. **Landscape maintenance, tree height and fence height restrictions are reflected in the CCRs and on the final plat map Condition #14.**

## LEEWARD LANDING LLC

39. Before final PUD/ replat submittal or approval is given, the applicant/ landowner shall submit a 5-year maintenance and monitoring plan to the city for approval for all planting along the public trail, private trail, sidewalk located within the right-of-way, and plantings within the Native Growth Protection Easement (NGPE) located onsite. Once approved, the plan shall be noted on the final PUD /replat. *The 5-year maintenance and monitoring plan has been submitted to COA and noted on Final Plat Map Condition #15.*
40. As modified since the SEPA MDNS was issued, all structures shall be setback forty-five (45) feet from the top of the bank of the geologically hazardous /steep slope. This shall be identified and noted on the face of the final replat /PUD. *All Structures will be setback 45', this is identified on Final Plat Map and noted as Condition #16.*
41. The twenty-eight (28) foot high detached accessory structures (which may include ADUs) shall not exceed sixteen (16) feet in height (maximum) as measured above Oakes Avenue. *ADU height restrictions are identified in the CCRs and noted on the Final Plat Map Condition #17.*

  
\_\_\_\_\_  
Leeward Landing LLC  
Nels Strandberg  
By: Debbie Headrick

  
Dated



## Leeward Landing

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March 30<sup>th</sup> 2016

Don Measamer  
Director of Planning and Community Development  
City of Anacortes  
PO Box 547  
Anacortes WA 98221

**Subject: Leeward Landing Public Stairs / ROW**

Dear Don,

Leeward Landing per approved plans and the plat approval process has completed its obligation to construct the public stairs and trail, connecting Kansas Park to the GCT. The location of the trail was determined through several site visits with myself and city representatives. The construction of the stairs was monitored by Geo Test and City of Anacortes building officials and has now received a final sign off by both parties. The stairs and trail are operational and being used by the general public.

Per the "Finding of Fact" for Leeward Landing PUD line item #9, which states: *"The value of the vacated right of way shall only go toward the offsite public portion of the trail construction (Kansas Avenue Park north to the Guemes Channel Trail). Any remaining funds shall be paid to the City of Anacortes. The value of the proposed vacated right of way will be determined prior to construction plan approval."*

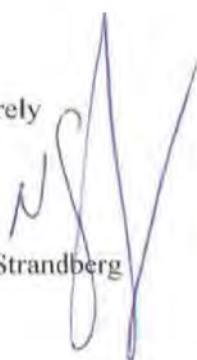
Before preliminary plat approval, an appraisal was submitted to the COA. The value of the Right of Way owned by the City of Anacortes was determined to be \$45,000. The actual cost to construct the stairs and public trail were \$64,889.65. Leeward Landing expects no compensation from the COA for added expenses above and beyond the value of \$45,000.

Although, Leeward Landing has met its obligation to the city, Leeward Landing still plans to participate in further improvements to the Kansas Park (at Leeward's expense), based on future meeting with the COA parks department.

See attached breakdown of actual costs, completed pictures, and valuation page of the appraisal.

Sincerely

Nels Strandberg



# Leeward Landing

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Leeward Landing LLC





P O BOX 319 \* ANACORTES, WA 98221

PHONE 360-293-7431 \* FAX 360-299-8660

## INVOICE

TO: CITY OF ANACORTES  
LEEWARD STAIRS

| DATE      |
|-----------|
| 3/18/2016 |

| DATE       |       | BALANCE     |
|------------|-------|-------------|
| 12/28/2015 | FI    | \$ 2,470.86 |
| 12/30/2015 | FI    | \$ 165.78   |
| 12/30/2015 | FI    | \$ 60.20    |
| 12/29/2015 | SRS&R | \$ 526.18   |
| 1/12/2016  | SRS&R | \$ 31.72    |
| 1/12/2016  | FI    | \$ 33.44    |
| 1/12/2016  | FI    | \$ 38.52    |
| 1/15/2016  | FI    | \$ 60.20    |
| 1/19/2016  | FI    | \$ 37.36    |
| 1/20/2016  | FI    | \$ 2,289.66 |
| 1/20/2016  | FI    | \$ 237.15   |
| 1/22/2016  | FI    | \$ 295.60   |
| 1/29/2016  | FI    | \$ 51.36    |
| 1/28/2016  | FI    | \$ 10.02    |
| 1/27/2016  | FI    | \$ 13.31    |
| 1/26/2016  | FI    | \$ (39.35)  |
| 1/26/2016  | FI    | \$ (165.40) |
| 1/26/2016  | FI    | \$ 48.72    |
| 1/26/2016  | FI    | \$ 61.76    |
| 2/1/2016   | FI    | \$ 2.35     |
| 2/1/2016   | FI    | \$ 24.56    |
| 2/2/2016   | SRS&R | \$ 783.59   |
| 2/11/2016  | FI    | \$ 82.86    |
| 2/4/2016   | FI    | \$ 147.72   |
| 2/4/2016   | FI    | \$ 16.78    |
| 2/8/2016   | SRS&R | \$ 20.11    |
| 2/8/2016   | FI    | \$ 52.68    |
| 2/5/2016   | FI    | \$ 10.88    |
| 2/16/2016  | SRS&R | \$ 1,044.79 |
| 2/18/2016  | FI    | \$ 189.13   |
| 2/17/2016  | FI    | \$ 27.80    |
| 2/17/2016  | FI    | \$ 57.56    |
| 2/16/2016  | FI    | \$ 29.82    |
| 2/12/2016  | FI    | \$ 7.81     |
| 2/17/2016  | FI    | \$ 47.21    |
| 2/29/2016  | FI    | \$ (3.49)   |
| 2/29/2016  | FI    | \$ 1,974.06 |
| 2/26/2016  | FI    | \$ 67.44    |
| 2/24/2016  | FI    | \$ 10.89    |



|                  |                            |            |            |
|------------------|----------------------------|------------|------------|
| 2/24/2016        | FI                         | \$         | 97.72      |
| 2/23/2016        | FI                         | \$         | 257.60     |
| 2/23/2016        | FI                         | \$         | (70.51)    |
| 2/19/2016        | FI                         | \$         | 362.32     |
| 2/22/2016        | FI                         | \$         | 10.64      |
| 2/22/2016        | FI                         | \$         | 76.77      |
| 2/18/2016        | FASTENAL                   | \$         | 13.16      |
| 2/17/2016        | FASTENAL                   | \$         | 11.74      |
| 3/3/2016         | SEBOS                      | \$         | 14.40      |
| 3/4/2016         | SEBOS                      | \$         | 28.80      |
| 3/14/2016        | FI                         | \$         | 98.60      |
| 3/14/2016        | FI                         | \$         | 34.17      |
| 3/9/2016         | FI                         | \$         | 1,653.04   |
| 3/10/2016        | FI                         | \$         | (50.64)    |
| 3/4/2016         | FI                         | \$         | (8.36)     |
| 3/4/2016         | FI                         | \$         | 74.62      |
| 3/7/2016         | FI                         | \$         | 37.52      |
| 3/1/2016         | FI                         | \$         | 74.13      |
| 3/7/2016         | FI                         | \$         | (1,046.23) |
| 3/2/2016         | FI                         | \$         | 40.54      |
| 3/1/2016         | FI                         | \$         | 124.30     |
| 3/1/2016         | FI                         | \$         | 124.30     |
| 3/3/2016         | FI                         | \$         | 26.21      |
| 3/3/2016         | FI                         | \$         | 23.84      |
| 12/4/2015        | FI                         | \$         | 92.32      |
| 12/29/2015       | SOUND CEDAR                | \$         | 2,098.25   |
| 3/9/2016         | LAKESIDE INDUSTRIES        | \$         | 27.17      |
| 3/15/2016        | FI                         | \$         | 88.85      |
| 3/15/2016        | FI                         | \$         | 106.04     |
| 3/15/2016        | FI                         | \$         | 9.41       |
| 3/16/2016        | FI                         | \$         | 76.44      |
| 3/17/2016        | FI                         | \$         | 64.40      |
| 3/17/2016        | FI                         | \$         | 40.95      |
| 3/18/2016        | FI                         | \$         | 62.70      |
| 3/22/2016        | FI                         | \$         | (13.83)    |
| 3/23/2016        | FI                         | \$         | 347.08     |
| 3/24/2016        | FI                         | \$         | 121.35     |
| 3/24/2016        | FI                         | \$         | 196.76     |
| 3/21/2016        | FI                         | \$         | 578.46     |
| 3/21/2016        | FI                         | \$         | 56.87      |
| 3/21/2016        | FI                         | \$         | 98.98      |
| 3/24/2016        | hb Jaeger Co               | \$         | 47.86      |
|                  | MATERIAL SUBTOTAL          | \$         | 16,930.38  |
| 11/26 - 12/25/15 | LABOR - 64.38 HRS @ 47.50  | \$         | 3,058.05   |
| 12/26 - 1/25/16  | LABOR - 127.49 HRS @ 47.50 | \$         | 6,055.78   |
| 1/26 - 2/25      | LABOR - 291.40 HRS @ 47.50 | \$         | 13,841.50  |
| 2/26 - 3/25      | LABOR - 255.15 HRS @ 47.50 | \$         | 12,119.63  |
|                  | LABOR SUBTOTAL             | \$         | 35,074.95  |
|                  | SUBTOTAL                   | \$         | 52,005.33  |
|                  | Overhead                   | \$         | 7,800.80   |
|                  | SALES TAX @ 8.5%           | \$         | 5,083.52   |
|                  |                            | AMOUNT DUE |            |
|                  |                            | \$         | 64,889.65  |



**Robert W. Suttles, MAI & Associates**  
*Washington State Certified General Appraiser*

**360-848-7470**

bob@nwrev.net • 360-848-7474 fax  
2105-C Continental Place • Mount Vernon, WA 98273

**Appraisers:**

*Robert W. Suttles, MAI  
Mark Salzer, MAI  
Chris Ledebor  
Laura Thie  
Jon Alberts*

**Appraisal Report  
of  
a Right-of-Way**



**Subject Address:**

**Minnesota Avenue Right-of-Way  
North of Highway 20 (Oakes Avenue)  
Anacortes, WA 98221**

**Prepared for:**

**Mr. Nels Strandberg  
Strandberg Construction  
2018 R Avenue  
PO Box 319  
Anacortes, WA 98221**

**Date of Valuation  
March 19, 2015**

**NWREV File No. 1503 960**





**Robert W. Suttles, MAI & Associates**  
*Washington State Certified General Appraiser*

**360-848-7470**

bob@nwrev.net • 360-848-7474 fax  
2105-C Continental Place • Mount Vernon, WA 98273

April 8, 2015

Mr. Nels Strandberg  
Strandberg Construction  
2018 R Avenue  
PO Box 319  
Anacortes, WA 98221

Subject: Appraisal of the 0.33 acre Minnesota Avenue Right-of-Way located north of Highway 20 (Oakes Avenue), Anacortes; Washington; between Skagit County Tax Parcels P58285 and P58264.

Dear Mr. Strandberg,

In response to your request, we have performed an inspection and completed the market research and analyses necessary for the purpose of providing you with an opinion of market value for the above referenced property. The date of valuation is March 19, 2015.

The scope of work that directs the appraisal process for this assignment involves determining an opinion of market value for the property "as is". As the subject is vacant land, only the Sales Comparison approach to value is applied as the pertinent valuation method.

The property rights appraised are in fee simple estate, subject to easements, reservations, restrictions, and covenants of record, with real estate consisting of land and existing improvements as depicted in this report. No personal property, trade fixtures, or business value is appraised. This appraisal is completed subject to the general assumptions and limiting conditions that are presented on page 8 of this report.

Based on our investigation and analysis and in conformance with the definition of market value and subject to the assumptions and limiting conditions delineated in this report, the "as is" opinion of market value of the fee simple interest in the appraised property as of March 19, 2015, is:

**Forty-Five Thousand Dollars - \$45,000**

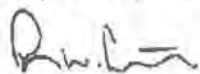


This opinion of value is based on the assumption that the properties are actively offered for sale with the services of competent brokerage on the open market for a time period of approximately three to six months and are sold for cash or terms equivalent to cash. Although the marketing period is believed to be reasonable, it is not to be regarded as a guarantee.

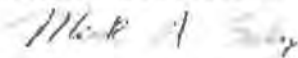
This letter of transmittal must remain attached to this report in order for the value opinion set forth to be considered valid.

Your attention is invited to the following report which contains a summary of the property description, data, analyses, and appraisal procedures applied.

Respectfully submitted,



Robert W. Suttles, MAI  
Washington State Certified General Real Estate Appraiser  
Certification #1100553



Mark Salzer, MAI  
Washington State Certified General Real Estate Appraiser  
Certification #1102081

### Summary of Notable Facts & Conclusions

**Addresses:** Minnesota Avenue Right-of-Way  
North of Highway 20 (Oakes Avenue)  
Anacortes, WA 98221

**Tax Identification Numbers:** None, located between P58285 and P58264

**Effective date of "as is" value:** March 19, 2015

**Date Report Completed:** April 8, 2015

**Property Owner:** City of Anacortes

**Zoning:** City of Anacortes – Residential District (R2)  
Anacortes Municipal Code – Chapter 17.36

**General Property Description:** The real property being appraised consists of an existing street right-of-way that the city is considering vacating with a total area of 14,561 SF, or 0.33 acres. The property is zoned for residential use and is wooded with utilities needing to be extended to the site.

#### **Sales Comparison Approach**

The opinion of value for the real estate is:

1 Developable Lot @ \$45,000 per Lot.....\$45,000

Based on our investigation and analysis and in conformance with the definition of market value and subject to the assumptions and limiting conditions delineated in this report, the "as is" opinion of market value of the fee simple interest in the appraised property as of March 19, 2015, is:

**Forty-Five Thousand Dollars - \$45,000**



## Urban Forestry Services, Inc.

Arboricultural Consulting | Wholesale Tree Nursery

### ARBORIST NOTES

**FOR:** Strandberg Custom Homes and Design  
Attn: Mr. Nels Strandberg  
2018 R Avenue  
Anacortes, WA 98221

**REGARDING:** Leeward Landing Project at Oakes Avenue, Anacortes, Washington

**PURPOSE:** Assess work completed, including mitigation, as a part of this projects tree preservation plan.

**FROM:** Urban Forestry Services, Inc.  
Mr. Paul Hans Thompson  
ISA Certified Arborist #PN-1838A  
ISA Tree Risk Assessment Qualified  
ASCA Registered Consulting Arborist #509

**DATE:** March 29, 2016

**Attachments:** Report - Level 1 Limited Visual Assessment and Tree Preservation Plan, Revised 11-5-14.  
Habitat Pruning | Natural Canopy Reduction Illustration  
Assumptions and Limiting Conditions

### Introduction

As requested by Mr. Nels Strandberg of Strandberg Custom Homes and Design, on March 11, 2016 I reviewed work completed to remove, cut and prune trees on this site, plus review the mitigation planting completed. The objective of this review is to determine if the work complies with the recommendations of the attached report by UFS; Report - Level 1 Limited Visual Assessment and Tree Preservation Plan, Revised 11-5-14.

The following notes provide a record of my findings and further recommendations for additional work to comply with the enclosed tree preservation plan.

### Findings

Strandberg Custom Homes and Design have retained additional trees in the conservation area above the slope. These trees appear to be suitable for retention at this time. Two trees failed in high winds during February / March, a third tree had a significant crown failure with the top falling onto the edge of the Guemes trail below.

15119 McLean Road  
Mount Vernon, WA 98273

Office (360) 428-5810  
Fax (360) 428-1822  
Cell (360) 770-9921



A large volume of debris was removed in the process of removing trees and cutting the tops and pruning, however some areas in the central and east sections of the slope have large amounts of debris remaining in small localized areas, stacked in deep layers. Our concern is that natural regeneration of natives under the numerous branches layers will be prevented due to lack of light and growing space. As a result, these same areas will be devoid of vegetation and thereby subject to erosion. In addition, these debris piles prevent replanting.

Tree removal, habitat pruning and view enhancement pruning was largely completed as per the plan. Exceptions to this are as follows:

- The habitat pruning cut all trees to the same height, top of the slope. Our expectation was that the height of the final cuts made would be varied. Varying the height of the final cut would have been closer to mimicking a natural failure pattern for trees on this slope. No action is necessary to correct this.
- The final cut on the trunks should have copied the information provided in the Habitat Pruning | Natural Canopy Reduction Illustration, with cuts being deeper and a more splintered appearance. This will encourage localized decay and create habitat quickly. In the remaining trees still to cut this should be completed.
- Cut branches should have been cut to mimic a fracture or tear-out failure. No action is necessary to correct this.

The groundcover that existed prior to tree removal and other work has been retained as per the plan, and is largely intact. Based on checks made by Mr. John Lundsford of Anacortes Parks and Recreation six trees were removed from within the Guemes Channel Trail construction area. These trees were incorrectly included in my inventory of the Leeward Landing Project. Checks by Nels Strandberg of Strandberg Custom Homes and Design noted an additional four trees were removed to allow for the construction of the Guemes Channel Trail. A total of 10 trees were removed to construct the Guemes Channel Trail.

The following is a complete list of the 10 trees removed for the purposes of constructing the Guemes Channel Trail:

| <u>Tree #</u> | <u>Species</u> | <u>Diameter (inches)</u> |
|---------------|----------------|--------------------------|
| 145           | Red alder      | 16.7                     |
| 150           | Red alder      | 11.9                     |
| 155           | Red alder      | 8.9                      |
| 156           | Red alder      | 10.2                     |
| 167           | Red alder      | 18.5                     |
| 168           | Red alder      | 14.5                     |
| 169           | Red alder      | 5.4                      |
| 170           | Red alder      | 12.7                     |
| 171           | Red alder      | 11.1                     |
| 173           | Red alder      | 10.1                     |

Tree # 133, a 15.8-inch diameter red alder and two other smaller trees failed, failed in high winds. Debris from these tree failures have been removed. All other trees were retained or removed as approved by the City of Anacortes.

Erosion was observed in a few very small and localized areas, affecting installed plantings and also exposing soil in very small areas of the slope. Some of these areas are also too steep to plant and will therefore be left. I observed that some areas in the mid and upper slope were not planted with native groundcovers and shrubs. These areas were identified for replanting in the plan.

## Recommendations

### Erosion Control and Debris Management:

As per standard erosion control where surface erosion has been observed the following should be immediately completed.

- Immediately cover exposed and eroding soils with straw or mulch.
- Immediately replant through either the straw or mulch.



Very steep slopes  
will not be planted.

Cut debris into 3 to 6  
foot sections, try to  
vary length, and  
disperse across the  
site.

Once debris is cut  
and dispersed, plant  
the cleared areas.

**Photo 1:** This is an example of 1.) Exposed soils (labelled) requiring erosion protection and planting; and 2.) Dense debris layers requiring cutting and dispersal across site, with follow-up planting required.

Note that existing native vegetation must be retained undamaged and uncovered and that bare areas should be visible under the debris and allow for an individual to plant into the slope beneath.

### Planting Stock Access / Species Adjustment / Replanting Areas:

The species specified in the plan were reported to be not available. The following is a substitute list with suppliers listed. UFS completed a check of availability for these shrubs and groundcovers on March 18, 2016. The planting stock should be purchased and installed immediately as stock availability changes on a daily basis.

#### Supplier List:

FCN (Stock Supplier Abbreviation) Fourth Corner Nurseries  
Contact Angie Ballard O'Hare, Nursery Sales – (360) 734 0079  
5652 Sand Road, Bellingham WA 98226

WACD (Stock Supplier Abbreviation) WACD Plant Materials Center  
Contact Jim Brown, Manager & Sales – (360) 757 6972 / (360) 757 1094  
16564 Bradley Road, Bow, WA 98232



Planting Stock List:

Supplier | Species | Special Notes

Upper Slope –

FCN | Tall Oregon-grape, *Mahonia aquifolium*  
FCN | Red huckleberry, *Vaccinium parvifolium*  
WACD, FCN | Red Osier-dogwood, *Cornus stolonifera*  
FCN | Red-flowering current, *Ribes sanguineum* | Low Stock Numbers  
FCN | Nootka rose, *Rosa nutkana*  
FCN | Snowberry, *Symphoricarpos albus*

Mid Slope-

FCN | Red huckleberry, *Vaccinium parvifolium*  
FCN | Red-flowering current, *Ribes sanguineum* | Low Stock Numbers  
WACD, FCN | Pacific ninebark, *Physocarpus capitatus* | FCN Low Stock Numbers  
FCN | Swordfern, *Polystichum munitum*  
FCN | Beaked hazelnut, *Corylus conuta* var. *californica*  
WACD | Red elderberry, *Sambucus racemose*  
FCN | Black twinberry, *Lonicera involucrate*

As per the plan ""The density of planting should be sufficient to ensure no soil is exposed between plants after 3 to 5 years of establishment. In addition, as per "DR-6.5.7 f:"

"shrubs shall be planted such that within two years the shrubs will cover at least thirty percent (30%) of the area that would be covered when the shrubs have attained a mature size."



Pine damaged in localized erosion; conditions such as these must be immediately corrected.

Cover exposed soils with either straw or mulch, and plant through this into the slope.

**Photo 2:** Localized erosion has caused damage to installed trees and shrubs. Shown in this photo is the damage caused to two shore pine, *Pinus contorta* var. *contorta*. Areas of bare soil will need to be replanted and the trees condition addressed through replanting or replacement.

Let us know if you have any questions about these arborist notes.



## **Leeward Landing Planned Unit Development**

### **Hillside/ NGPE Landscape Plan**

The Hillside/ NGPE zone is a complex area with hundreds of trees and existing shrubs on steep slopes with limited access. Creating a detailed 2 dimension landscape plan graphically would be extremely difficult and likely would need significant changes as site conditions are highly variable, existing ground cover has not been located, and visualizing changes to tree canopies would be almost impossible. Leeward Landing proposes that the more detailed landscape plan be developed in the field under the supervision of Urban Forestry (Arborist) and the City of Anacortes Parks department. The actual locations of landscape materials will be located on site by staking the locations of landscape materials to be used, immediately after tree work has been completed. Careful attention will be paid to include all details of the Urban Forestry Arborist report, ATSI report, and Geo Tech's report. The intent is to replace 100% of all removed Red Alders with a far more diverse mix of trees. The added Shrubs will add significant bio diversity to the NGPE, increasing habitat value as well as aesthetics.

The following quantities of shrubs and trees, recommend by Urban Forestry, will be planted in location TBD within the NGPE area, and approved by Urban Forestry and the City of Anacortes.

- 30 - 1" Caliper Vine Maple
- 4 - 1" Caliper Big Leaf Maple
- 20 - 1" Caliper Douglas Maple
- 20 - Beaked Hazel Nut
- 20 - Black Hawthorne
- 100 - Salal
- 20 - Ocean Spray
- 20 - Oregon Grape
- 10 - Western Crabapple
- 4 - 4' Sitka Spruce
- 20 - 6' Shore pine
- 50 - Sword Fern
- 20 - Cascara
- 20 - Red Flowering Currant
- 30 - Nootka Rose
- 20 - Thimbleberry
- 50 - Native Willow (planted branches from on-site willow)
- 20 - Snowberry

**Leeward Landing Planned Unit Development  
5 Year Maintenance and Monitoring Plan**

1. After initial install of plants the site will be inspected by the City of Anacortes and Urban Forestry, verifying the installation of all agreed plants and trees. Deficiencies will be noted and corrected.
2. An "as built" drawing will be created, and pictures of views and trees documented and recorded on the property's deed. (NGPE Agreement)
3. On April 1<sup>st</sup> of each subsequent year, a City of Anacortes representative will meet with a representative from Leeward Landing HOA representative to check for dead or dying trees and shrubs. Dead or dying plantings will be documented and replaced, within 60 calendars days.
4. 5 years from final plat approval the monitoring plan will end.
5. The NGPE will then be maintained by the language in the NGPE Agreement.
6. Leeward will only be required to replant trees or shrubs if survival rate drops below 80%.

\_\_\_\_\_  
Leeward Landing LLC  
Nels Strandberg

\_\_\_\_\_  
Date

I certify that I know or have satisfactory evidence that \_\_\_\_\_ is the person who appeared before me, and said person acknowledged that said person signed this instrument and acknowledged it to be free and voluntary act of said person for the uses and purposes mentioned in the instrument.

Dated this day \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(Signature of Notary)

\_\_\_\_\_  
Print Name of Notary  
Notary Public in and for the State of Washington,

Residing at \_\_\_\_\_

My Appointment expires \_\_\_\_\_

Native Growth Protection Area  
Planting Requirements/Actual Inventory

**NGPE Planting Requirement**

| <b>Plant Type</b>                | <b>Required</b> | <b>Actual</b> |
|----------------------------------|-----------------|---------------|
| <b>NGPE Planting Requirement</b> |                 |               |
| <b>Plant Type</b>                | <b>Required</b> | <b>Actual</b> |
| 1' Caliper Vine Maple            | 30              | 30            |
| 1" Caliper Big Leaf Maple        | 4               | 4             |
| 1" Douglas Maple                 | 20              |               |
| Douglas Hawthorne                |                 | 20            |
| Beaked Hazel Nut                 | 20              | 20            |
| Black Hawthorne                  | 20              | 20            |
| Salal                            | 100             | 100           |
| Ocean Spray                      | 20              | 20            |
| Oregon Grape                     | 20              | 20            |
| Western Crab Apple               | 10              | 10            |
| 4' Sitka Spruce                  | 4               | 4             |
| 4'-5' Shore Pine                 | 0               | 20            |
| 6' Shore Pine                    | 20              | 20            |
| Sword Fern                       | 50              | 100           |
| Cascara                          | 20              | 20            |
| Red Flowering Currant            | 20              | 20            |
| Nootka Rose                      | 30              | 30            |
| Thimbleberry                     | 20              | 20            |
| Native Willow                    | 50              | 200           |
| Snowberry                        | 20              | 20            |
|                                  | <b>478</b>      | <b>698</b>    |

\* 80% Required Survival Rate on 478 plants



Elm 10/1/15 to Georgia



# Fourth Corner Nurseries

Fourth Corner Nurseries  
5757 Sand Rd.  
Bellingham, WA 98226

BARE-ROOT SALES: (360) 592-2250  
CONTAINER SALES: (360) 734-0079  
FAX: (888) 506-1236  
EMAIL: sales@fourthcornernurseries.com  
WEB: www.fourthcornernurseries.com

## Acknowledgement

# SI-9149

Date 10/1/2015

Page 1

### SOLD TO

Strandberg Custom Homes & Design  
Attn: Debbie Headrick  
2018 R Avenue  
Anacortes, WA 98221  
Ph. (360) 293-7431

### SHIP TO

cash

*Leeward*

Ph.

| Ordered   | Ship Date | Customer PO#    | Salesperson | Terms | Ship Via        | Job Name |
|-----------|-----------|-----------------|-------------|-------|-----------------|----------|
| 9/11/2015 | confirmed | Leeward Landing | bob         | COD   | Customer Pickup |          |

| Qty. Ordered | Available | Description                                               | Origin    | Size     | Unit Price | Extended Price |
|--------------|-----------|-----------------------------------------------------------|-----------|----------|------------|----------------|
| 20           | 20        | Pinus contorta v. contorta - Shore Pine                   | BC - Vanc | 1 gallon | \$4.00     | \$80.00        |
| 100          | 100       | Polystichum munitum - Sword Fern                          |           | 1 gallon | \$4.50     | \$450.00       |
| 30           | 30        | Acer circinatum - Vine Maple                              | 02-PugetL | 1 gallon | \$4.00     | \$120.00       |
| 4            | 4         | Acer macrophyllum - Big Leaf Maple                        | 02-PugetL | 1 gallon | \$4.00     | \$16.00        |
| 20           | 20        | Corylus cornuta v. californica - Beaked Hazelnut, Filbert | 02-PugetL | 1 gallon | \$4.50     | \$90.00        |
| 20           | 20        | Crataegus douglasii v. douglasii - Douglas Hawthorn       | 02-PugetL | 1 gallon | \$4.00     | \$80.00        |
| 20           | 20        | Frangula (Rhamnus) purshiana - Cascara                    | 09-ECasca | 1 gallon | \$4.00     | \$80.00        |
| 20           | 20        | Mahonia repens - Creeping Oregon Grape                    |           | 1 gallon | \$5.00     | \$100.00       |
| 30           | 30        | Rosa nutkana - Nootka Rose                                | 02-PugetL | 1 gallon | \$4.00     | \$120.00       |
| 20           | 20        | Symphoricarpos albus - Common Snowberry                   | 02-PugetL | 1 gallon | \$4.00     | \$80.00        |

### THIS IS NOT A CONFIRMATION

To place a firm order, please sign and return within 10 days, with a 25% deposit.

X

I understand this is a non refundable deposit with the balance due before shipping.

This Acknowledgement total does not include shipping cost.

### Substitution

If size ordered is unavailable, sent the next—

largest size available

smaller size available

no substitutions

Note: You will be charged for the size shipped.

\$329.34

\$989.52 Visa  
329.34 Visa

|                  |            |
|------------------|------------|
| Plant Total:     | \$1,216.00 |
| Packaging:       | \$0.00     |
| Shipping:        | \$0.00     |
| Subtotal:        | \$1,216.00 |
| 8.5 % Sales Tax: | \$103.36   |
| Total:           | \$1,319.36 |
| Amount Paid:     | \$0.00     |
| Total Due:       | \$1,319.36 |

|            |         |
|------------|---------|
| Date       | 10/2/15 |
| Invoice No | 1312    |

Arturo Lopez  
 Lopez Valley Nursery and Landscaping  
 10624 Collins Road  
 Sedro-Woolley, WA 98284  
 Office: (360) 854-0210  
 Cell: (360) 770-6221

Bid To  
 Strandberg (custom Homes & Design)  
 P.O. Box 319  
 Anacortes, WA 98221  
 Phone(360)293-7431 X1  
 Fax(360)299-8660

| QT              | Description                 | Unit Price | Amount     |
|-----------------|-----------------------------|------------|------------|
| 100             | Salal 1gal.                 | \$4.00     | \$400.00   |
| 20              | Ocean Spray 2gal.           | \$9.50     | \$190.00   |
| 10              | Western Crabapple 2gal.     | \$10.50    | \$105.00   |
| 4               | Sitka Spruce 4'             | \$18.50    | \$74.00    |
| 20              | Shore Pine 4'-5'ht.         | \$35.00    | \$700.00   |
| 20              | Red Flowering Currant 2gal. | \$100.50   | \$210.00   |
| 20              | Thimbleberry 2gal.          | \$9.50     | \$190.00   |
| 1               | Delivery                    | \$50.00    | \$50.00    |
| Leeward Landing |                             |            |            |
| Subtotal:       |                             |            | \$1,919.00 |
| Tax:            |                             |            | \$158.86   |
| Total Balance   |                             |            | \$2,077.86 |



# Fourth Corner Nurseries

Fourth Corner Nurseries  
5757 Sand Rd.  
Bellingham, WA 98226

BARE-ROOT SALES: (360) 592-2250  
CONTAINER SALES: (360) 734-0079  
FAX: (888) 506-1236  
EMAIL: sales@fourthcornernurseries.com  
WEB: www.fourthcornernurseries.com

## INVOICE

# SI-9607

Date 2/2/2016

Page 1

### SOLD TO

Strandberg Custom Homes & Design  
c/o: Debbie Headrick  
2018 R Ave.  
Anacortes, WA 98221  
Ph. (360) 293-7431

### SHIP TO

Strandberg Construction  
2018 R Avenue  
Anacortes, WA 98221

Ph. (360) 293-7431

| Ordered  | Ship Date | Customer PO# | Salesperson | Terms | Ship Via | Job Name |
|----------|-----------|--------------|-------------|-------|----------|----------|
| 1/4/2016 | confirmed |              | angie       | COD   | UPS      |          |

| Qty. Ordered | Shipped | Description                                 | Origin    | Size        | Unit Price | Extended Price |
|--------------|---------|---------------------------------------------|-----------|-------------|------------|----------------|
| 200          | 200     | Salix lucida ssp lasiandra - Pacific Willow | 02-PugetL | cuttings 4' | \$0.80     | \$160.00       |
| 3            | 3       | Boxes - extra large                         |           | each        | \$12.00    | \$36.00        |

*Leeward Landing*

|                  |          |
|------------------|----------|
| Plant Total:     | \$160.00 |
| Packaging:       | \$36.00  |
| Shipping:        | \$61.66  |
| Subtotal:        | \$257.66 |
| 8.5 % Sales Tax: | \$21.90  |
| Total:           | \$279.56 |
| Amount Paid:     | \$0.00   |
| Total Due:       | \$279.56 |

Signature

*Debbie Headrick*

Date

*2/2/2016*

We take great care to provide nursery stock of high quality, true to name and healthy at time of shipping. However, we can give no guarantee, expressed or implied, as to productiveness or life span. Any stock received in unsatisfactory condition must be reported immediately. Plant claims will be reviewed and credit will be issued where justified; at no time will we be responsible for more than the purchase price.

We do not guarantee plants to live after accepted.

*Pd Visa 2/2/2016*



Changes Pending  
4.01.2016

**When Recorded, Return To:**

City of Anacortes  
Planning, Community, & Economic Development Department  
904 6th Street / P.O. Box 547  
Anacortes, WA 98221

**GEOLOGICALLY HAZARDOUS AREA COVENANT,  
CONDITIONS, AND RESTRICTIONS:**

**PARCEL(S) #:**

**PROJECT  
FILE #**

**PROJECT  
NAME:**

**PROPERTY  
ADDRESS:**

**ZIP  
CODE:**

**LANDOWNER  
NAME:**

**MAILING  
ADDRESS:**

**ZIP  
CODE:**

**LEGAL DESCRIPTION (attach additional pages if needed):**

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## **SECTION ONE: ACKNOWLEDGEMENT AND ACCEPTANCE OF RISK:**

1.1 The undersigned ("Grantor") is the owner of the real property described above ("Property");

1.2 The City of Anacortes ("City") has a substantial interest in the effective and safe use of lands within its borders, and in the health, safety, and welfare of its citizens;

1.3 Grantor acknowledges that the Property is located in an environmentally sensitive area more specifically defined as a "geologically hazardous area" in Article IV of [Chapter 17.70 of the Anacortes Municipal Code](#);

1.4 "Geologically hazardous areas" may be subject to landslides and other soils movement that may result in the damage or destruction, in whole or in part, of any building, structure, dwelling, or lands within or adjacent to such areas;

1.5 Grantor understands and acknowledges that there are unique risks associated with development of the Property, including but not limited to property damage, loss of use, personal injury, and death that may result from soil movement;

1.6 This Covenant is to be signed, acknowledged and recorded in the records of Skagit County as a restrictive covenant, restricting and limiting use of the Property before the City will issue any permit(s) to do any work on the portion of the Property that is located within a "geologically hazardous area"; and

1.7 This ~~Covenant~~[Covenant](#) concerns the Grantor's use, occupation or enjoyment of the Property and is for the benefit of the City. This Covenant is intended to bind Grantor, its successors and assigns, any subsequent owner of the Property or any portion thereof, and any heir(s), successor(s), legal representative(s) and assign(s) of any of the foregoing parties (collectively, "Owner") and to run with the land.

## **SECTION TWO: RESTRICTIONS ON OCCUPATION, USE, AND DEVELOPMENT OF THE PROPERTY:**

2.1 The Property may not be occupied, used or developed, and no residential or commercial building, structure, or dwelling shall be erected or constructed on the Property, without first obtaining applicable permit(s) ("Permit(s)") from the City.

2.2 Grantor and each Owner of any portion of the Property that is located within a geologically hazardous area hereby covenants and agrees as follows:



2.2.1 Owner shall provide, design, construct, erect, maintain, repair, rebuild, or improve such structure(s), building(s), barriers(s), or dwelling(s) as is reasonably necessary to prevent, control or avoid damage from the adverse impacts from soils movement within or adjacent to the Property;

2.2.2 It is the sole burden and responsibility of Owners to obtain, ensure, and fund any design, approval, authorization, material, supplies, labor, services, maintenance, repairs, structural alterations, insurance, taxes, or assessments necessary or required to prevent, control or avoid damage from the adverse impacts from soils movement within or adjacent to the Property;

2.2.3 In consideration of the issuance of the Permit(s), Owner on his/her/their own behalf and on behalf of his/her/their heirs, successors, legal representatives, and assigns hereby releases and waives any right to assert any claim or ~~course of cause of~~ action related to any loss or damage to people or property either on or off the Property resulting from soils movement by reason of or arising out of issuance of the Permit(s) by the City for development on the Property.

Owner on his/her/their own behalf and on behalf of his/her/their heirs, successors, legal representatives, and assigns further and agrees to indemnify (including reasonable attorney's fees) and hold the City, its officers, employees and agents harmless from any claim(s) or ~~courses-causes~~ of action resulting from soil movement by reason of or arising out of issuance of the Permit(s) by the City for development on the Property which are related to: any loss or damage to people or property either on or off the Property resulting from soil movement (including but not limited to lateral spreading and seismically induced total and differential settlement); loss of soil strength and bearing capacity; loss of axial, end-bearing and lateral resistance of deep foundations; flotations of underground tanks; damage to buried utilities; amplification of earthquake ground motions; water movement; flooding; and water collection.

P; provided, nothing herein shall require Owner and his/her/their heirs, successors, legal representatives, and assigns to indemnify and hold harmless the City, its officers, agents and employees from claims or ~~courses-causes~~ of action caused solely by the negligence of the City, its officer, employees and agents.

2.2.3 ~~and p~~ Provided further, that if the claims or ~~courses-causes~~ of action are caused by or result from the concurrent negligence of (1) Owner, his/her/their heirs, successors, assigns and agents, and (2) the City, its officer, agents and employees, then Owner, his/her/their heirs, successors, assigns and agents shall indemnify and hold harmless the City, its officers, agents and employees from claims or causes of action only to the extent of the negligence of the Owner, his/her/their heirs, successors, assigns and



agents. The indemnity provisions provided herein shall be valid and enforceable only to the extent provided by law; and

**2.2.4** This Covenant shall be recorded in the records of Skagit County and run with the land in perpetuity for purposes of providing notice to Owner and/or his/her/their heir(s), successor(s), legal representative(s) and assign(s) that the Property is in a geologically hazardous area, that there may be actual or potential risks associated with development thereon, of any conditions or prohibitions on development, and of any features in this design which will require maintenance or modification to address anticipated soils changes.

### **SECTION THREE: RESERVATIONS, RESTRICTIONS, AND COVENANTS:**

**3.1** Grantor hereby declares that the Property is held and shall be conveyed subject to the reservations, restrictions, and covenants set forth in this Covenant.

### **SECTION FOUR: MISC. GENERAL PROVISIONS:**

**4.1** It is expressly understood and agreed that invalidation of any provision contained in this Covenant, or any portion of this Covenant, by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect.

### **SECTION FIVE: RUNNING COVENANT:**

**5.1** The covenants, agreements, and restrictions contained herein are intended to be restrictive covenants and not conditions, that shall run with the affected Property, that shall extend to and be binding upon the undersigned and any other Owner, and that shall be contained in any future title report applicable to the Property.

### **SECTION SIX: RECORDING:**

**6.1** This Covenant shall be recorded in the real estate records of the Auditor's Office of Skagit County, Washington.

### **SECTION SEVEN: INSURANCE:**

**7.1** Grantor and any subsequent Owner are hereby advised to obtain insurance in addition to standard homeowner's insurance to specifically cover the risks posed by proposed development in a geologically hazardous area, including without limitation those risks described above.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

\_\_\_\_\_  
Grantor

I certify that I know or have satisfactory evidence that \_\_\_\_\_ is the person who appeared before me, and said person acknowledged that said person signed this instrument and acknowledged it to be free and voluntary act of said person for the uses and purposes mentioned in the instrument.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(Signature of Notary)

\_\_\_\_\_  
(Legibly Print or Stamp Name of Notary)

Notary public in and for the State of

Washington, residing at \_\_\_\_\_

My appointment expires \_\_\_\_\_





**NATIVE GROWTH Protection Easement Agreement  
Maintenance and View Protection  
Leeward Landing  
Anacortes WA, 98221**

**THIS NATIVE GROWTH Protection Easement Agreement (this "Agreement" is hereby entered into by Leeward Landing LLC: Nels Strandberg, its successor and assigns ("Grantor") and the CITY OF ANACORTES ("City") as of the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_.**

**Grantor is the owner of certain real property (the "Property") in Skagit County, Washington, Legally described herein:**

**Leeward Landing Planned Unit  
Parcel:**

**The Property is subdivided as LEWARD LANDING A 10 LOT Planned Unit Development recorded \_\_\_\_\_ Under Auditor file NO. \_\_\_\_\_ Records of Skagit County, Washington, and any amendments, corrections or addenda thereto subsequently recorded from time to time.**

The NGPE is intended to preserve the area located within the first 100' landward of the Ordinary High Water Mark of Guemes Channel in a substantially undisturbed condition in order to maintain and improve the overall health of the natural habitat and protect the stability of the steep slope, while allowing for maintenance of view corridors from the property to the Guemes Channel.

Grantor wishes to record the Agreement for the purpose of establishing and clarifying the terms and conditions of the NGPE.

**Terms and Conditions:**

1. Any proposed activity within the NGPE area shall be in conformance with Shoreline Master Program and the approved critical areas reports for the subject site, as determined by the City of Anacortes. These reports include:
  - a. "Assessment of ESA Compliance & SMP Shoreline Functions for Leeward Landing" by ATSI, dated February 27, 2015 (~~Attachment~~);
  - b. "Leeward Landing Project Level 1 Limited Visual Assessment and Tree Preservation Plan, Revised 11-5-14" by Urban Forestry Services, Inc., dated November 5, 2014 (~~Attachment~~);
  - c. "Geotechnical Evaluation" by Geotest, dated November 4, 2014 (~~Attachment~~);
2. Prior to Final Plat Approval, "Grantor" will submit "photographic" evidence of created "views" and significant trees (within NGPE) from individual lots within the Leeward Landing Plat. The vertical elevation of photo will be recorded as well as the location

on the lot. This will create a "baseline" allowing "Grantor" and their successors and future owners, the right to maintain the "View Window" as described above for perpetuity. As vegetation grows, the following guidelines along with the Tree Preservation Plan, Hillside/NGPE Landscape Plan and the Tree and shrub Pruning Techniques in the NGPE Zone "Exhibit B" will be used when maintaining the View Windows.

3. Prior to any view maintenance activities proposed to occur for trees approximately 10 years old or older Leeward Landing Homeowners Association shall submit a report, prepared by an ISA certified arborist, to the City of Anacortes, describing proposed view maintenance activities needed in order to maintain views established through the PUD approval process, as described above. Maintenance activities proposed for multiple lots shall be consolidated into one report and shall occur in a coordinated fashion, unless otherwise approved by the City of Anacortes. The plan shall be consistent with the approved Critical Areas report, Tree Preservation Plan, and Geotechnical report for the project and shall identify trees to be trimmed, including methods proposed, equipment to be used, and a tree cutting and debris management plan.
4. For "new vegetation" growth that exceeds a height of 4ft (in a horizontal plane) above the height of the top of bank, owners may maintain such height no more often than once per calendar year. As described in "Exhibit B", a plan for maintenance proposed to be completed shall be submitted to the City of Anacortes for review and approval prior to work occurring. New sprouts from a maple stump are not considered mature trees.
5. Hand removal of noxious weeds, as listed by the state in Chapter 16-750 WAC, is permitted, provided such activity shall be conducted in a manner consistent with best management practices and the City's engineering design standards and native vegetation is promptly reestablished in the disturbed area.
6. "Hazard trees" as identified by an ISA Certified Arborist, may be removed subject to concurrence of the City of Anacortes. Hazard trees that are removed or blown down shall be replaced by the landowner with like species, subject to approval of the City of Anacortes. Replacement vegetation shall be maintained by the land owner until able to survive on its own.
7. Tree and shrub pruning permitted under the circumstances above shall utilize the techniques, as appropriate, outlined in "Exhibit B" herein
8. Fallen trees in the NGPE shall only be removed from the site with the prior approval of the City of Anacortes.
9. Trails through the NGPE shall not be permitted without the prior approval of the City of Anacortes and shall comply with the ASMP
10. Fencing plans along the NGPE must be approved by the City of Anacortes. No fencing is permitted within the NGPE.
11. The use of pesticides or herbicides within or adjacent to the NGPE is prohibited.

12. All work within the NGPE will be performed by hand, or with a chainsaw. At no point will the roots of vegetation be disturbed.
13. Dumping of landscaping or any other debris into NGPE is prohibited.
14. Any disturbance of the NGPE that is inconsistent with this agreement and/or the Shoreline Master Program is a violation of the SMP and shall be subject to restoration and penalty provisions of the Anacortes Municipal Code and the SMP.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_.

GRANTOR:

\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

CITY:  
CITY OF ANACORTES, WASHINGTON

By: \_\_\_\_\_

ATTEST:

Approved as to from:

By: \_\_\_\_\_

By: \_\_\_\_\_

Acknowledgement on Following Page



## Acknowledgement

State of Washington

County of Skagit

The foregoing instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

By \_\_\_\_\_, who was personally known to me or who provided sufficient proof of identity.

**Witness my hand and official seal.**

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

State of Washington

County of Skagit

The foregoing instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

By \_\_\_\_\_, who was personally known to me or who provided sufficient proof of identity.

**Witness my hand and official seal.**

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

**"Exhibit A"**

**Legal Description:**

**Leeward Landing Planned Unit Development**

**Parcel**

**P31716, P31717, P58364, P58285**

**COMMONLY KNOWN AS:**

**Lot 1 - 3820 Leeward Lane Anacortes, Washington 98221  
Lot 2 - 3816 Leeward Lane Anacortes, Washington 98221  
Lot 3 - 3814 Leeward Lane Anacortes, Washington 98221  
Lot 4 - 3810 Leeward Lane Anacortes, Washington 98221  
Lot 5 - 3806 Leeward Lane Anacortes, Washington 98221  
Lot 6 - 3802 Leeward Lane Anacortes, Washington 98221  
Lot 7 - 3718 Leeward Lane Anacortes, Washington 98221  
Lot 8 - 3716 Leeward Lane Anacortes, Washington 98221  
Lot 9 - 3710 Leeward Lane Anacortes, Washington 98221  
Lot 10 - 3708 Leeward Lane Anacortes, Washington 98221**

## **“Exhibit B”**

### **Permitted Tree and Shrub Pruning Techniques in the NGPE Zone**

#### **Tree Trimming and Pruning**

Retain a minimum of 70% of the original crown to maintain tree health and vigor. The removal of too much live foliage can reduce the tree's ability to supply food to the roots, thereby weakening them. A combination of the following trimming methods can be used:

1. **Windowing (vista pruning):** Remove groups of branches, creating openings to allow for view through sections of the crown.
2. **Interlimbing (thinning):** Remove branches to reduce their density throughout the crown, or sections of the crown. This allows for filtered view through the crown.
3. **Skirting Up (crown raise):** Remove branches to provide vertical clearance, allowing for a view under the canopy.
4. **Canopy Reduction:** Reduce length of branches to decrease height and or spread.
5. **Habitat Pruning:** Use coronet and natural fracture cutting techniques to reduce the height and or spread of the canopy. This creates additional long term habitat.

#### **Shrub Trimming and Pruning**

There are five basic techniques for pruning shrubs. A combination of the following trimming methods can be used:

1. **Pinching back:** Simply use your fingers to pinch off the terminal bud of the branch. This will encourage lateral branches to form and can be a great way to prevent more pruning later on.
2. **Heading back:** This method removes the terminal bud, resulting in more branches. Cut the branch at an angle, about 1/4" above a branch bud and sloping down and away from the bud. The bud nearest the cut determines the direction the branch grows. With the outward facing bud usually resulting in the best shape. If a heading cut is made in the middle of a branch with no bud, the result will be a flush of growth at the site of the cut.
3. **Thinning:** Thinning involves removing branches while leaving the terminal bud. Make the cut just outside the branch collar, which is the bulge where the branch meets the stem, but don't leave a stub. Thinning can produce a more open, shapely plant, without altering its overall size, shape, or growth habit.
4. **Renewal or rejuvenation pruning:** Renewal pruning involves removing the oldest stems and branches at the base, then thinning or heading back the younger stems to promote regrowth. With rejuvenation pruning, the entire shrub is cut to stubs less than 12". This drastic measure is usually done if a shrub has become an overgrown, tangled mass that is not blooming well.
5. **Shearing:** Shearing involves trimming off the tips of branches and is best used only for formal hedges. Shearing alters the shrub's natural shape and promotes thick growth only on the exterior of the plant, which results in dead foliage and lack of growth on the interior branches.



Lot #1

2 1/2

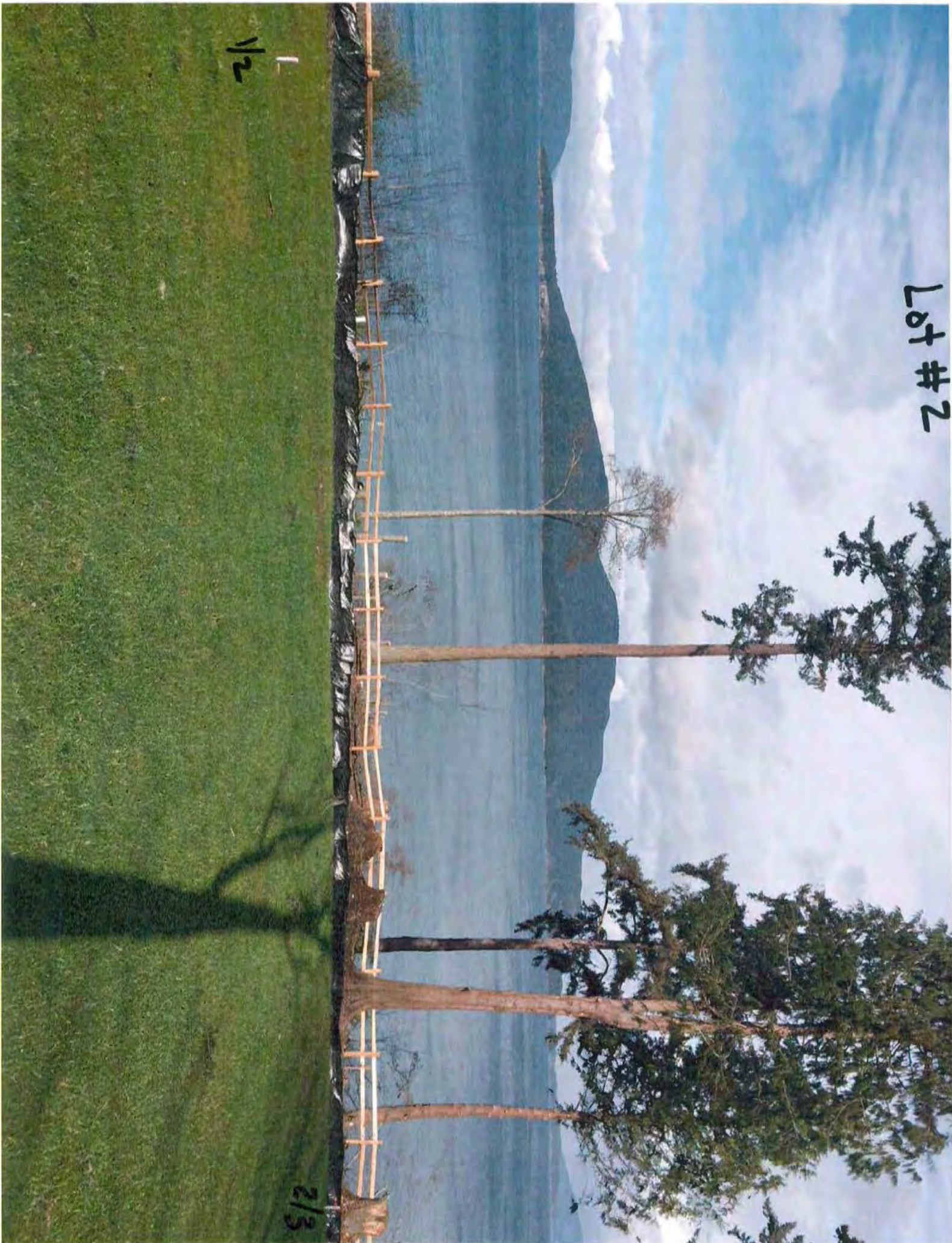




Lot #2

1/2

2/3

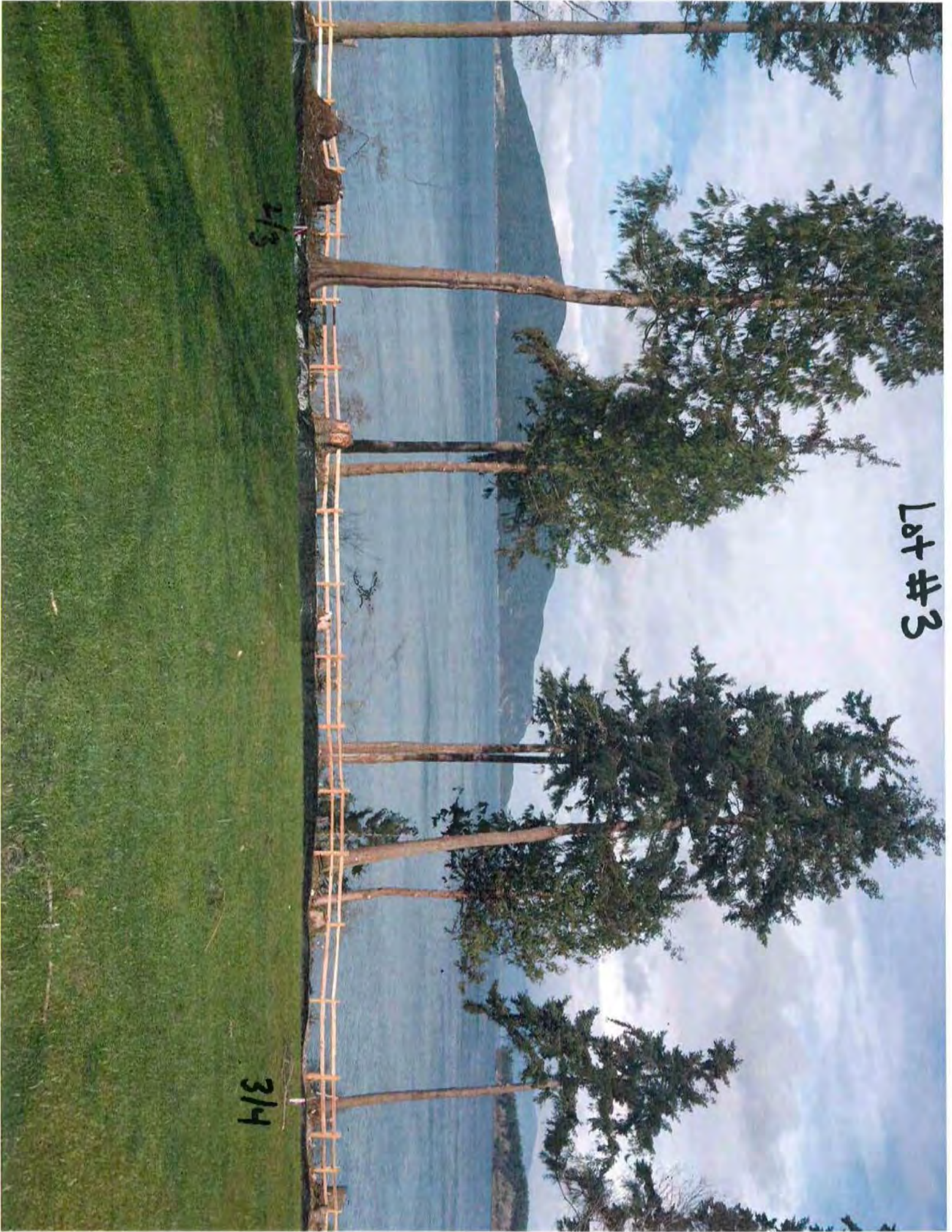




Lot #3

2/3

3/4





Lot #4

3/4

4/5





Lot #5

4/5

5/6

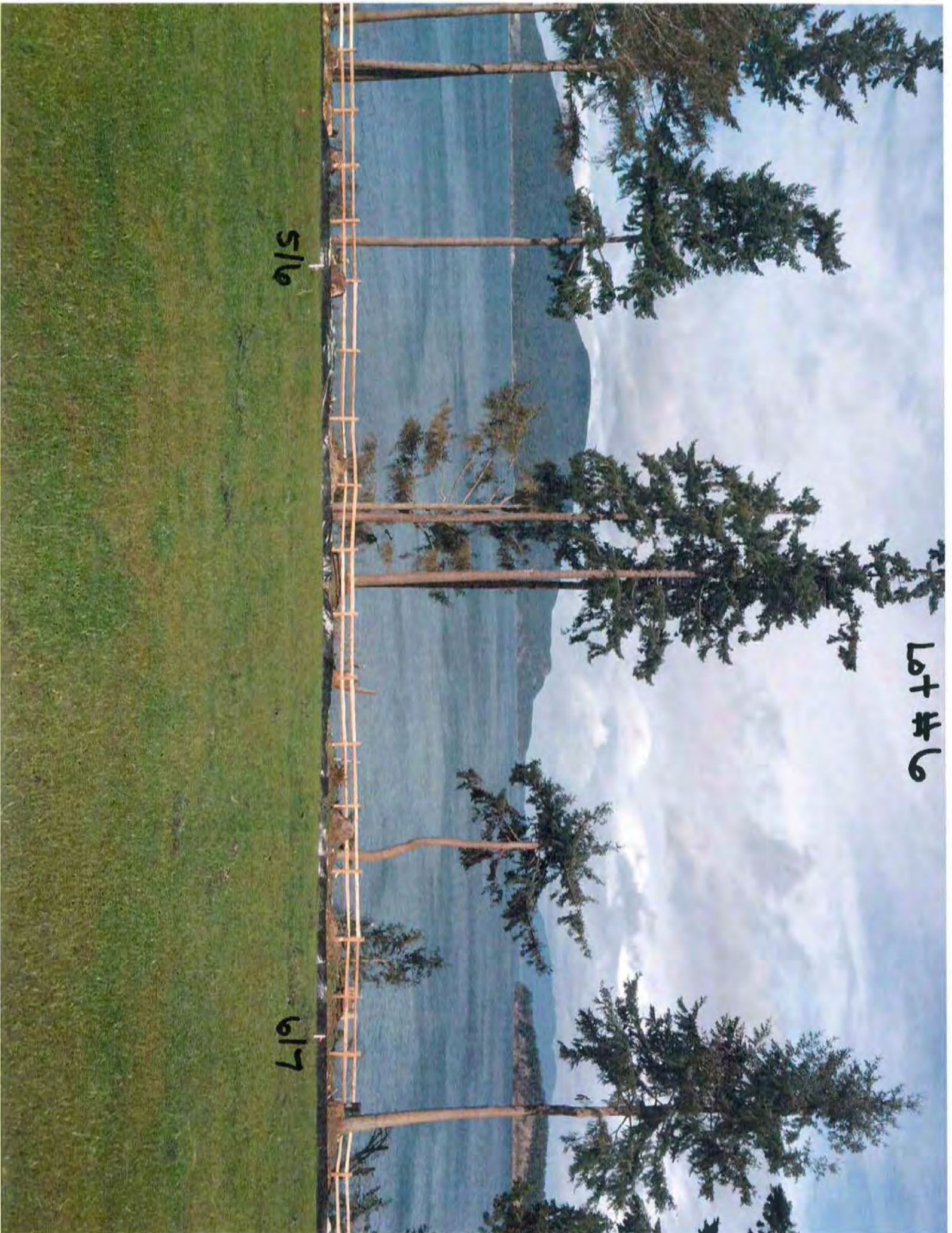




Lot #6

516

617





Lot #8

7/8

8/9





Lot #9

B/9

9/10





Lot #7

6/7

7/8





Lot 410

9/16

10/1

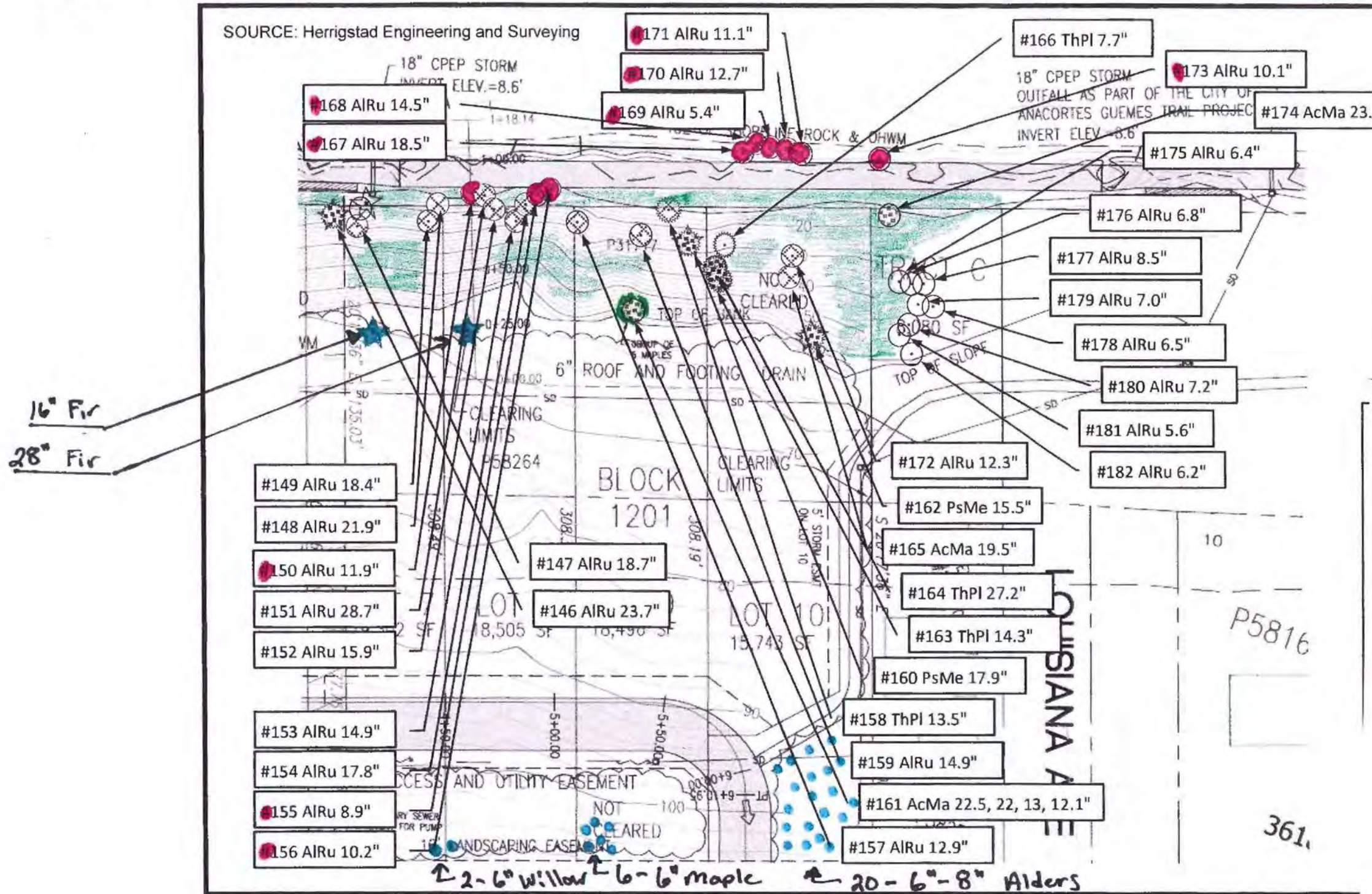








# Leeward Landing Tree Plan As Bu:ITS



Additional Trees Saved  
Total Tree Credits (106)

Lost due to wind

Removed by COA during  
construction of GCT.  
Tree Credits (-49)

Planted Trees + Shrubs

= plantings per NGPE planting  
list attached



**Urban Forestry Services, Inc.**  
15119 McLean Rd  
Mount Vernon, WA 98273

**Title:** Leeward Landing - Tree Preservation Plan,  
East Section

**Prepared for:** Strandberg Custom Homes and Design  
Mr. Nels Strandberg  
2018 R Ave, PO Box 319  
Anacortes, WA 98221

**Approximate Location of Preserved Trees**

**Date:** October, 2014

**Not To Scale**  
**Location of Trees is Approximate**  
**Only**



# \* Required Per Approval

## Leeward Landing Planned Unit Development

### Hillside/ NGPE Landscape Plan

The Hillside/ NGPE zone is a complex area with hundreds of trees and existing shrubs on steep slopes with limited access. Creating a detailed 2 dimension landscape plan graphically would be extremely difficult and likely would need significant changes as site conditions are highly variable, existing ground cover has not been located, and visualizing changes to tree canopies would be almost impossible. Leeward Landing proposes that the more detailed landscape plan be developed in the field under the supervision of Urban Forestry (Arborist) and the City of Anacortes Parks department. The actual locations of landscape materials will be located on site by staking the locations of landscape materials to be used, immediately after tree work has been completed. Careful attention will be paid to include all details of the Urban Forestry Arborist report, ATSI report, and Geo Tech's report. The intent is to replace 100% of all removed Red Alders with a far more diverse mix of trees. The added Shrubs will add significant bio diversity to the NGPE, increasing habitat value as well as aesthetics.

The following quantities of shrubs and trees, recommend by Urban Forestry, will be planted in location TBD within the NGPE area, and approved by Urban Forestry and the City of Anacortes.

- ✓ 30 - 1" Caliper Vine Maple
- ✓ 4 - 1" Caliper Big Leaf Maple
- ✓ 20 - 1" Caliper Douglas Maple
- ✓ 20 - Beaked Hazel Nut
- ✓ 20 - Black Hawthorne
- ✓ 100 - Salal
- ✓ 20 - Ocean Spray
- ✓ 20 - Oregon Grape
- ✓ 10 - Western Crabapple
- ✓ 4 - 4' Sitka Spruce
- ✓ 20 - 6' Shore pine + 4' 5' 20 planted - 4 trees
- ✓ 50 - Sword Fern plant 100\*
- ✓ 20 - Cascara
- ✓ 20 - Red Flowering Currant
- ✓ 30 - Nootka Rose
- ✓ 20 - Thimbleberry
- ✓ 50 - Native Willow (planted branches from on-site willow) planted 200
- ✓ 20 - Snowberry



Nels

ern Jim Wiggins  
3/24/16

Leeward Landing NGPE  
Planting Calculations

Oaks Avenue Landscape

| NGPE Planting Requirement   |          |        |
|-----------------------------|----------|--------|
| Plant Type                  | Required | Actual |
| NGPE Planting Requirement   |          |        |
| Plant Type                  | Required | Actual |
| ✓ 1' Caliper Vine Maple     | 30       | 30     |
| ✓ 1" Caliper Big Leaf Maple | 4        | 4      |
| ✓ 1" Douglas Maple          | 20       |        |
| Douglas Hawthorne           |          | 20     |
| ✓ Beaked Hazel Nut          | 20       | 20     |
| ✓ Black Hawthorne           | 20       | 20     |
| ✓ Salal                     | 100      | 100    |
| ✓ Ocean Spray               | 20       | 20     |
| ✓ Oregon Grape              | 20       | 20     |
| ✓ Western Crab Apple        | 10       | 10     |
| ✓ 4' Sitka Spruce           | 4        | 4      |
| ✓ 4'-5' Shore Pine          | 0        | 20     |
| ✓ 6' Shore Pine             | 20       | 20     |
| ✓ Sword Fern                | 50       | 100    |
| ✓ Cascara                   | 20       | 20     |
| ✓ Red Flowering Currant     | 20       | 20     |
| ✓ Nootka Rose               | 30       | 30     |
| ✓ Thimbleberry              | 20       | 20     |
| ✓ Native Willow             | 50       | 200    |
| ✓ Snowberry                 | 20       | 20     |
|                             | 478      | 698    |

| Additional Plantings | # Tree | Tree Unit | Tree Credit |
|----------------------|--------|-----------|-------------|
| Vine Maple           | 16     | 1         | 16          |
| Arbutus              | 31     | 1         | 31          |
| White Birch          | 15     | 1         | 15          |
| Shore Pine           | 22     | 1         | 22          |
| Birch                | 7      | 1         | 7           |
| Pine                 | 15     | 1         | 15          |
|                      | 106    |           | 106         |



80% survival rate

e/m 10/1/15 to Georgia



# Fourth Corner Nurseries

**Fourth Corner Nurseries**  
**5757 Sand Rd.**  
**Bellingham, WA 98226**

BARE-ROOT SALES: (360) 592-2250  
 CONTAINER SALES: (360) 734-0079  
 FAX: (888) 506-1236  
 EMAIL: sales@fourthcornernurseries.com  
 WEB: www.fourthcornernurseries.com

## Acknowledgement

# SI-9149

Date 10/1/2015

Page 1

### SOLD TO

Strandberg Custom Homes & Design  
 Attn: Debbie Headrick  
 2018 R Avenue  
 Anacortes, WA 98221  
 Ph. (360) 293-7431

### SHIP TO

cash

*Leeward*

Ph.

| Ordered   | Ship Date | Customer PO#    | Salesperson | Terms | Ship Via       | Job Name |
|-----------|-----------|-----------------|-------------|-------|----------------|----------|
| 9/11/2015 | confirmed | Leeward Landing | bob         | COD   | Customer Picku |          |

| Qty.<br>Ordered | Available | Description                                               | Origin    | Size     | Unit Price | Extended Price |
|-----------------|-----------|-----------------------------------------------------------|-----------|----------|------------|----------------|
| 20              | 20        | Pinus contorta v. cohorta - Shore Pine                    | BC - Vanc | 1 gallon | \$4.00     | \$80.00        |
| 100             | 100       | Polystichum munitum - Sword Fern                          |           | 1 gallon | \$4.50     | \$450.00       |
| 30              | 30        | Acer circinatum -Vine Maple                               | 02-PugetL | 1 gallon | \$4.00     | \$120.00       |
| 4               | 4         | Acer macrophyllum - Big Leaf Maple                        | 02-PugetL | 1 gallon | \$4.00     | \$16.00        |
| 20              | 20        | Corylus cornuta v. californica - Beaked Hazelnut, Filbert | 02-PugetL | 1 gallon | \$4.50     | \$90.00        |
| 20              | 20        | Crataegus douglasii v douglasii - Douglas Hawthorn        | 02-PugetL | 1 gallon | \$4.00     | \$80.00        |
| 20              | 20        | Frangula (Rhamnus) purshiana - Cascara                    | 09-ECasca | 1 gallon | \$4.00     | \$80.00        |
| 20              | 20        | Mahonia repens - Creeping Oregon Grape                    |           | 1 gallon | \$5.00     | \$100.00       |
| 30              | 30        | Rosa nutkana - Nootka Rose                                | 02-PugetL | 1 gallon | \$4.00     | \$120.00       |
| 20              | 20        | Symphoricarpos albus - Common Snowberry                   | 02-PugetL | 1 gallon | \$4.00     | \$80.00        |

\$989.52 Visa 10/1/15  
 329.84 Visa

\$329.84

### THIS IS NOT A CONFIRMATION

To place a firm order, please sign and return within 10 days, with a 25% deposit.

X

I understand this is a non refundable deposit with the balance due before shipping.

This Acknowledgement total does not include shipping cost.

### Substitution

If size ordered is unavailable, sent the next—

\_\_\_\_ largest size available

\_\_\_\_ smaller size available

\_\_\_\_ no substitutions

Note: You will be charged for the size shipped.

|                  |            |
|------------------|------------|
| Plant Total:     | \$1,216.00 |
| Packaging:       | \$0.00     |
| Shipping:        | \$0.00     |
| Subtotal:        | \$1,216.00 |
| 8.5 % Sales Tax: | \$103.36   |
| Total:           | \$1,319.36 |
| Amount Paid:     | \$0.00     |
| Total Due:       | \$1,319.36 |





# Fourth Corner Nurseries

Fourth Corner Nurseries  
5757 Sand Rd.  
Bellingham, WA 98226

BARE-ROOT SALES: (360) 592-2250  
CONTAINER SALES: (360) 734-0079  
FAX: (888) 506-1236  
EMAIL: sales@fourthcornernurseries.com  
WEB: www.fourthcornernurseries.com

## INVOICE

# SI-9607

Date 2/2/2016

Page 1

### SOLD TO

Strandberg Custom Homes & Design  
c/o: Debbie Headrick  
2018 R Ave.  
Anacortes, WA 98221  
Ph. (360) 293-7431

### SHIP TO

Strandberg Construction  
2018 R Avenue  
Anacortes, WA 98221

Ph. (360) 293-7431

| Ordered  | Ship Date | Customer PO# | Salesperson | Terms | Ship Via | Job Name |
|----------|-----------|--------------|-------------|-------|----------|----------|
| 1/4/2016 | confirmed |              | angie       | COD   | UPS      |          |

| Qty. Ordered | Shipped | Description                                 | Origin    | Size        | Unit Price | Extended Price |
|--------------|---------|---------------------------------------------|-----------|-------------|------------|----------------|
| 200          | 200     | Salix lucida ssp lasiandra - Pacific Willow | 02-PugetL | cuttings 4' | \$0.80     | \$160.00       |
| 3            | 3       | Boxes - extra large                         |           | each        | \$12.00    | \$36.00        |

Leeward Landing

Signature

Debbie Headrick

Date

2/2/2016

|                  |          |
|------------------|----------|
| Plant Total:     | \$160.00 |
| Packaging:       | \$36.00  |
| Shipping:        | \$61.66  |
| Subtotal:        | \$257.66 |
| 8.5 % Sales Tax: | \$21.90  |
| Total:           | \$279.56 |
| Amount Paid:     | \$0.00   |
| Total Due:       | \$279.56 |

We take great care to provide nursery stock of high quality, true to name and healthy at time of shipping. However, we can give no guarantee, expressed or implied, as to productiveness or life span. Any stock received in unsatisfactory condition must be reported immediately. Plant claims will be reviewed and credit will be issued where justified; at no time will we be responsible for more than the purchase price.

We do not guarantee plants to live after accepted.

Pd Visa 2/2/2016

|            |         |
|------------|---------|
| Date       | 10/2/15 |
| Invoice No | 1312    |

Arturo Lopez  
 Lopez Valley Nursery and Landscaping  
 10624 Collins Road  
 Sedro-Woolley, WA 98284  
 Office: (360) 854-0210  
 Cell: (360) 770-6221

Bid To  
 Strandberg (custom Homes & Design)  
 P.O. Box 319  
 Anacortes, WA 98221  
 Phone(360)293-7431 X1  
 Fax(360)299-8660

| QT              | Description                 | Unit Price | Amount     |
|-----------------|-----------------------------|------------|------------|
| 100             | Salal 1gal.                 | \$4.00     | \$400.00   |
| 20              | Ocean Spray 2gal.           | \$9.50     | \$190.00   |
| 10              | Western Crabapple 2gal.     | \$10.50    | \$105.00   |
| 4               | Sitka Spruce 4'             | \$18.50    | \$74.00    |
| 20              | Shore Pine 4'-5'ht.         | \$35.00    | \$700.00   |
| 20              | Red Flowering Currant 2gal. | \$100.50   | \$210.00   |
| 20              | Thimbleberry 2gal.          | \$9.50     | \$190.00   |
| 1               | Delivery                    | \$50.00    | \$50.00    |
| Leeward Landing |                             |            |            |
| Subtotal:       |                             |            | \$1,919.00 |
| Tax:            |                             |            | \$158.86   |
| Total Balance   |                             |            | \$2,077.86 |

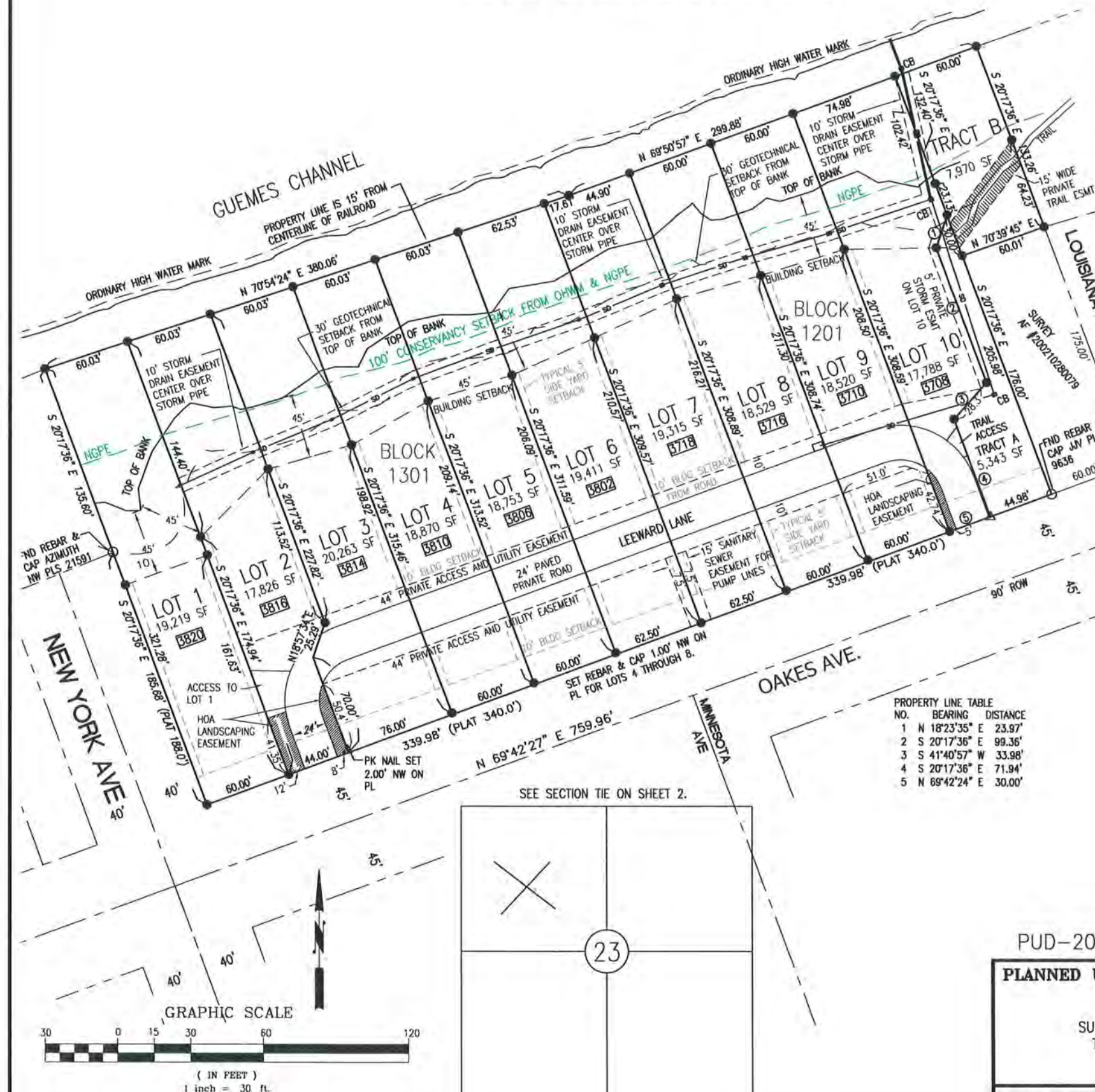
Landscaping  
 + A ✓



LEEWARD LANDING PUD  
SURVEY IN SEC. 23, TWP. 35 N, RNG 1 E., W.M.  
ANACORTES, WASHINGTON

AUDITORS CERTIFICATE

RECORD OF SURVEY AT THE REQUEST OF DALE K. HERRIGSTAD



AUDITOR  
GENERAL INFORMATION

DEPUTY AUDITOR

1. Assessor's Account No.s 350123-0-004-0007, P31716; 350123-0-004-0106, P31717; 3809-201-010-0108, P58264; 3809-301-010-0106, P58285.
2. Description and exception information is from the Subdivision Guarantee Policy No: SGW-08002115, dated February 10, 2016.
3. This property is SUBJECT TO and TOGETHER WITH easements, reservations, restrictions, covenants and other instruments of record including but not limited to those instruments referred to in the Subdivision Guarantee referenced under Note 2 above. Said report lists document recorded under Auditors File Number AF #201510070026 (PSE easement over newly installed utilities).
4. Zoning: (R2) Residential Low Density District.
5. Water Supply: City of Anacortes.
6. Sewer Disposal: City of Anacortes.
7. Storm Sewer: City of Anacortes.
8. ● Set Rebar and Cap #27807.
9. ○ Found Rebar and Cap as noted 2-29-2016.

ADDRESSES

SHOWN IN BOX ON LOTS ☐



SURVEYORS CERTIFICATE

I hereby certify that the LEEWARD LANDING PLANNED UNIT DEVELOPMENT is based upon an actual survey and subdivision performed by me or under my supervision of Section 23, Township 35 North, Range 1 East, W.M.; that the courses and distances are shown correctly on the ground; and that I have complied with the provisions of the statutes and platting regulations and that permanent control monuments have been established at each and every controlling corner of the parcel of land being subdivided.

DALE K. HERRIGSTAD, P.L.S.

Certificate No. 27807

Date

PUD-2014-0001, SDP-2014-0001

SHEET 1 OF 4

PLANNED UNIT DEVELOPMENT OWNER: LEEWARD LANDING, LLC  
P.O. BOX 319  
ANACORTES, WA 98221

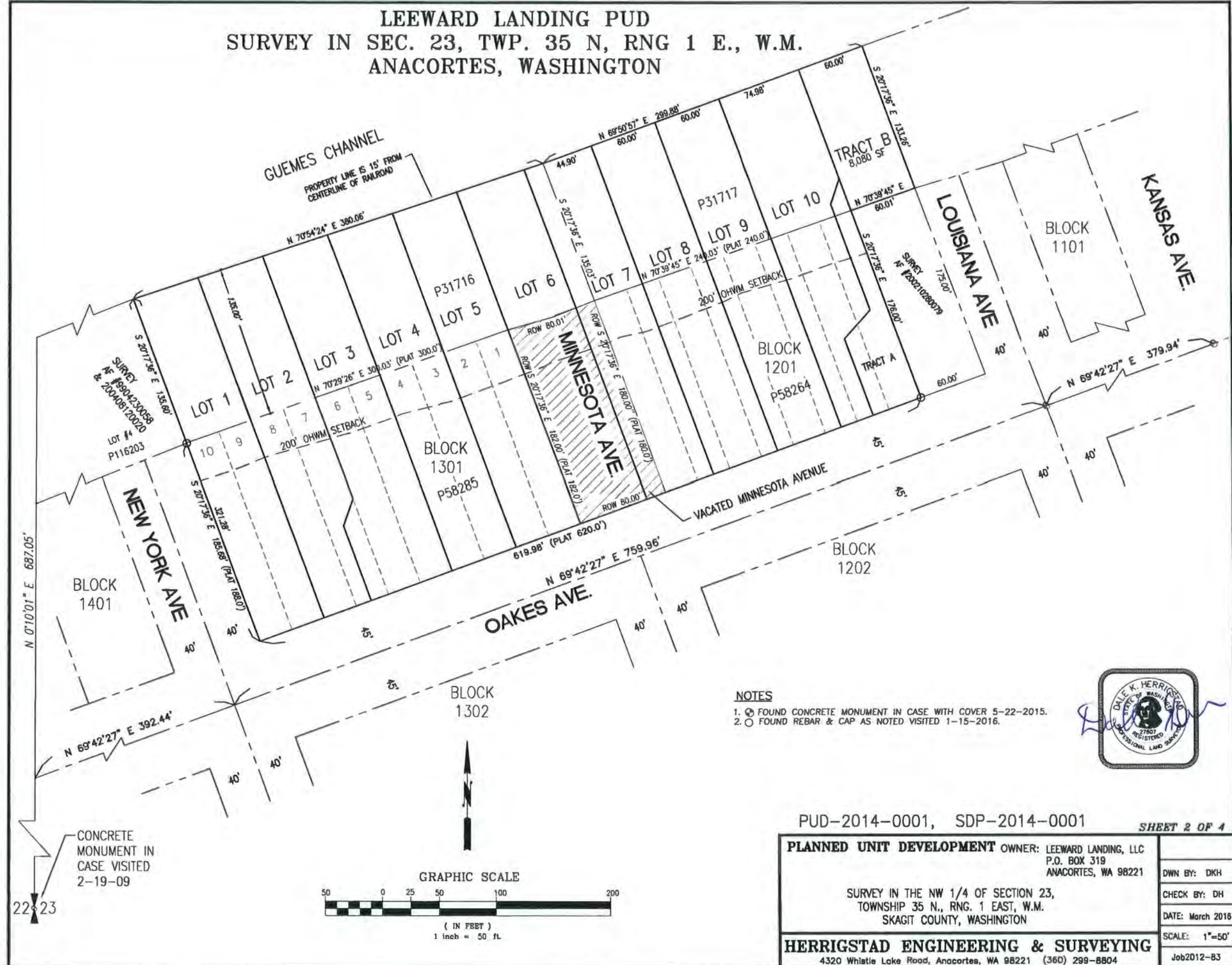
SURVEY IN THE NW 1/4 OF SECTION 23,  
TOWNSHIP 35 N., RNG. 1 EAST, W.M.  
SKAGIT COUNTY, WASHINGTON

HERRIGSTAD ENGINEERING & SURVEYING  
4320 Whistle Lake Road, Anacortes, WA 98221 (360) 299-8804

DWN BY: DKH  
CHECK BY: DH  
DATE: March 2016  
SCALE: 1"=30'  
Job2012-83



LEEWARD LANDING PUD  
SURVEY IN SEC. 23, TWP. 35 N, RNG 1 E., W.M.  
ANACORTES, WASHINGTON



NOTES

1. FOUND CONCRETE MONUMENT IN CASE WITH COVER 5-22-2015.
2. FOUND REBAR & CAP AS NOTED VISITED 1-15-2016.



PUD-2014-0001, SDP-2014-0001

SHEET 2 OF 4

PLANNED UNIT DEVELOPMENT OWNER: LEEWARD LANDING, LLC  
P.O. BOX 319  
ANACORTES, WA 98221

SURVEY IN THE NW 1/4 OF SECTION 23,  
TOWNSHIP 35 N., RNG. 1 EAST, W.M.  
SKAGIT COUNTY, WASHINGTON

HERRIGSTAD ENGINEERING & SURVEYING  
4320 Whistle Lake Road, Anacortes, WA 98221 (360) 299-8804

DWN BY: DKH  
CHECK BY: DH  
DATE: March 2016  
SCALE: 1"=50'  
Job2012-83



**LEEWARD LANDING PUD  
SURVEY IN SEC. 23, TWP. 35 N, RNG 1 E., W.M.  
ANACORTES, WASHINGTON**

**CONDITIONS OF APPROVAL SIGNED JULY 6, 2015.**

1. Sanitation, recycling, and compost collection shall be picked-up from the internal private road serving the subject replat/PUD -not placed on Oakes Avenue.
2. There shall be no parking permitted on any portion of either Oakes Avenue or the one-way street located within the development. No parking signage shall be demarcated onsite.
3. The proposed storm-water conveyance to the public outfall and easement shall be considered private and maintained by the property owners of which it serves.
4. The proposed 10-foot storm drain easement and collector system near top of bank shall be private and maintained by the property owners of which it serves.
5. Proposed 15-foot sanitary sewer easement for pump lines and collector side service pipe on the north side of the proposed manhole will be in a private easement and maintained by the property owners of which it serves.
6. The project shall comply with all applicable Shoreline Master Program regulations, including but not limited to, Chapter 5, Shoreline Environments & Associated Policies and Regulations, Chapter 6, Environmental Protection General Regulations, and Chapter 8, Specific Use Policies and Development Regulations.
7. The following are the minimum building setbacks from the respective property lines:  
A) Front: 20-feet  
B) Rear: 20-Feet C) Side: 5-feet
8. Both Tracts A & B shall be owned and maintained by the property owner, property owner's association, successors or assigns.
9. Private utilities shall be owned and maintained by the property owner, property owner's association, successors or assigns in a manner to ensure their functioning consistent with applicable regulations.
10. The lots in this subdivision are subject to applicable water, sewer, and stormwater general facility and hookup fees and transportation, fire, and park impact fees. These fees are payable at levels in effect at the time of building permit issuance and may differ from those fee levels currently in effect; sewer and water latecomer charges may be payable.
11. Unless otherwise outlined within a vegetation management plan that has been approved by the City of Anacortes, within the NGPE, vegetation or tree removal, topping, or trimming is prohibited unless approved by the City. The applicant would need to submit an ISA certified report that states a tree is dead, diseased, or dying and hazardous to surrounding uses, along with a geological hazardous area critical area report to the City of Anacortes' Planning Department and Parks and Recreation Department for review and approval. Notwithstanding, vegetation tree removal from an erosion or landslide hazard area and its associated buffer is prohibited per AMC § 17.70.260(4).
12. One twenty-eight (28) foot high, detached 2,000 square foot (maximum) accessory building is permitted on each lot provided it is in compliance with all other bulk and dimensional standards for the zone, except where modified through these conditions of approval. Where an accessory dwelling unit (ADU) is proposed within said building, the living space shall not exceed 1,200 square feet. Impact fees & OFC shall be payable at the time of building permit issuance for both the ADU and primary residence. The 2,000 square foot (maximum) permitted accessory building size and 28 foot high (maximum) height limit variance/deviance only applies to lots 3 through 9. Accessory structures on lots 1, 2, & 10 shall meet current zoning code standards including but not limited to maximum permitted building size and height.

13. Development shall comply with the issued SEPA Mitigated Determination of NonSignificance (MDNS) mitigation measures as follows:  
A. Development shall comply with all of the recommendations of the Geotechnical Evaluation prepared by Geotest dated November 4, 2014, listed therein (MDNS Condition #1).  
B. Pursuant to City of Anacortes' Shoreline Master Program (SMP) Appendix A-3.9.4, unless otherwise provided or as part of an approved alteration, removal of vegetation from an erosion or landslide hazard area or related buffer shall be prohibited. The applicant however has submitted a geotechnical report, tree preservation plan, and landscape plan addressing proposed vegetation removal. Any vegetation removal shall be consistent with the submitted geotechnical report, tree preservation plan, and landscape plan (MDNS Condition #11).
14. The Homeowner's Association shall be responsible for the maintenance of all landscaping provided along the sidewalk fronting the subject property that runs parallel to Oakes Avenue. The height of any trees planted therein shall be similar to the landscaping in the San Juan Passage development PUD fronting Oakes Avenue. This shall also be reflected in the CC&Rs. Additionally, the maximum permitted height of the fence proposed located within the front yard setback shall be five (5) feet from grade.
15. Before final PUD/ replat submittal or approval is given, the applicant/ landowner shall submit a 5-year maintenance and monitoring plan to the city for approval for all planting along the public trail, private trail, sidewalk located within the right-of-way, and plantings within the Native Growth Protection Easement (NGPE) located onsite.
16. As modified since the SEPA MDNS was issued, all structures shall be setback forty-five (45) feet from the top of the bank of the geologically hazardous/ steep slope.
17. The twenty-eight (28) foot high detached accessory structures (which may include ADUs) shall not exceed sixteen (16) feet in height (maximum) as measured above Oakes.

**LEGAL DESCRIPTION**

**PARCEL "A":**

Lots 3 through 10, inclusive, Block 1201, "NORTHERN PACIFIC ADDITION TO ANACORTES," as per plat recorded in Volume 2 of Plate, pages 9 through 11, inclusive, records of Skagit County, Washington.

Situate in the City of Anacortes, County of Skagit, State of Washington.

**PARCEL "B":**

All that portion of the right-of-way of the former railway of the Great Northern Railway Company in Section 23, Township 35 North, Range 1 East, W.M., described as follows:

Beginning at the Northeast corner of Block 1201 in Northern Pacific Addition to Anacortes, as per plat recorded in Volume 2 of Plate, pages 9 through 11, inclusive, records of Skagit County, Washington;  
thence Northwesterly along the Northeastly line of said Block 1201 extended, to a point 15 feet distant Southeastly, measured at right angles, from the center line of the former railway of said Great Northern Railway Company, as located and constructed on March 6, 1940;  
thence Southwesterly parallel with said center line and 15 feet distant there from, to the Southwesterly line of said Block 1201 extended Northeastly;  
thence Southeastly along said extended line to the Northwest corner of Block 1201 in said Northern Pacific Addition to Anacortes;  
thence Northeastly along the Southerly boundary of said Northern Pacific Addition to Anacortes, to the point of beginning.

Situate in the City of Anacortes, County of Skagit, State of Washington.

**PARCEL "C":**

Lots 1 to 10, inclusive, Block 1301, "NORTHERN PACIFIC ADDITION TO ANACORTES," as per plat recorded in Volume 2 of Plate, page 9, records of Skagit County, Washington.

Situate in the City of Anacortes, County of Skagit, State of Washington.

**PARCEL "D":**

That portion of Government Lot 4, in Section 23, Township 35 North, Range 1 East, W.M., described as follows:

Beginning at the Northwest corner of Block 1201, "NORTHERN PACIFIC ADDITION TO ANACORTES," as per plat recorded in Volume 2 of Plate, page 9, records of Skagit County, Washington;  
thence Northwesterly along the Southwesterly line of said Block 1201 extended, to a point 15 feet distant Southeastly, measured at right angles, from the centerline of the railway of said Great Northern Railway Company, as located and constructed on March 6, 1940;  
thence Southwesterly parallel with said centerline and 15 feet distant therefrom, to the Southwesterly line of Block 1301 in said Plat extended Northwesterly;  
thence Southeastly along said extended line to the Northwest corner of said Block 1301;  
thence Northeastly along the Northerly boundary of said "NORTHERN PACIFIC ADDITION TO ANACORTES", to the point of beginning.

Situate in the City of Anacortes, County of Skagit, State of Washington.

PUD-2014-0001, SDP-2014-0001

SHEET 3 OF 4

**PLANNED UNIT DEVELOPMENT OWNER:** LEEWARD LANDING, LLC  
P.O. BOX 319  
ANACORTES, WA 98221

SURVEY IN THE NW 1/4 OF SECTION 23,  
TOWNSHIP 35 N., RNG. 1 EAST, W.M.  
SKAGIT COUNTY, WASHINGTON

**HERRIGSTAD ENGINEERING & SURVEYING**  
4320 Whistle Lake Road, Anacortes, WA 98221 (360) 299-8804

DWN BY: DKH  
CHECK BY: DH  
DATE: March 2016  
SCALE: noted  
Job2012-83





**LEEWARD LANDING PUD  
SURVEY IN SEC. 23, TWP. 35 N, RNG 1 E., W.M.  
ANACORTES, WASHINGTON**

**EASEMENTS**

1. An easement is hereby reserved for and conveyed to the PUGET SOUND ENERGY INC.(A.F. NO. 200807140094), FRONTIER COMMUNICATIONS TELEPHONE COMPANY, CASCADE NATURAL GAS COMPANY, AND COMCAST CABLE TELEVISION COMPANY and their respective successors and assigns under and upon a 44 foot wide private access and utility easement across lots 2 through 10 as shown on the face of the plat and extended to the Oakes Avenue right-of-way through a 30 foot wide easement on Lot 10 and 44 foot wide easement on Lot 2 being the full width of the lots at Oakes Avenue, as shown on the plat, in which to construct, operate, maintain, repair, replace and enlarge underground pipes, conduits, cables and wires all necessary or convenient underground or ground mounted appurtenances thereto for the purpose of serving this subdivision and other property with electric, gas, telephone and other utility service, together with the right to enter upon the streets, lots, tracts and spaces at all times for the purposes herein stated.
2. The private road within the 44 foot wide access and utility easement will be the responsibility of the Leeward Landing Homeowners Association for the purposes of a access road with maintenance being the responsibility of the Leeward Landing Homeowners Association.
3. A Native Growth Protection Easement (NGPE) is hereby reserved over the area on the subject property located within 100 foot landward of the Ordinary High Water Mark. The NGPE shall remain undisturbed except as authorized by the City of Anacortes after review and approval of a plan for the activities as described in the NGPE agreement recorded under AFN \_\_\_\_\_.
4. A 15 foot wide sanitary sewer easement, 7.5 feet either side of the property line between lots 6 and 7 is hereby granted to the Leeward Landing Homeowners Association for the purposes of sanitary sewer force lines to each individual lot. The maintenance of each line is the responsibility of the lots for which they serve.
5. A private landscaping easement adjacent to the private access road across Lots 2 and 10 as shown on the plat is hereby granted to the Leeward Landing Homeowners Association for the purposes of landscaping and maintenance.
6. A 10 foot wide storm drainage easement on and across the northern portions of Lots 2 through 10 as well as Tracts A & B, centered over the storm drainage system as constructed is hereby granted to the Leeward Landing Homeowners Association for the purposes of storm drainage and maintenance.
7. A 5 foot wide storm drainage easement on and across the eastern portion of Lot 10 adjacent to Tract A, as shown on the face of the plat, is hereby granted to the Leeward Landing Homeowners Association for the purposes of storm drainage and maintenance.

**NOTES**

1. Subject to Declaration of Covenants, Conditions, Restrictions, (CC&R's), Geohazard Covenant and NGPE Maintenance Agreement, recorded together under;

AFN \_\_\_\_\_.

2. The PUD reference number PUD-2014-0001 and date of approval shall be included in all deeds and contracts.

**PROPERTY NOTES:**

1. Tract A is to be granted to the Leeward Landing Homeowners Association for the purposes of a pedestrian trail, storm drainage and landscaping with the construction and maintenance being the responsibility of the Leeward Landing Homeowners Association.
2. Tract B is to be granted to the Leeward Landing, LLC. The 15 foot wide trail easement shown across Tract B is granted to the Leeward Landing Homeowners Association for the purposes of a pedestrian trail with the construction and maintenance being the responsibility of the Leeward Landing Homeowners Association.

**DEDICATION**

Know All Men by these Present that SKAGIT BANK, Mortgage Holders and LEEWARD LANDING LLC, owner of the land hereby platted, declare this plat and dedicate to the use of the public forever, streets and avenues shown hereon and the use thereof for all public purposes consistent with the use thereof for public highway purposes together with the right to make all necessary slope for cuts and fills upon the lots and blocks shown hereon in the original reasonable grading of all such streets and avenues shown hereon. The Owners and their assigns hereby waive all claims for damages against which may be occasioned to the adjacent properties by the construction, drainage and maintenance of said road and or area.

LEEWARD LANDING LLC

SKAGIT BANK

State of Washington  
County of Skagit

I certify that I know of have satisfactory evidence that \_\_\_\_\_ signed this instrument, on oath stated that (he/she/) (was/are) authorized to execute the

instrument and acknowledged it as the \_\_\_\_\_ of LEEWARD LANDING LLC to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Given under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_,  
Notary Public in and for the State of Washington

Name printed \_\_\_\_\_

Residing at \_\_\_\_\_

My commissions expires \_\_\_\_\_

State of Washington  
County of \_\_\_\_\_

I certify that I know of have satisfactory evidence that \_\_\_\_\_ signed this instrument, on oath stated that (he/she/) (was/are) authorized to execute the

instrument and acknowledged it as the \_\_\_\_\_ of SKAGIT BANK to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Given under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_,  
Notary Public in and for the State of Washington

Name printed \_\_\_\_\_

Residing at \_\_\_\_\_

My commissions expires \_\_\_\_\_

**SKAGIT COUNTY TREASURERS CERTIFICATE**

I certify that all taxes heretofore levied and which have become a lien upon the lands herein described have been fully paid and discharged according to the records of my office, up to and including the year of 20\_\_\_\_\_.

Certified this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

Skagit County Treasurer

PUD-2014-0001, SDP-2014-0001

SHEET 4 OF 4

**PLANNED UNIT DEVELOPMENT** OWNER: LEEWARD LANDING, LLC  
P.O. BOX 319  
ANACORTES, WA 98221

SURVEY IN THE NW 1/4 OF SECTION 23,  
TOWNSHIP 35 N., RNG. 1 EAST, W.M.  
SKAGIT COUNTY, WASHINGTON

**HERRIGSTAD ENGINEERING & SURVEYING**

4320 Whistle Lake Road, Anacortes, WA 98221 (360) 299-8804

DWN BY: DKH

CHECK BY: DH

DATE: March 2016

SCALE: None

Job2012-83







## **Draft - Planning Commission Meeting Minutes for – April 13, 2016**

Chair Laumbattus called the Meeting of April 13, 2016 to order at approximately 6 p.m.

### **Roll Call**

Commissioners Present: Moffitt, Oppel, Laumbattus, McNett Pollard, Cleland-McGrath and Farnsworth.

### **Minutes**

Minutes of March 9, 2016 and March 23, 2016 were approved as read.

### **Correspondence**

No correspondence was presented.

### **New Business**

#### **Leeward Landing Final Replat/PUD Application**

Ms. Libby Grage, Planning Manager, presented the Leeward Landing Final Replat/PUD Application to the Commissioners. Ms. Grage reminded the Commissioners that this final plat Planned Unit Development/Replat application was originally heard before the Commissioners at an open public hearing on May, 2015. The City Council did issue preliminary plat and PUD approval for the project on July 6, 2015 subject to 41 conditions of approval. This was a replat and Planned Unit Development including vacation of a portion of Minnesota Ave undeveloped right of way. Following that preliminary approval by City Council, several construction plans were submitted to staff and approved by the Public Works Department and the applicant then constructed project infrastructure including curb, gutter, sidewalk and landscaping along Oakes Avenue. The contractors also installed a private internal access road and utilities. The Public Works Department and the Fire Marshall have been on site and inspected all the improvements and recommend approval of the final plat application subject to submittal of a two year maintenance bond prior to recording of the plat. The Planning Commission is asked to make a recommendation of approval or disapproval as to compliance of the conditions of preliminary plat approval that were set by City Council.

Commissioner Pollard asked whether the additional planting on the bluff had been completed to which Ms. Grage provided it had been completed the day before and staff has not had a chance to go to the site.

Commissioner Oppel expressed concern about the steep hazardous bank and who would be responsible for the bank stability after the lots are sold. Mr. Measamer provided that conditions require a geologically hazardous area covenant be recorded on the property which is currently being developed. Ms. Darcy Swetnam, City Attorney, provided that City staff, the applicant and their counsel have agreed to the terms of the geologically hazardous area

covenant which is designed to address those issues and be responsive to that condition. Commissioner Oppel asked if every property owner will have to agree to the covenant to which Ms. Swetnam provided that each property owner will not have to agree but this will be recorded with each parcel.

With no further questions, Commission Pollard made a motion to recommend approval; motion seconded by Commissioner McNett. Vote called or was unanimous in favor of motion.

With no further business, Chair Laumbattus called the meeting to a close at approximately 6:10 p.m.



**RETURN TO:**

City of Anacortes  
P.O. Box 547  
Anacortes, WA 98221

**ORDINANCE NO. 2974**

**AN ORDINANCE VACATING A PORTION OF MINNESOTA  
AVENUE RIGHT-OF-WAY LYING BETWEEN BLOCKS 1201 AND 1301 IN  
NORTHERN PACIFIC ADDITION TO ANACORTES AS PER  
RECORDS OF SKAGIT COUNTY, WASHINGTON**

**THE CITY COUNCIL OF THE CITY OF ANACORTES DOES HEREBY ORDAIN AS  
FOLLOWS:**

**WHEREAS**, at the July 6, 2015, City Council closed-record public hearing, City Council approved the subject vacation request and associated replat, planned unit development, code variance /deviation, shoreline substantial development permit, and shoreline variance subject to conformance with conditions of approval listed in the respective Findings of Fact, Conclusions of Law, and Decision; and,

**WHEREAS**, the City Council held a public hearing on said proposal on July 6, 2015, and agreed to approve the proposal as set-forth below; now, therefore

**THE CITY COUNCIL OF THE CITY OF ANACORTES, DOES HEREBY  
ORDAIN AS FOLLOWS:**

**SECTION 1.** The following described right-of-way on streets and alleys located in the City of Anacortes should be and are hereby vacated:

*All of Minnesota Avenue lying between Blocks 1201 & 1301 in Northern Pacific Addition to Anacortes, as per plat recorded in Volume 2 of Plats, pages 9 through 11, inclusive, records of Skagit County, Washington.*

**SECTION 2.** Pursuant to AMC 12.50.130(A) and 12.50.135(A), in lieu of compensation, the value of the vacated right-of-way will be used to construct a public trail, with steps/rails that connects to the Guemes Channel Trail below the bank.

**SECTION 3.** Accordingly, the applicant, Nels Strandberg of Strandberg Construction, has constructed the public trail and steps/rails connecting the trail to Guemes Channel Trail

below the bank as was conditioned as part of preliminary approval granted by City Council on July 6, 2015, to the Leeward Landing replat, planned unit development, code variance /deviation, vacation request, shoreline substantial development permit, and shoreline variance. Condition of approval number nine (9) of the respective Findings of Fact, Conclusions of Law, and Decision reads as follows:

*“The value of the vacated right-of-way shall only go toward the offsite public portion of trail construction (Kansas Avenue Park north to the Guemes Channel Trail). Any remaining funds shall be paid to the City of Anacortes. The value of the proposed vacated right-of-way will be determined prior to construction plan approval.”*

Therefore, all consideration required prior to the effectiveness of this Ordinance has been provided.

**SECTION 4.** Effective Date: This ordinance shall take effect from and after 5 (five) days after its passage and publication as required by law.

**PASSED AND APPROVED** this 2<sup>nd</sup> day of May, 2016.

**CITY OF ANACORTES:**

BY: \_\_\_\_\_  
Laurie Gere, Mayor

**ATTEST:**

\_\_\_\_\_  
Steve D. Hoglund, City Clerk Treasurer

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Darcy J. Swetnam, WSBA #40530  
City Attorney





# City Council Agenda Bill

**Meeting Date:** 5/2/2016      **Agenda Item:** 7B

**Subject:** Final Replat & PUD Application, Leeward Landing (PUD-2014-0001):

**Staff Contact:** Don Measamer

| Approved for Submittal to Council by |                                 |
|--------------------------------------|---------------------------------|
|                                      | Laurie Gere, Mayor              |
|                                      | Steve Hoglund, Finance Director |
|                                      | Darcy Swetnam, City Attorney    |
| X                                    | Don Measamer, Planning Director |
|                                      |                                 |
|                                      |                                 |

| Action Type |                       |
|-------------|-----------------------|
|             | Ordinance No.         |
|             | Resolution No.        |
|             | Contract              |
|             | Public Hearing        |
|             | Staff Report          |
| X           | Discussion & Decision |

## **SUMMARY STATEMENT:**

Preliminary replat/PUD approval was issued for Leeward Landing, a 10-lot re-plat/PUD located on the north side of Oakes Avenue, east of Anacopper Road, by City Council on July 6, 2015, subject to 41 conditions. Following preliminary approval, civil construction plans were approved by the Public Works Department and project infrastructure, including curb, gutter, sidewalk and landscaping on Oakes Avenue, private internal access road and utilities, have been constructed. Leeward Landing, LLC has submitted a final replat/PUD application meeting the requirements of AMC § 16.16.020. The Public Works Department has inspected all improvements and recommends approval of the final replat application, subject to submittal of a 2-year maintenance bond prior to recording of the replat/ PUD. The Planning Commission met on April 13, 2016, regarding the subject final replat/ PUD application and recommended approval unanimously to City Council.

Based on an approved critical areas report, arborist tree preservation plan/report and geotechnical report, the applicant conducted some tree removal and tree pruning. A final report from the arborist was submitted identifying several items remaining to be addressed, including some erosion control, debris management and additional planting on the slope. This will be completed prior to final replat /PUD approval. The applicant has also agreed to submit an irrevocable letter of credit in the amount of \$10,000 in order to ensure successful completion of the 5-year maintenance and monitoring period, and to plant the geotech setback area prior to recording of the plat.

## **BACKGROUND:**

The final replat /PUD process is a check to determine that the terms and requirements of preliminary replat /PUD approval have been met and that required improvements have been constructed or bonded/guaranteed. If the City Council finds that the final replat /PUD meets the requirements as set-out in the preliminary replat/ PUD approval conditions, the final replat /PUD shall be approved per AMC § 16.16.030.

**PREVIOUS COMMISSION/COMMITTEE ACTION:**

The Planning Commission held an open-record public hearing and recommended approval of the preliminary replat/PUD to the City Council on May 13, 2015.

**COMPETING VIEWPOINTS CONSIDERED:**

Public view points were considered during the preliminary replat / PUD comment period and public hearing process. Final replat /PUD review is a time to address conformance with conditions of approval.

**RECOMMENDED MOTION:**

I move that City Council approve the subject final replat /PUD application subject to the submittal by the applicant of a 5-year bond or other acceptable security regarding maintenance and monitoring of slope vegetation, and submittal of a 2-year maintenance bond for public improvements, as recommended by staff, prior to recording of the plat.

**ATTACHMENTS** (listed in order presented):

1. Memo from Public Works Department, April 1, 2016
2. City Council's Findings of Fact, Conclusions of Law & Decision for Leeward Landing
3. Applicant's statement regarding Compliance with "Findings of Fact", April 5, 2016
4. Applicant's letter re: Leeward Landing Public Stairs/ ROW vacation cost, March 30, 2016
5. Arborists Notes, Urban Forestry Services, Inc., March 29, 2016
6. Applicant's Hillside/NGPE Landscape Plan and proposed 5-Year Maintenance and Monitoring Plan
7. Geotechnical Hazardous Area Covenant, Conditions and Restrictions
8. Draft Native Growth Protection Easement (NGPE) Agreement for Maintenance and View Protection
9. NGPE As-Built
10. Final Replat /PUD Map
11. April 13, 2016, Planning Commission Minutes





## ANACORTES PUBLIC WORKS DEPARTMENT

Steven Lange, Project Manager

P.O. BOX 547, ANACORTES, WA 98221

E-MAIL: stevel@cityofanacortes.org

PH(360) 293-1920

FAX(360) 293-1938

### Memo

Date: April 1, 2016

To: Don Measamer, Planning Director

From: Steven Lange

Subject: Leeward Landing Final Plat Acceptance (PW#14-013-DEV)

cc: Fred Buckenmeyer, Eric Shjarback, Libby Grage, Kevin Cricchio, Kaitlyn Nelson

The construction of the Leeward Landing project is completed and ready for Final Plat approval.

The inspection of the deficiency list was completed on Thursday, March 31, 2016 and found that all items were completed to the satisfaction of the Public Works Department

At this time, the Public Works Department recommends approval of the Leeward Landing project subject to a 2-year Maintenance Bond being submitted prior to the recording of the Final Plat.

Thank you,

A handwritten signature in blue ink, appearing to read "Steven Lange".

Steven Lange  
Project Manager



• Water • Wastewater • Streets • Storm Drainage • Engineering • Solid Waste  
• Transportation • Equipment • Capital Projects • Development Services

Attachment 1



**CITY COUNCIL'S  
FINDINGS OF FACT, CONCLUSIONS OF LAW,  
& DECISION:**

**CLOSED RECORD  
HEARING DATE:**

June 1, 2015, at 7:00 PM  
July 6, 2015, at 7:00 PM (Continued to)

**SITE VISIT:**

June 1, 2015, at 5:30 PM

**PROJECT NAME:**

Leeward Landing PUD

**FILE NUMBER:**

PUD-2014-0001 (Planned Unit Development)  
SDP-2014-0001 (Shoreline Permit)

**APPLICANT:**

Nels Strandberg  
Strandberg Construction  
2018 "R" Avenue  
Anacortes, WA 98221

**LANDOWNER:**

Leeward Landing, LLC  
P.O. Box 319  
Anacortes, WA 98221

**PROJECT PLANNER:**

Kevin Cricchio, AICP  
Associate Planner  
City of Anacortes  
904 6<sup>th</sup> Street  
Anacortes, WA 98221

**SUBJECT PROPOSAL:**

Preliminary approval of a 10-lot replat (preliminary plat approval) including vacation of public right-of-way; Planned Unit Development (PUD) approval including modification(s) to underlying zoning standards; Shoreline Substantial Development Permit for site development and a shoreline trail (public & private), shoreline variance for trail setback to OHWM; & SEPA environmental review. The site consists of approximately 4.63 ± net acres along the Guemes Channel shoreline.



Ten (10) residential lots are proposed ranging in size from 17,776 to 20,236 square feet in area. One single-family residence with an attached garage is proposed for each lot. Additionally, one twenty-eight (28) foot high detached 2,000 square foot (maximum) accessory structure is also proposed on each lot. Where an accessory dwelling unit (ADU) is proposed within each accessory building, living space is limited to 1,200 square feet (maximum). A more in depth discussion regarding the applicant's proposed variance /deviation to code is listed below.

Access to the site off of Oakes Avenue is proposed from a one way internal private roadway serving the 10 lots maintained by the homeowners association.

**PROJECT LOCATION:**

The subject properties are 4.63 ± net acres in area. The subject properties are located in a portion of Section 23; Township 35 North; Range 01 East; Willamette Meridian

**SUBJECT PARCELS:**

Parcel #: P58285, P58264, P31716, & P31717

**ZONING DISTRICT:**

The subject property is located in the Residential (R2) Zoning District of the City of Anacortes.

**COMPREHENSIVE PLAN DESIGNATION:**

Residential Low Density (R2)

**SHORELINE ENVIRONMENT /DESIGNATION:**

Conservancy Environment (within first 100 feet landward of the OHWM) and Shoreline Residential Environment (from 100 feet to 200 feet as measured landward from the OHWM).

**EXISTING LAND USE:**

The subject property is vacant with no structures or improvements located on it.

**SURROUNDING ZONING & LAND USES:**

| Direction: | Zoning:                | Present Land Use:         |
|------------|------------------------|---------------------------|
| North:     | Commercial Marine (CM) | Guemes Channel Trail      |
| South:     | Residential (R2)       | Oakes Avenue              |
| East:      | Residential (R2)       | Single-Family Residential |
| West:      | Residential (R2)       | Single-Family Residential |

**PERMITS REQUIRED:**

The following permits /approval may be required in addition to the above: Civil Construction Plan approval, Final PUD and Plat approval, NPDES Construction Stormwater General Permit, building permit(s); DOE approval of shoreline variance, other applicable state and federal permits/authorizations.

**EXISTING ENVIRONMENTAL DOCUMENTS:**

Critical Areas Report (11/17/14); SEPA Environmental Checklist (2/11/15); JARPA (2/11/15); Large Parcel Storm Water Plan (1/8/15); Tree Preservation Plan & Vegetation Conservation (11/5/14); Revised Tree Preservation Plan & Vegetation Conservation Drawing (3/31/15), Landscape Plan (11/6/14); Archeological Evaluation (7/24/14); Geotechnical Evaluation (11/4/14); Traffic Impact Analysis (10/3/14); Description of Shade Conditions (3/31/15); ATSI's ESA Compliance & SMP Shoreline Functions; Assessment (2/27/15); Shoreline Functions by Hart Crowser

**UTILITIES:**

- **Water:** City of Anacortes
- **Sanitary Sewer:** City of Anacortes
- **Garbage:** City of Anacortes
- **Storm-water:** City of Anacortes

**FIRE:**

- City of Anacortes

**POLICE:**

- City of Anacortes

**A. FINDINGS OF FACT:**

**I. SITE DESCRIPTION:**

The project site is vacant with no structures located on it. It is predominantly vegetated with alder trees with sporadic maple and fir located on it. The understory mostly consists of ferns, grasses, blackberry, and nettle.

The southern and central part of the project site has a gentle northward sloped bench. Along the northern part of the subject property, the site dips to the north at an inclination of approximately 40 to 45 degrees and descends to approximately 60 to 80 vertical feet to the shoreline of Guemes Channel.

At the base of the project site is located the Guemes Channel Trail (a public trail) and the Guemes Channel shoreline.

**II. REPLAT /PUD /SHORELINE PERMIT CHRONOLOGY & BACKGROUND:**

1. The applicant submitted the application for the subject replat, PUD, & shoreline permit to the City of Anacortes on November 26, 2014.



2. After reviewing the application material, it was deemed incomplete on December 23, 2014.
3. The applicant submitted to revisions to the city for review on February 13, 2015. The application was still deemed incomplete on February 25, 2015.
4. Additional revisions were submitted to the city on March 5, 2015. After reviewing the additional revisions, the application was deemed complete on March 11, 2015.
5. On April 22, 2015, an open-record public hearing was conducted regarding the subject PUD, replat, and shoreline permit applications. The open-record public hearing was continued to May 13, 2015 at 7:00 PM.
6. Prior to the continued open-record public hearing on May 13, 2015, Planning Commission members conducted a site visit of the subject property at 6:00 PM.
7. Prior to the closed-record public hearing/meeting, City Council conducted a site visit of the subject property at 5:30 PM on June 1, 2015.

### **III. CRITICAL AREAS REVIEW:**

#### **Geologically Hazardous Area:**

The project development was reviewed for proximity to critical areas. The 100-foot Conservancy shoreline environment setback from the ordinary high water mark includes steep slopes that are considered a geologically hazardous landslide /erosion hazard area. According to the Geotechnical Evaluation prepared by Geotest dated November 4, 2014, flatter portions of the site range from 8 to 15 percent slopes while the bluff's slope is 70 to 90 percent. According to the Geotechnical Report, a thirty (30) foot building setback/ buffer is recommended from the top of the bluff. Additionally, the report states that the proposed roof and footing drains should be parallel to the top of the slope and setback a minimum of twenty-five (25) feet from the slope. The recommendations of the Geotechnical Evaluation have been incorporated herein as conditions. The Planning Commission has added condition of approval number forty (40) hereto requiring a forty-five (45) foot building setback as measured from the top of bank.

#### **Third Party Review:**

GeoEngineers located in Bellingham, Washington, reviewed the applicant's geotechnical report and has suggested recommendations to the city which have been made as conditions of approval herein.

#### **Cultural Resources:**

According to a Cultural Resource Report and Addendum prepared by Caldera Archaeology dated August 29, 2013, and July 24, 2014, respectively no cultural resources or anthropogenically modified soils were identified during the investigation.

Both the State of Washington's Department of Archaeology and Historic Preservation and Samish Indian Nation reviewed the results of this archaeological survey report and concur with the finding that no further archaeological oversight is necessary for the project.

#### **Wetlands:**

According to a Critical Areas Report prepared by ATSI dated November 17, 2014, there are no wetlands located onsite.

*Priority Habitat & Species:*

No known priority habitat or species is located on or within close proximity to the subject properties following a review of Washington State Department of Fish and Wildlife's website.

*Shoreline Functions:*

On January 22, 2015, Hart Crowser prepared a memorandum addressing no net loss of shoreline functions and processes to comply with the Shoreline Master Program regulations. According to Hart Crowser's memo, the proposed 10 lot PUD, does not propose to make any changes to the beach substrate below the ordinary high water mark. Therefore, the physical beach and habitat functions (bluff erosion prevention, maintenance of littoral drift, and habitat) will not be altered and no loss of functions will occur.

Hart Crowser states that no "direct impacts to the beach will occur due to the proposed project. Therefore, there will be no loss of forage fish spawning habitat due to the project. The current condition of the beach habitat for forage fish spawning would not change due to the proposed project. While some trees on the upper portions of the bluff will be removed and replaced with shrubs and small trees, the vegetation that directly overhangs the beach is proposed to remain." Hart Crowser anticipates that the shading of the beach will remain the same as currently exists or only slightly altered but restored over time. Therefore, no net loss of shoreline functions is anticipated by this project.

*Endangered Species Act (ESA) & Shoreline Functions:*

According to an Assessment of ESA Compliance & Shoreline Master Program (SMP) functions prepared by ATSI dated February 27, 2015, ATSI identified the Guemes Channel shoreline adjacent to the project area to the north as having endangered species within the marine waters of the Guemes Channel. However, ATSI states that the project as designed is ESA compliant and that there will be no net loss of ecological functions per the city's SMP.

**IV. TREE PRESERVATION PLAN & VEGETATION CONSERVATION::**

The applicant submitted both a Tree Preservation Plan (**See Exhibit 10**) prepared by Urban Forestry Services and a revision to the Tree Preservation Plan's drawing. According to the report, 187 trees were located onsite of which eight-four (84) trees are proposed for retention and 103 slated for removal which includes 7 trees at risk of failing. The site consists mostly of a dense canopy of red alder and big-leaf maple.

Replacement and proposed planting of native trees and shrubs will be used to comply with City of Anacortes Municipal Code. Planting will also help mitigate and minimize possible erosion while contributing to shoreline shading below. Trees designated for retention and proposed for planting can also be viewed in the Landscape Plan (**See Exhibit 11**).

**V. TRANSPORTATION:**



Transportation Solutions, Incorporated (TSI) of Redmond, Washington performed a traffic impact analysis of the proposed ten (10) lot Planned Unit Development (PUD). According to this report, the site accesses satisfy City of Anacortes level of service standards. Furthermore, no sight distance deficiencies exist. No offsite mitigation was recommended. Frontage improvements shall be consistent with city standards.

#### **VI. VACATION REQUEST:**

The applicant has requested that the unimproved portion of Minnesota Avenue shown on the preliminary PUD map (See Exhibits 1 & 12) which is surrounded by the subject properties be vacated as part of the subject 10 lot PUD request. If approved, this ROW area vacated would then be used as part of the subject PUD resulting in 10 lots. The City's Public Works Department supports this vacation request (See Exhibit 3).

#### **VII. PRIVATE & PUBLIC TRAILS:**

The applicant also is proposing to construct a private trail from Tract A and B as shown on the preliminary replat/ PUD map (See Exhibits 1, 11, & 12). The private trail would connect to a proposed public trail located offsite beginning at the eastern edge of Tract B. The public trail would meander along the bank/bluff in an east to west direction and connect to the Kansas Street Park.

In exchange for the vacated portion of Minnesota Avenue, the applicant would construct the public trail, improve Kansas Street Park (including paved parking areas) and construct a trail with steps/rails that connects to the Guemes Channel Trail below the bank as approved by the Parks Department (See Exhibit 3).

#### **VIII. PROPOSED CODE DEVIATION /MODIFICATION:**

The applicant has applied for a Planned Unit Development (PUD) which allows for some deviation /modification to city standards /code. Specifically, the applicant has proposed that the required setback for the underlying R2 Zoning District be reduced to 5 feet on both side yards instead of the required 5 feet on onside and no less than 15 on both sides combined (per AMC § 17.36.060).

Additionally, the applicant proposes a deviation to both the maximum permitted square footage to accessory structures and accessory dwelling units (ADU). According to municipal code, accessory structures are limited to 1,000 maximum square feet while accessory dwelling units are limited to 900 square feet per AMC 17.48.010(B) and AMC 17.10.170(D)) respectively. The applicant also proposes a variance /deviation to the maximum permitted height to accessory structures. According to AMC 17.48.010(B), accessory structures are limited in height to 16 feet above original grade. The applicant has requested that one twenty-eight (28) foot high detached 2,000 square foot (maximum) accessory building be permitted on each lot. Where an accessory dwelling unit (ADU) is proposed within each accessory building, living space would not exceed 1,200 square feet.

Lastly, the applicant proposes constructing a six (6) foot fence within the front yard parallel and adjacent to Oakes Avenue. According to AMC § 17.52.010, fences within a front yard shall not

exceed 4 ½ feet (the first 2 ½ feet is a 100% sight obscuring fence. On top of this, an additional 2 feet is permitted provided it is 50% sight obscuring).

**IX. NOTICE OF APPLICATION & HEARING:**

1. A "Notice of Application & Hearing with Optional SEPA DNS" was published in the Anacortes American Newspaper on March 11, 2015.
2. Notice was also posted on the subject property in three (3) different locations on March 9, 2015.
3. Notice was posted at city hall, the library, and the USPS on March 6, 2015. Additionally, the notice was posted on the city's website.
4. Neighbors within 300 feet of the subject property were mailed "Notice of Application & Hearing with Optional SEPA DNS" on March 9, 2015.
5. Departments and agencies of jurisdiction were emailed the respective application material, notice, and comment form on March 6, 2015.
6. Notice of application & hearing with optional SEPA DNS was emailed to Department of Ecology on March 6, 2015, for posting on to the SEPA register.
7. The 30-day comment period ended on April 10, 2015.
8. A SEPA MDNS was issued on April 15, 2015 (**See Exhibit 5**). Parties of record and departments/ agencies of jurisdiction were mailed /emailed copies of the MDNS. The SEPA MDNS was emailed to Department of Ecology for posting again on to the SEPA register.
9. Notice of continuance of Planning Commission open-record public hearing was posted at city hall on April 23, 2015.
10. Notice of Closed Record Public Hearing /Meeting was published in the Anacortes American Newspaper on May 13, 2015. Additionally, Notice of Closed Record Hearing was posted at city hall, the library, the post office, and on the city's website on May 5, 2015. Neighbors and parties of record were also mailed Notice of Closed Record Hearing on May 13, 2015. The subject property was posted with four (4) Notice of Closed Record Public Hearing on May 7, 2015.

**X. COMMENTS RECEIVED:**

**Public Comments:**

To date, staff has received five (5) written comments (**See Exhibit 4**) on the subject PUD request from the following individuals:

|    | <b>Public Comments:</b>              | <b>Date Received:</b> |
|----|--------------------------------------|-----------------------|
| 1. | Don (Pete) Peterson                  | 3/16/15               |
| 2. | Bruce Flanagan (& names undersigned) | 4/10/15               |
| 3. | Ross Barnes                          | 4/22/15 & 5/13/15     |
| 4. | Joan Osborne                         | 4/22/15               |
| 5. | Marilyn Derig                        | 5/13/15               |



**Department & Agencies of Jurisdiction Comments:**

To date, staff has received several comments from departments & agencies of jurisdiction (See Exhibit 3) and the table listed below.

The Skagit River System Cooperative expressed concerns and doubts that the proposed tree removal and trimming on the bluff above Guemes Channel will not result in no net loss of shoreline habitat due to a loss of shading. Strandberg Construction responded to this comment by revising their Tree Preservation Plan Drawing showing less trees proposed for removal. Additionally, Strandberg Construction prepared a Shade Study with a description and graphical representation of shade provided by those trees designated for retention.

The Samish Indian Nation provided comment stating that they had no cultural resource concerns after reviewing the applicant's submitted Archaeological Evaluation.

Washington State Department of Transportation also provided comment requesting that a single access to State Route (SR) 20 be used for the subject 10 lot PUD. Staff forwarded this comment to the applicant for review. The applicant along with representatives from the City of Anacortes Public Works Department met with WSDOT on Tuesday April 14, 2015, to discuss WSDOT's comment. Please see the attached memo (See Exhibit 3) from the Public Works Department summarizing this meeting.

|     | <b>DEPARTMENT &amp; AGENCY COMMENTS:</b>                 | <b>DATE RECEIVED:</b> |
|-----|----------------------------------------------------------|-----------------------|
| 1.  | Washington State Department of Fish & Wildlife           | 5/4/15                |
| 2.  | Washington State Department of Transportation            | 4/7/15                |
| 3.  | Department of Archaeology and Historic Preservation      | 3/24/14               |
| 4.  | City of Anacortes Parks Department                       | 4/15/15               |
| 5.  | City of Anacortes Public Works Department                | 4/14/15               |
| 6.  | Samish Indian Nation Tribal Historic Preservation Office | 3/30/15               |
| 7.  | Skagit River System Cooperative                          | 3/19/15 & 3/23/15     |
| 8.  | City of Anacortes Water Department                       |                       |
| 9.  | City of Anacortes Street Department                      |                       |
| 10. | City of Anacortes Solid Waste Department                 |                       |
| 11. | City of Anacortes Operations Department                  |                       |

**XI. APPEALS:**

Parties of record were mailed copies of the signed recommendation following the Planning Commission's open-record public hearing conducted on May 13, 2015, to recommend approval to City Council. No appeals have been received to date.

**XII. SEPA ENVIRONMENTAL REVIEW:**

1. According to AMC § 16.080.010, SEPA environmental review is required for the subdivision of property into five (5) or more lots, tracts, parcels, sites, or divisions, for sale or lease.
2. Notice of application and hearing with optional SEPA DNS was published, mailed to property owners within 300 feet of the subject property, and posted onsite as required by AMC and state law.

3. Notice of application & hearing with optional SEPA DNS was also emailed to the Department of Ecology on March 6, 2015, for posting on to the SEPA register.
4. On April 15, 2015, a SEPA Mitigated Determination of Non-Significance (MDNS) was issued using the optional DNS process pursuant to WAC § 197.11.355. Parties of record and departments/agencies of jurisdiction were mailed /emailed copies of the MDNS.
5. The issued SEPA MDNS was emailed to the Department of Ecology for posting on to the SEPA register on April 15, 2015.

### **XIII. SHORELINE MANAGEMENT ACT & 2010 SHORELINE MASTER PROGRAM:**

1. A portion of the subject property lies within 200 feet of a shoreline of statewide significance. Therefore, conformance with the City of Anacortes' 2010, Shoreline Master Program which implements and administers the State of Washington's Shoreline Management Act (RCW 90.58) is applicable.
2. Within the first one hundred (100) feet landward of the Ordinary High Water Mark is located the "Conservancy" Shoreline Designation /Environment.
3. According to SMP's DR-5.8.3, structures shall be setback a minimum of 100 feet from the Ordinary High Water Mark within the Conservancy Shoreline Designation /Environment. The applicant's site plan shows conformance with this requirement.
4. According to SMP's DR-5.8.6 impervious surface is limited based on the percent of slope.
5. From one hundred (100) feet to two hundred (200) feet landward as measured from the ordinary high water mark, is located the "Shoreline Residential" Shoreline Designation /Environment.
6. According to SMP's Table 5.1, single-family residential developments within the "Shoreline Residential" Shoreline Designation /Environment, are permitted.
7. According to SMP's DR-5.9.5, structures shall be setback a minimum of 60 feet from the ordinary high water mark.
8. Since the subject development lies within two shoreline designations /environments, the stricter of the two setback requirements (100 feet as required in the Conservancy Shoreline Designation /Environment) will prevail /apply.
9. According to SMP's Table 5.2, the maximum permitted height in the Shoreline Residential" Shoreline Designation /Environment is thirty-five (35) feet.
10. Maximum percent of impervious surface within the "Shoreline Residential" Shoreline Designation /Environment is based on percent of slope per SMP's DR-5.9.10.
11. A subdivision within two hundred feet of a shoreline of the statewide significance requires an approved Shoreline Substantial Development Permit (SSDP).
12. According to SMP Chapter 6.5, all clearing and grading activities shall be limited to the minimum necessary for the intended development. Additionally, exposed soils shall be immediately developed or revegetated to prevent erosion. Exposed soils must be replanted such that complete coverage of exposed soils is attained within one growing season, or otherwise stabilized using mulch or other similar best management practice. Conformance with these requirements will be met as conditioned.



13. According to SMP Chapter 6.9, applicants proposing development adjacent to a marine bluff shall submit a geotechnical engineering report prepared by a Washington State licensed professional civil engineer with a specialty in geotechnical engineering. All proposed development on a marine bluff or in the required buffer is prohibited. The applicant has met these requirements.
14. According to SMP DR-8.11.3, residential development shall be located and designed to avoid the need for structural shore defense and flood protection works in the foreseeable future. The applicant has met this requirement.
15. According to SMP DR 8.11.4, subdivisions shall be designed to minimize potential conflicts with the use of adjacent public lands and areas of public access. This may include providing a physical separation to reinforce the distinction between public and private space, achieved by providing adequate space, through screening with landscape planting or fences, or other means. Additionally, subdivisions shall comply with local plans, codes, and/or ordinances. The applicant has met this requirement.
16. Additionally, a Shoreline Variance is required as the private /public trail at times traverses into the required one hundred foot (100) setback requirement per DR-5.8.3 and Table 5.2 of the Shoreline Master Program (SMP).

Criteria for granting upland variances: Variance permits for development that will be located landward of the ordinary high water mark, including those areas designated by the Department of Ecology as wetlands pursuant to WAC 173.22, may be authorized provided the applicant can demonstrate all of the following:

- A) That the strict requirements of the bulk, dimensional, or performance standards set forth in the Master Program preclude or significantly interfere with a reasonable use of the property not otherwise prohibited by the Master Program.

**Staff Analysis:**

*A Shoreline Variance is required as a portion of the public trail proposed as part of this 10 lot PUD is within the 100 foot setback for the Conservancy Shoreline Designation /Environment. This trail would be built by the developer as part of the subject development. The site sits on city owned property. A public trail that starts at the subject property traverse eastward along the bank and connects to Kansas Street Park. The public trail would also include a switchback that traverses northward down the bank connecting to Guemes Channel Trail.*

- B) That the hardship described in subsection (a) above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the Master Program, and not, for example from deed restrictions or the applicant's own actions.

**Staff Analysis:**

*The subject property's northern portion abuts a steep slope /bank. A public trail within this area that traverses east and west ultimately connecting to the Guemes Channel Trail below is located within the 100 foot setback of the Conservancy Shoreline Designation /Environment. The hardship results from the property's proximity to a steep slope /bank and existing Guemes Channel Trail below.*

- C) That the design of the project will be compatible with other authorized uses in the area and will not cause adverse effects to adjacent properties or the shoreline environment.

**Staff Analysis:**

*The proposed trail (public and private) that may be located within the 100 foot setback of the Conservancy Designation /Environment per SMP DR 5.8.3.b is compatible with existing and authorized land uses within the area. For example, Guemes Channel Trail a public trail located along the shoreline of Guemes Channel was recently permitted by the Department of Ecology.*

*Additionally, the public trail will not result in adverse impacts to adjacent properties or the shoreline environment. The applicant has submitted numerous studies analyzing its impacts including but not limited to: a critical areas report, geotechnical report, storm-water plan, tree preservation plan, archaeological evaluation, traffic impact analysis, landscape plan, description of shade conditions, and Endangered Species Act compliance.*

D) That the variance requested will not constitute a grant of special privilege not enjoyed by the other properties in the area.

**Staff Analysis:**

*The variance request will not constitute a grant of special privilege. If approved, the variance would result in a public trail which ultimately would connect to Guemes Channel Trail below. Guemes Channel Trail recently permitted already existing within the 100 foot setback of the Conservancy Shoreline Designation /Environment.*

E) That the variance requested is the minimum necessary to afford relief.

**Staff Analysis:**

*The variance requested is the minimum necessary to permit the construction of a city owned public trail designed for the public use and enjoyment.*

F) That the public interest will suffer no substantial detrimental effect.

**Staff Analysis:**

*There will be no detrimental effect to the public interest. Conversely, the construction of the public trail represents an improvement to the public interest for both the residents and visitors to the City of Anacortes.*

17. The subject proposal is consistent with the City of Anacortes' 2010, Shoreline Master Program and development regulations listed therein for developments within both the "Conservancy" and "Shoreline Residential" Shoreline Designation /Environment.

**B. CITY OF ANACORTES' 2012 COMPREHENSIVE PLAN:**

*The following goals from the City of Anacortes' Comprehensive Plan appear to be applicable to the subject PUD proposal:*

General City Goal 1: Create and maintain a high quality of life and environment that maximizes the opportunity for all citizens to share the social, psychological, physical, and economic benefits of Anacortes /Fidalgo Island; aesthetics and health are key components of quality of life.



General City Goal 2: Improve the image of Anacortes as a marine oriented City by encouraging, protecting and enhancing marine views from public places, public access, and marine habitats and resources by encouraging marine water-dependent and water-related businesses and activities.

General City Goal 3: Promote compatible land uses and improve visual appearance in each and every zoning district.

General City Goal 5: Encourage the development of a balanced and adequate employment and revenue base necessary for provision of needed services.

Transportation Goal 5: Develop the City as a pedestrian friendly community and improve non-motorized circulation patterns.

Transportation Goal 6: Encourage a physically active community by allowing people of all ages to incorporate physical activity into their lives by walking, bicycling, exercising and using public transit as part of everyday living.

Transportation Goal 7: Require adequate off-street parking in all zones.

Tourism Goal 1: Encourage an attractive community in order to increase the City's appeal to visitors and residents alike.

Tourism Goal 4: Utilize the shoreline and marine resources of Anacortes to increase tourism while maintaining the quality of the resource.

Parks and Recreation Goal 4: Increase the opportunities for public access to and enjoyment of the shorelines of Anacortes.

Conservation Goal 4: Public access to shorelines and tidelands should be maintained, enhanced, and increased.

The subject proposal is consistent with the goals of the City of Anacortes' Comprehensive Plan identified above.

**C. ZONING ORDINANCE/ CODE:**

1. The City's Zoning Map establishes zoning district boundaries and the City Zoning Ordinance establishes (1) the permitted use of land in the various zones, and (2) development standards.
2. The subject property is located in the Residential (R2) Zoning District.
3. Pursuant to AMC § 17.36.010, the purpose of the Residential (R2) Zoning District is to maintain and create an environment which meets the standards for single-family residential development, by restricting uses within the district, and by requiring a minimum lot size and maximum density.

4. According to AMC § 17.36.020, "single-family dwellings" are permitted land uses within the Residential (R2) Zoning District.
5. According to AMC § 17.36.050, the minimum lot size for the Residential (R2) Zoning District is 7,500 square feet.
6. AMC § 17.36.060 lists the required setbacks for the Residential (R2) Zoning District. The applicant however has applied for variance /deviation (see above) to the required side yard setback to permit a five (5) foot setback on both side yards of each lot.
7. The maximum lot coverage for the Residential (R2) Zoning District is thirty-five (35) percent per AMC § 17.36.080. This requirement is reviewed at time of building permit application submittal.
8. According to AMC § 17.36.070, the maximum permitted density for the Residential (R2) Zoning District is four (4) dwelling units per gross acre. The applicant has 5.48 ± gross acres. According to code, the applicant could potentially create twenty-one (21) homes based on the permitted density and gross acreage (5.48 acres X 4 = 21.92 dwelling units). Ten (10) dwelling units are proposed as part of the subject PUD request. The density of the development is 1.82 dwelling units per gross acre (10 lots divided by 5.48 gross acres).
9. AMC § 17.46.020, two (2) parking spaces are required for each residence. Additionally, since Accessory Dwelling Units are proposed, the minimum number of parking spaces for both the ADU and single family residence is three (3) off-street parking spaces per AMC § 17.10.170(F). The applicant proposes two car garages attached to each residence and a one car garage serving and attached to each accessory dwelling units.
10. The maximum permitted square footage to an Accessory Dwelling Unit's habitable area is 900 square feet per AMC § 17.10.170(D). The applicant however has applied for a variance /deviation to this requirement (**See Section IX**) to exceed this standard. The applicant proposes constructing a 1,200 square foot Accessory Dwelling Unit within a two thousand (2,000) square foot accessory building. The balance of the accessory building (800 square feet) will be used to house a one (1) car garage serving the ADU.
11. The maximum permitted area for a detached accessory structure /building is one thousand (1,000) square feet per AMC § 17.48.010. The applicant however has applied for a variance /deviation (**See Section IX**) to this requirement to exceed this requirement. The applicant proposes construct a 1,200 square foot Accessory Dwelling Unit within a 2,000 square foot accessory building.
12. According to AMC § 17.52.010, fences within a front yard shall not exceed 4 ½ feet (the first 2 ½ feet can be a 100% sight obscuring fence. On top of this, an additional 2 feet is permitted provided it is 50% sight obscuring). The applicant proposes constructing a six (6) foot fence within the front yard parallel and adjacent to Oakes Avenue.
13. Landscaping is required according to AMC Chapter 17.41. The applicant has submitted a landscape plan meeting this requirement (**See Exhibit 11**). Additionally, a final landscape and tree preservation will be required before final replat /PUD submittal or approval is given.
14. According to AMC § 16.50.050, a Tree Preservation Plan is required as part of application for a subdivision /planned unit development. Accordingly, the applicant has



submitted both a Tree Preservation Plan and calculation of tree unit credits meeting this requirement (**See Exhibit 10**). The minimum tree density per AMC § 16.50.070 is one (1) tree unit per one thousand square feet. The applicant has met this requirement.

15. According to AMC § 17.44.010, the purpose of a Planned Unit Development (PUD) is: to permit greater flexibility and consequently more creative and imaginative design for the development of residential and business uses than generally is possible under conventional zoning regulations; To promote more economical and efficient use of the land while providing a harmonious variety of housing choices, a higher level of city attractiveness and quality, and preservation of scenic open space; and To correlate the intentions of this title and other ordinances of the city to encourage developments which will provide a desirable and stable environment in harmony with that of the surrounding area.
16. According to AMC § 17.44.020, a PUD is permitted on any size parcel of land, whether or not it is part of a plat. Additionally, according to AMC § 17.44.030, single-family uses shall be permitted in a PUD in any residential zone subject to the criteria listed in AMC Chapter 17.44.
17. According to AMC 17.42.010, street and alley vacations associated with dedication of new rights of way shall go through the replatting process set forth in AMC Title 17.
18. According to AMC 17.04.050, creation of or changes to lot lines shall conform to the use provisions, dimensional and other standards, and procedures of this title and Title 16, Subdivisions.
19. According to AMC 17.05.030, development shall be prohibited, and all applications therefore shall be denied, if the development would cause the level of service on a concurrency facility or service to decline below adopted levels of service standards, unless the improvements or strategies to accommodate the new development are made concurrent with the development, subject to the provisions of AMC § 17.05.070(3). For potable water, sewer/on-site sewage disposal and stormwater management, only available capacity or capacity that can be provided prior to the actual use of the facility will be used.
20. The subject proposal is consistent with the above development regulations.

**D. OTHER APPLICABLE CODE, REVIEW CRITERIA, & PROCESS:**

The preliminary replat /PUD application is also subject to review for conformance with the following Anacortes Municipal Code Titles and Chapters:

1. According to AMC § 16.40.040, there are four (4) steps for approval of a PUD: A) Pre-application conference during which the city's planning coordinating committee reviews sketches and conceptual information and makes recommendations to the applicant. Particular attention shall be given to the items where the PUD concept varies from normal subdivision standards, B) Preliminary PUD development plan where a more complete conceptual plan is submitted for planning coordinating committee review and then goes through a standard planning commission and city council approval process, C) Preliminary plat review and approval process with a detailed plan incorporating the approved preliminary PUP development plan concepts and conditions, and D) Final plat

meeting the submittal requirements of and following the approval process for a standard subdivision.

2. According to AMC § 16.12.010, when a preliminary plat meeting the requirements has been submitted, the administrator shall establish the date and time for an open record public hearing before the planning commission on the preliminary plat which shall not be more than sixty days from the date of the notice of complete application and which shall coincide with a regular meeting of the planning commission. Following planning commission action, the administrator shall schedule the preliminary plat for the city council agenda for its next available meeting date in accordance with its rules and regulations.
3. The subject proposal is consistent with the above development regulations.

**E. CONCLUSIONS OF LAW:**

1. The Planning Commission having fully reviewed the staff report hereby adopts said staff report as properly setting forth the issues, the land use requests, consistency with the existing regulations, principles, conditions and their effect upon the request. It is therefore adopted by the Planning Commission as a conclusion as if set forth in full herein.
2. The proposed preliminary planned unit development and preliminary re-plat as conditioned conforms to the general purposes of the city comprehensive plan, the city's planning standards and specifications of the zoning ordinance, Title 16 and other ordinances applicable to the proposal. Additionally, the proposal makes appropriate provisions for the elements listed in Section 16.12.020.E AMC.
3. The proposal includes a street vacation of a portion of Minnesota Avenue. The Planning Commission supports the proposed street vacation through the re-platting and Planned Unit Development (PUD) process and finds no evidence to do so otherwise.
4. The requirements of the State Environmental Policy Act have been complied with.
5. The public notice requirements of the Shoreline Management Act have been complied with.
6. The Planning Commission bases its Findings of Fact and Conclusions of Law on the entire record, including all testimony and exhibits. Any finding which would be deemed a Conclusion of Law and any Conclusion of Law which should be deemed a finding is hereby adopted as such.
7. The project is consistent with the shoreline designation and general goals, policies and development regulations of the Anacortes Shoreline Master Program, the Shoreline Management Act, the general purposes of the city comprehensive plan, the city's planning standards and specifications of the zoning ordinance, and other ordinances applicable to the proposal.



**F. STAFF RECOMMENDATION:**

The Department of Planning, Community, and Economic Development recommend that the subject replat, PUD, code deviation/ modification, vacation request, shoreline substantial development permit, and shoreline variance be approved by the City Council subject to staff's suggested conditions of approval listed below.

**G. PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission conducted an open-record hearing on both April 22, 2015, and May 13, 2015, (continued to). At the conclusion of the hearing on May 13, 2015, the Planning Commission voted 6-0 to recommend that City Council approve the subject replat, PUD, code variance /deviation, vacation request, shoreline substantial development permit, and shoreline variance based on staff's suggested conditions of approval and two additional conditions added thereto ( #40 & #41).

**H. DECISION:**

Based on the foregoing information and analysis submitted by the applicant, and the City regulatory authority to implement the policies, standards, and the regulations of the Comprehensive Plan, and the Anacortes Municipal Code (AMC), the Anacortes City Council hereby approves the subject replat, planned unit development, code variance /deviation, vacation request, shoreline substantial development permit, and shoreline variance subject to the following conditions of approval:

1. A clearing and grading plan consistent with City requirements shall be submitted by the applicant for review and approval by the City of Anacortes Planning\Building and Public Works Departments prior to any construction activities taking place on or off-site. Site grading shall not adversely impact adjacent neighbors.
2. A Large Parcel Storm Water Plan and Water Quality Control Plan consistent with City requirements shall be submitted by the applicant for review and approval by the Planning\Building and Public Works Departments prior to any construction activities taking place on or off-site.
3. Clearing activities may require a Forest Practice Permit (logging permit) issued by the Department of Natural Resources prior to construction activities taking place on or off-site.
4. Prior to any clearing\fill\grade work beginning, construction civil plans consistent with the City of Anacortes Engineering Development Standards, including but not limited to, Erosion Control Plan, Site utility\Infrastructure improvements Plan, Roadway Improvements Plan, Signage Plan, Street Lighting Plan and other plans and/or information required by the City Planning\Building and Public Works Departments shall be submitted for review and approval.
5. Engineering and Inspection fees in the amount of \$500.00, plus 2% of the total estimated construction cost shall be due upon civil plan approval. No construction activity is

allowed until the construction plans are approved, all fees have been paid and a preconstruction conference held.

6. Prior to the final plat approval, all infrastructure improvements shall be completed as required by the City of Anacortes Public Works Director and a 2-year Maintenance Bond in place. The 2-year Maintenance Bond is 10% of the actual construction cost.
7. Fire Hydrants are to be located as approved by the City of Anacortes Fire Chief. Fire flows shall be addressed in a manner acceptable to the Fire Chief and the City of Anacortes Public Works Department.
8. The water main will need to be extended to the most easterly boundary of the property and designed to allow for future extension by others per Public Works Department approval.
9. The value of the vacated right-of-way shall only go toward the offsite public portion of trail construction (Kansas Avenue Park north to the Guemes Channel Trail). Any remaining funds shall be paid to the City of Anacortes. The value of the proposed vacated right-of-way will be determined prior to construction plan approval.
10. Mailbox locations shall be reviewed and approved by the City of Anacortes Public Works Department and the U.S. Postal Service.
11. Street lighting shall be required at both ingress and egress of the project. Street lighting shall be energy efficient and shall limit glare and/or emission of light downward to the street and front yard areas. Street lighting will be installed per PSE Schedule 52, Option "B". Lighting fixtures and design shall be approved by the Public Works Director. Shields may be necessary to reduce impacts to adjacent properties.
12. Sanitation, recycling, and compost collection shall be picked-up from the internal private road serving the subject replat/ PUD -not placed on Oakes Avenue.
13. There shall be no parking permitted on any portion of either Oakes Avenue or the one-way street located within the development. No parking signage shall be demarcated onsite. A note to this effect shall be added to final replat /PUD.
14. Internal private driveway shall be required to provide for:
  - A. A minimum of 24-feet of paved asphalt with a thickened edge on one side to control sheet flow runoff.
  - B. Maximum grade of 12%.
  - C. One-way direction from west to east.
  - D. Appropriate signage, shall be installed at Oakes Avenue to identify ingress and egress locations.
  - E. The road shall be constructed to meet City requirements and maintained by the property owners of which it serves.
15. Oakes Avenue, along the frontage of this project is required to provide for:
  - A. Cement Concrete Traffic Curb and Gutter with a 5-foot minimum meandering sidewalk, landscaping, and driveway approaches.



- B. Storm drainage conveyance system that discharges on the south side of Oakes Avenue.
  - C. If the City Engineer finds that inconsistencies of the asphalt edge along Oakes Avenue would not allow for proper drainage into the new curb and stormwater facilities, the appropriate amount of asphalt will need to be removed and replaced by the applicant to correct the issue.
  - D. These improvements would extend to the easterly and westerly boundaries fronting Oakes Avenue.
16. The proposed storm-water conveyance to the public outfall and easement shall be considered private and maintained by the property owners of which it serves.
  17. The proposed 10-foot storm drain easement and collector system near top of bank shall be private and maintained by the property owners of which it serves.
  18. The conveyance system proposed along Oakes Avenue will be considered Public. This system will discharge to a swale along the south side of Oakes Avenue. This crossing will need to be coordinated with the Washington State Department of Transportation Local Region for appropriate permits.
  19. Sewer will need to be extended across Oakes Avenue to service this project and will need to be coordinated with the Washington State Department of Transportation Local Region for appropriate permits.
  20. Proposed 15-foot sanitary sewer easement for pump lines and collector side service pipe on the north side of the proposed manhole will be a private easement and maintained by the property owners of which it serves.
  21. The scope of the project shall not exceed that as set-out in the replat, PUD, shoreline substantial development permit, and shoreline variance applications (including attachments), and in accordance with the determinations made and conditions imposed. **Exhibit 12** shall be the approved site plan.
  22. The project shall comply with all applicable Shoreline Master Program regulations, including but not limited to, Chapter 5, *Shoreline Environments & Associated Policies and Regulations*, Chapter 6, *Environmental Protection General Regulations*, and Chapter 8, *Specific Use Policies and Development Regulations*.
  23. The applicant shall be responsible for reimbursement to the City for the cost of third party review, posting/mailling and publication of the public hearing for this proposal. Payment in full shall be made before building permit issuance.
  24. Development shall comply with the revised landscape plan (**See Exhibit 11**). Landscaping shall be in place and complete before building permit certificate of occupancy will be issued.
  25. Preliminary subdivision and Planned Unit Development approval authorizes the applicant to proceed with application for necessary permits to construct required improvements and to prepare construction drawings in accordance with the determinations made and conditions imposed.

26. A note on the final short plat shall denote the following minimum building setbacks from the respective property lines as follows:
  - A) Front: 20-feet
  - B) Rear: 20-Feet
  - C) Side: 5-feet
27. Both Tracts A & B shall be owned and maintained by the property owner, property owner's association, successors or assigns. A note to this effect shall be recorded on the final replat/ PUD map.
28. Private utilities shall be owned and maintained by the property owner, property owner's association, successors or assigns in a manner to ensure their functioning consistent with applicable regulations. A note to this effect shall be recorded on the final plat map.
29. Those trees designated for retention on the submitted tree preservation plan shall be protected before and during site development and construction through adherence to AMC § 16.50.100. Chain link fencing (or other sturdy construction fencing) shall be erected along the drip line (plus 6 feet) of each of the trees designated for retention on the plan.
30. Before any site development or construction activities occur on the subject property the applicant shall contact the Department of Planning, Community, and Economic Development to arrange a tree fence inspection.
31. The lots in this subdivision are subject to applicable water, sewer, and stormwater general facility and hookup fees and transportation, fire, and park impact fees. These fees are payable at levels in effect at the time of building permit issuance and may differ from those fee levels currently in effect; sewer and water latecomer charges may be payable. A note to this effect shall be recorded on the final plat map.
32. Before final replat /PUD approval is given, the applicant /landowner shall provide covenants, conditions, and restrictions (CC&Rs) to the city for review and approval.
33. Before final replat /PUD submittal or approval, the land surveyor shall place the respective property corners of the subject property.
34. Unless otherwise outlined within a vegetation management plan that has been approved by the City of Anacortes, within the NGPE, vegetation or tree removal, topping, or trimming is prohibited unless approved by the City. The applicant would need to submit an ISA certified report that states a tree is dead, diseased, or dying and hazardous to surrounding uses, along with a geological hazardous area critical area report to the City of Anacortes' Planning Department and Parks and Recreation Department for review and approval. Notwithstanding, vegetation /tree removal from an erosion or landslide hazard area and its associated buffer is prohibited per AMC § 17.70.260(4).
35. One twenty-eight (28) foot high, detached 2,000 square foot (maximum) accessory building is permitted on each lot provided it is in compliance with all other bulk and dimensional standards for the zone, except where modified through these conditions of approval. Where an accessory dwelling unit (ADU) is proposed within said building, the living space shall not exceed 1,200 square feet. Impact fees & GFC shall be payable at



the time of building permit issuance for both the ADU and primary residence. The 2,000 square foot (maximum) permitted accessory building size and 28 foot high (maximum) height limit variance/deviance only applies to lots 3 through 9. Accessory structures on lots 1, 2, & 10 shall meet current zoning code standards including but not limited to maximum permitted building size and height.

36. Development shall comply with the issued SEPA Mitigated Determination of Non-Significance (MDNS) mitigation measures as follows:
- A. Development shall comply with all of the recommendations of the Geotechnical Evaluation prepared by Geotest dated November 4, 2014, listed therein (MDNS Condition #1).
  - B. All structures shall be setback a minimum of thirty (30) feet from the top of the bank of the geologically hazardous /steep slope as identified on the face of the replat /PUD (MDNS Condition #2). [See Condition of Approval #40 below. The stricter of the two conditions shall prevail]
  - C. A final tree preservation plan shall be submitted for review and approval prior to construction plan approval (MDNS Condition #3).
  - D. Erosion control, dust control, and best management practices shall be employed during construction /development activities as required by both the Building and Public Works Departments (MDNS Condition #4).
  - E. The applicant shall submit a Large Parcel Stormwater & Water Quality Plan to minimize runoff, control erosion, and protect adjacent properties. Such measures may include replanting, reseeding, storm retention ponds, buffer areas or prompt development. This plan shall be prepared by a licensed civil engineer (MDNS Conditions #5).
  - F. Orange construction fencing shall be installed at the project boundary's clearing limits as required by the Planning Department (MDNS Condition #6).
  - G. All applicable permits shall be secured before any construction activities begin onsite. (MDNS Condition #7).
  - H. Before building permits for each of the proposed residences will be issued, the applicant shall contact the Department of Planning, Community, and Economic Development to arrange a tree fence inspection (MDNS Condition #8).
  - I. The landowner /applicant shall obtain a National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharge as required by the State of Washington's Department of Ecology (MDNS Condition #9).
  - J. A legally enforceable agreement, which shall be recorded as a covenant and noted on the face of the deed or plat, and executed in a form satisfactory to the City of Anacortes' acknowledging that the site is located in a geologically hazard area; the risks associated with development of such site; and a waiver and release of any and all claims of the owner(s), their directors, employees, successors, or assigns against the City of Anacortes for any loss, damage or injury, whether direct or indirect, arising out of issuance of development permits for this proposal (MDNS Condition #10).

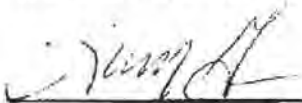
- K. Pursuant to City of Anacortes' Shoreline Master Program (SMP) Appendix A-3.9.4, unless otherwise provided or as part of an approved alteration, removal of vegetation from an erosion or landslide hazard area or related buffer shall be prohibited. The applicant however has submitted a geotechnical report, tree preservation plan, and landscape plan addressing proposed vegetation removal. Any vegetation removal shall be consistent with the submitted geotechnical report, tree preservation plan, and landscape plan (MDNS Condition #11).
  - L. Pursuant to City of Anacortes' SMP A-3.9.5, clearing shall be allowed only from May 1<sup>st</sup> to October 1<sup>st</sup> of each year provided that the city may extend or shorten the dry season on a case-by-case basis depending on actual weather conditions. Clearing limits shall be consistent with the submitted geotechnical report, tree preservation plan, and landscape plan (MDNS Condition #12).
  - M. The project geotechnical engineer, shall review the final civil drawings for consistency with the geotechnical report and provide specific detail for anchoring of the storm line on the slope. Site work shall be monitored by the geotech as determined by the Planning Department (MDNS Condition #13).
  - N. Before final replat /PUD submittal or approval is given, the applicant shall provide a tree cutting and debris management plan for review and approval prior to any activity taking place onsite (MDNS Condition #14).
  - O. Before final replat /PUD submittal or approval is given, the applicant shall submit a final report from their project biologist and geotechnical engineer prior to plan approval concerning the construction of the off-site public trail (MDNS Condition #15).
  - P. Before final replat /PUD approval is given, the off-site public trail connecting to Kansas Street Park, improvements to Kansas Street Park, and connection to Guemes Channel Trail below shall be constructed to city standards (MDNS Condition #16).
  - Q. Before final replat /PUD submittal or approval is given, the applicant shall submit a detailed landscape plan addressing re-vegetation of both the steep slope and area of the project site that lies within the Conservancy Shoreline Designation /Environment. An as built shall be prepared after planting has been completed. Additionally, a 5-year maintenance and monitoring plan shall be prepared and submitted to the city for approval (MDNS Condition #17).
  - R. Before final replat/ PUD submittal or approval is given, that portion of each lot that lies within the Conservancy Shoreline Designation /Environment shall be placed into a Native Growth Protection Easement with a long-term maintenance plan for the homeowners association. A split rail cedar fence shall be constructed at the edge of the Conservancy Environment as determined by the Planning Department with critical area signage placed on it as required by the Planning Department (MDNS Condition #18).
37. The applicant / landowner shall work with neighboring property owners east of the subject property that are adjacent to the private and public trail and provide a combination of a sight obscuring fencing and/or landscaping utilizing only native plants indigenous to Western Washington.



38. The Homeowner's Association shall be responsible for the maintenance of all landscaping provided along the sidewalk fronting the subject property that runs parallel to Oakes Avenue. The height of any trees planted therein shall be similar to the landscaping in the San Juan Passage development /PUD fronting Oakes Avenue. This shall also be reflected in the CC&Rs. Additionally, the maximum permitted height of the fence proposed located within the front yard setback shall be five (5) feet from grade.
39. Before final PUD/ replat submittal or approval is given, the applicant/ landowner shall submit a 5-year maintenance and monitoring plan to the city for approval for all planting along the public trail, private trail, sidewalk located within the right-of-way, and plantings within the Native Growth Protection Easement (NGPE) located onsite. Once approved, the plan shall be noted on the final PUD /replat.
40. As modified since the SEPA MDNS was issued, all structures shall be setback forty-five (45) feet from the top of the bank of the geologically hazardous /steep slope. This shall be identified and noted on the face of the final replat /PUD.
41. The twenty-eight (28) foot high detached accessory structures (which may include ADUs) shall not exceed sixteen (16) feet in height (maximum) as measured above Oakes Avenue.

**INTRODUCED, PASSED, AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ANACORTES on this 6<sup>th</sup> day of July, 2015.**

**CITY OF ANACORTES, WASHINGTON**



LAURIE M. GERE, MAYOR

Approved as to form and legality:



Darcy Swetnam, WSBA# 40530  
City Attorney

ATTEST:



Steve D. Hoglund, City Clerk Treasurer

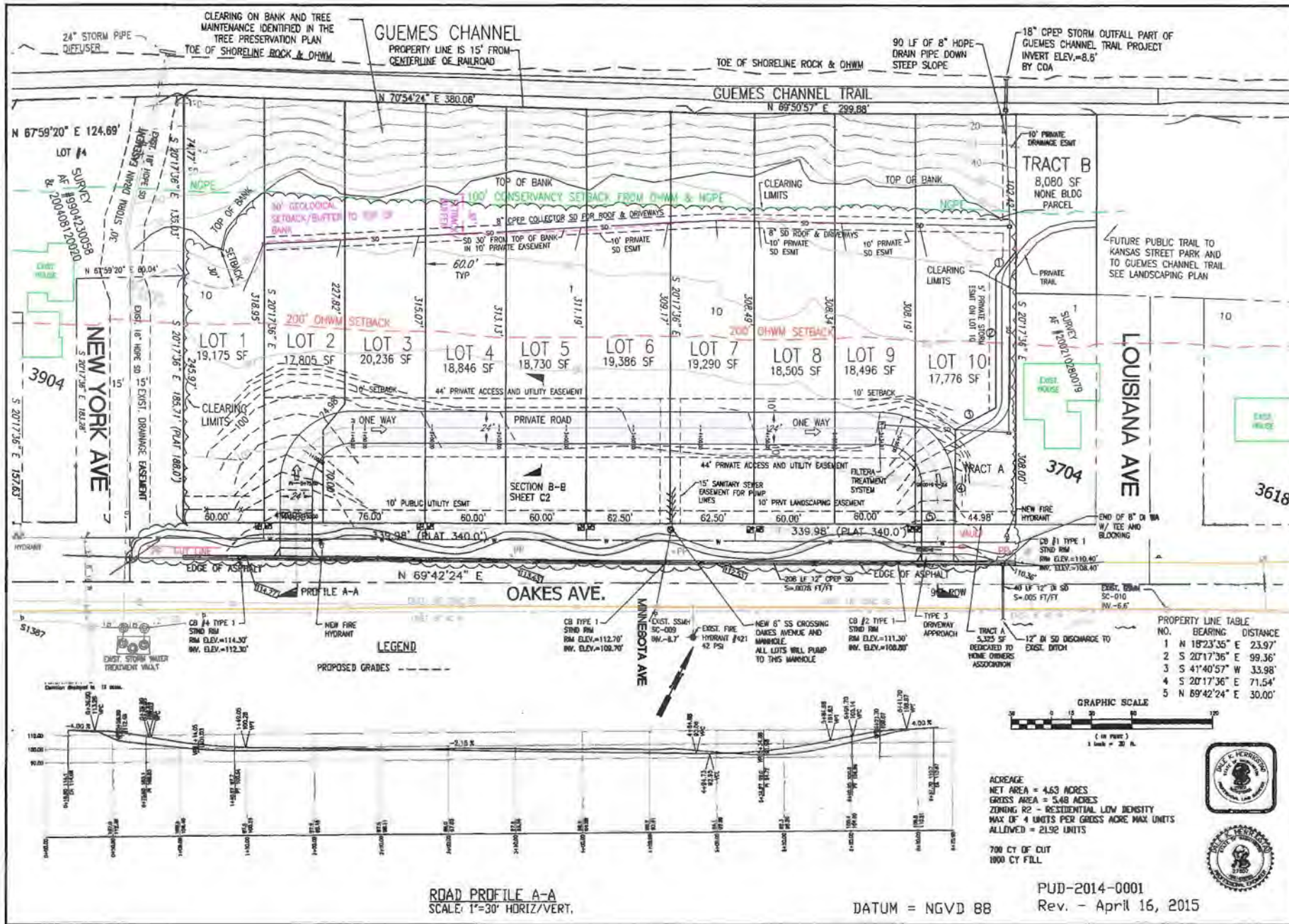
**JUDICIAL APPEAL:**

AMC § 17.08.090 - Notice of appeal of any final action taken under this title must be filed with the Superior Court and served on the city attorney for the city within twenty-one (21) days of the date on which such final action was taken. For purpose of appeals from decisions of the Anacortes City Council, the "date of final action" shall mean the date on which the city council made its decision by vote taken at a regular or special public meeting.

**EXHIBITS:**

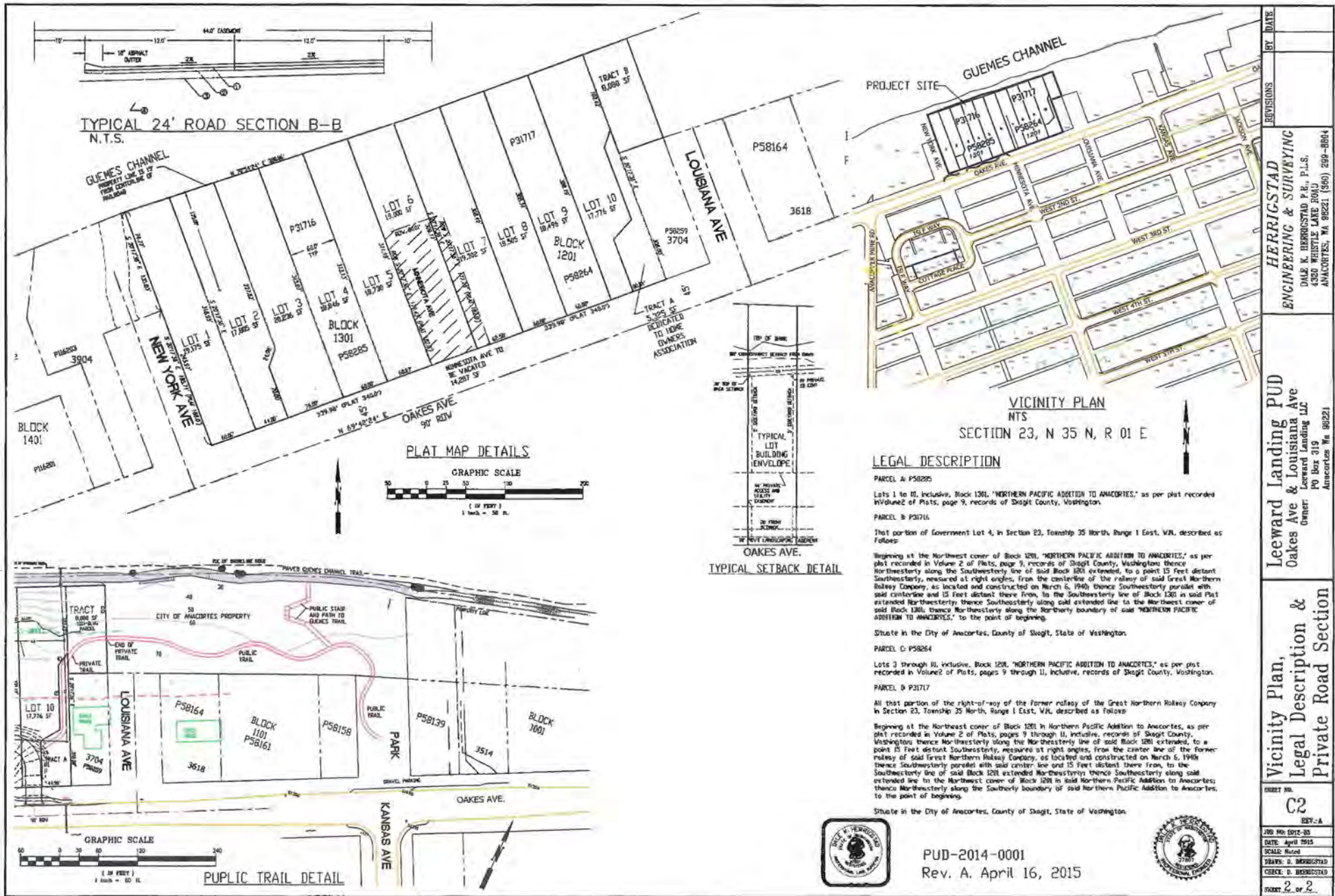
| <b>EXHIBIT<br/>NUMBER:</b> | <b>NAME OF EXHIBIT:</b>                                                                                        |
|----------------------------|----------------------------------------------------------------------------------------------------------------|
| Exhibit #1                 | Narrative, Master Permit Application, JARPA Application, & Letter of Authorization                             |
| Exhibit #2                 | Notice of Application & Hearing with Optional DNS                                                              |
| Exhibit #3                 | Department /Agency Comments Received                                                                           |
| Exhibit #4                 | Public Comments Received                                                                                       |
| Exhibit #5                 | Issued SEPA MDNS                                                                                               |
| Exhibit #6                 | Geotechnical Report & Third Party Review                                                                       |
| Exhibit #7                 | Traffic Impact Analysis                                                                                        |
| Exhibit #8                 | ATSI Critical Area Report, Addendum, ESA Compliance, & Ecological Functions, & Description of Shade Conditions |
| Exhibit #9                 | Caldera Archaeological Report & Addendum                                                                       |
| Exhibit #10                | Urban Forestry Service's Tree Preservation Plan & Vegetation Conservation + Tree Credit Table                  |
| Exhibit #11                | Landscape Plan                                                                                                 |
| Exhibit #12                | Assessor's Info & GIS Map                                                                                      |
| Exhibit #13                | Site Plan                                                                                                      |





|                                                                                                                                                            |               |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| DATE                                                                                                                                                       |               |
| REVISIONS                                                                                                                                                  |               |
| <b>HERRIGSTAD</b><br><b>ENGINEERING &amp; SURVEYING</b><br>DALE K. HERRIGSTAD P.E., P.L.S.<br>4330 WHISTLE LAKE ROAD<br>ANACOSTIA, WA 98021 (360) 299-8894 |               |
| <b>Leeward Landing PUD</b><br><b>Oakes Ave &amp; Louisiana Ave</b><br>Leeward Landing LLC<br>PO Box 319<br>Anacostia, WA 98021                             |               |
| <b>Preliminary Site Plan &amp; Road Profile</b>                                                                                                            |               |
| SHEET NO.                                                                                                                                                  | C1            |
| DATE                                                                                                                                                       | 2/14/2015     |
| SCALE                                                                                                                                                      | 1"=30'        |
| DESIGNED BY                                                                                                                                                | D. HERRIGSTAD |
| CHECKED BY                                                                                                                                                 | D. HERRIGSTAD |
| DRAWN BY                                                                                                                                                   | 1.2           |





### LEGAL DESCRIPTION

PARCEL A: P58265  
 Lots 1 to 10, inclusive, Block 1201, "NORTHERN PACIFIC ADDITION TO ANACORTES," as per plat recorded in Volume 2 of Plats, page 9, records of Shagit County, Washington.

PARCEL B: P31716  
 That portion of Government Lot 4, in Section 23, Township 35 North, Range 1 East, W.N., described as follows:  
 Beginning at the Northwest corner of Block 1201, "NORTHERN PACIFIC ADDITION TO ANACORTES," as per plat recorded in Volume 2 of Plats, page 9, records of Shagit County, Washington; thence Northwesterly along the Southwesterly line of said Block 1201 extended, to a point 15 feet distant Southwesterly, measured at right angles, from the centerline of the railway of said Great Northern Railway Company, as located and constructed on March 6, 1940; thence Southwesterly parallel with said centerline and 15 feet distant therefrom, to the Southwesterly line of Block 1201 in said Plat extended Northwesterly thence Southwesterly along said extended line to the Northwest corner of said Block 1201, thence Northwesterly along the Northerly boundary of said "NORTHERN PACIFIC ADDITION TO ANACORTES," to the point of beginning.

Situate in the City of Anacortes, County of Shagit, State of Washington.

PARCEL C: P58264  
 Lots 3 through 10, inclusive, Block 1201, "NORTHERN PACIFIC ADDITION TO ANACORTES," as per plat recorded in Volume 2 of Plats, pages 9 through 11, inclusive, records of Shagit County, Washington.

PARCEL D: P31717  
 All that portion of the right-of-way of the former railway of the Great Northern Railway Company in Section 23, Township 35 North, Range 1 East, W.N., described as follows:  
 Beginning at the Northeast corner of Block 1201 in Northern Pacific Addition to Anacortes, as per plat recorded in Volume 2 of Plats, pages 9 through 11, inclusive, records of Shagit County, Washington; thence Northwesterly along the Northerly line of said Block 1201 extended, to a point 15 feet distant Southwesterly, measured at right angles, from the center line of the former railway of said Great Northern Railway Company, as located and constructed on March 6, 1940; thence Southwesterly parallel with said center line and 15 feet distant therefrom, to the Southwesterly line of said Block 1201 extended Northwesterly thence Southwesterly along said extended line to the Northwest corner of Block 1201 in said Northern Pacific Addition to Anacortes; thence Northwesterly along the Southwesterly boundary of said Northern Pacific Addition to Anacortes, to the point of beginning.

Situate in the City of Anacortes, County of Shagit, State of Washington.



PUD-2014-0001  
 Rev. A. April 16, 2015



| REVISIONS                                                                                                                                                  | BY | DATE |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|----|------|
|                                                                                                                                                            |    |      |
| <b>HERRIGSTAD</b><br><b>ENGINEERING &amp; SURVEYING</b><br>DALE K. HERRIGSTAD P.E., P.L.S.<br>4330 WHISTLE LAKE ROAD<br>ANACORTES, WA 98221 (360) 299-8864 |    |      |
| <b>Leeward Landing PUD</b><br><b>Oakes Ave &amp; Louisiana Ave</b><br>Owner: Leeward Landing LLC<br>PO Box 319<br>Anacortes WA 98221                       |    |      |
| <b>Vicinity Plan,</b><br><b>Legal Description &amp;</b><br><b>Private Road Section</b>                                                                     |    |      |
| SHEET NO.                                                                                                                                                  | C2 |      |
| REV. A                                                                                                                                                     |    |      |
| JOB NO. 0002-03                                                                                                                                            |    |      |
| DATE: April 2015                                                                                                                                           |    |      |
| SCALE: As Shown                                                                                                                                            |    |      |
| DRAWN: D. HERRIGSTAD                                                                                                                                       |    |      |
| CHECK: D. HERRIGSTAD                                                                                                                                       |    |      |
| SHEET 2 of 2                                                                                                                                               |    |      |



## LEEWARD LANDING LLC

### Compliance with "Findings of Fact" Leeward Landing Planned Unit Development April 5<sup>th</sup>, 2016

PUD-2014-0001

1. A clearing and grading plan consistent with City requirements shall be submitted by the applicant for review and approval by the City of Anacortes Planning\Building and Public Works Departments prior to any construction activities taking place on or off-site. Site grading shall not adversely impact adjacent neighbors. **Complete**
2. A Large Parcel Storm Water Plan and Water Quality Control Plan consistent with City requirements shall be submitted by the applicant for review and approval by the Planning\Building and Public Works Departments prior to any construction activities taking place on or off-site. **Large Parcel Storm Water Plan submitted to the COA for review.**
3. Clearing activities may require a Forest Practice Permit (logging permit) issued by the Department of Natural Resources prior to construction activities taking place on or off-site. **A Forest Practice Permit was not required as no timber was sold.**
4. Prior to any clearing\fill\grade work beginning, construction civil plans consistent with the City of Anacortes Engineering Development Standards, including but not limited to, Erosion Control Plan, Site utility\Infrastructure improvements Plan, Roadway Improvements Plan, Signage Plan, Street Lighting Plan and other plans and\or information required by the City Planning\Building and Public Works Departments shall be submitted for review and approval. **All plans and information have been submitted, approved and improvements are complete.**
5. Engineering and Inspection fees in the amount of \$500.00, plus 2% of the total estimated construction cost shall be due upon civil plan approval. No construction activity is allowed until the construction plans are approved, all fees have been paid and a preconstruction conference held. **Inspection Fees have been paid, receipt submitted, pre-construction meeting complete.**
6. Prior to the final plat approval, all infrastructure improvements shall be completed as required by the City of Anacortes Public Works Director and a 2-year Maintenance Bond in place. The 2-year Maintenance Bond is 10% of the actual construction cost. **The 2 year maintenance bond is pending the final letter of completion from COA stating all infrastructure improvement work is complete.**
7. Fire Hydrants are to be located as approved by the City of Anacortes Fire Chief. Fire flows shall be addressed in a manner acceptable to the Fire Chief and the City of Anacortes Public Works Department. **Fire Hydrants have been installed and approved, hydrant flow test are complete, test results submitted to COA on 4/1/2016.**
8. The water main will need to be extended to the most easterly boundary of the property and designed to allow for future extension by others per Public Works Department approval. **Water main installed per design.**



## LEEWARD LANDING LLC

9. The value of the vacated right-of-way shall only go toward the offsite public portion of trail construction (Kansas Avenue Park north to the Guemes Channel Trail). Any remaining funds shall be paid to the City of Anacortes. The value of the proposed vacated right-of-way will be determined prior to construction plan approval. **The value of the vacated ROW has been determined, the actual costs for improvements related to Kansas Park and Public Stairs-Trail access to GTC has been submitted to COA.**
10. Mailbox locations shall be reviewed and approved by the City of Anacortes Public Works Department and the U.S. Postal Service. **Mailboxes are installed, located on the North side of Oakes Avenue west of the Leeward entrance.**
11. Street lighting shall be required at both ingress and egress of the project. Street lighting shall be energy efficient and shall limit glare and/or emission of light downward to the street and front yard areas. Street lighting will be installed per PSE Schedule 52, Option "B". Lighting fixtures and design shall be approved by the Public Works Director. Shields may be necessary to reduce impacts to adjacent properties. **Street lighting installed and complete.**
12. Sanitation, recycling, and compost collection shall be picked-up from the internal private road serving the subject replat/ PUD -not placed on Oakes Avenue. **This is noted as Condition #1 on Final Plat Map.**
13. There shall be no parking permitted on any portion of either Oakes Avenue or the one-way street located within the development. No parking signage shall be demarcated onsite. A note to this effect shall be added to final replat /PUD. **Signs will be installed per plan this is Noted as Condition #2 on final plat map.**
14. Internal private driveway shall be required to provide for:
  - A. A minimum of 24-feet of paved asphalt with a thickened edge on one side to control sheet flow runoff. **Complete**
  - B. Maximum grade of 12%. **We had permission from Jack Kennedy to increase road grades to 14% at both access points.**
  - C. One-way direction from west to east. **One way street designed entrance at West, exit at East.**
  - D. Appropriate signage, shall be installed at Oakes Avenue to identify ingress and egress locations. **Signs have been ordered, will be installed once received.**
  - E. The road shall be constructed to meet City requirements and maintained by the property owners of which it serves. **Leeward Lane is complete and approved, page 4 of final plat Easements #2 notes, Leeward Landing HOA is responsible for the maintenance of the private road.**
15. Oakes Avenue, along the frontage of this project is required to provide for:
  - A. Cement Concrete Traffic Curb and Gutter with a 5-foot minimum meandering sidewalk, landscaping, and driveway approaches. **Complete per plans.**
  - B. Storm drainage conveyance system that discharges on the south side of Oakes Avenue. **Complete per plans.**



## LEEWARD LANDING LLC

- C. If the City Engineer finds that inconsistencies of the asphalt edge along Oakes Avenue would not allow for proper drainage into the new curb and stormwater facilities, the appropriate amount of asphalt will need to be removed and replaced by the applicant to correct the issue. **Complete.**
- D. These improvements would extend to the easterly and westerly boundaries fronting Oakes Avenue. **Improvements are complete.**
16. The proposed storm-water conveyance to the public outfall and easement shall be considered private and maintained by the property owners of which it serves. **Complete and noted under Easements.**
17. The proposed 10-foot storm drain easement and collector system near top of bank shall be private and maintained by the property owners of which it serves. **Complete and noted under Easements #6.**
18. The conveyance system proposed along Oakes Avenue will be considered Public. This system will discharge to a swale along the south side of Oakes Avenue. This crossing will need to be coordinated with the Washington State Department of Transportation Local Region for appropriate permits. **This work is complete, permits were approved by WSDOT and copies submitted to COA.**
19. Sewer will need to be extended across Oakes Avenue to service this project and will need to be coordinated with the Washington State Department of Transportation Local Region for appropriate permits. **This work is complete, permits were obtained.**
20. Proposed 15-foot sanitary sewer easement for pump lines and collector side service pipe on the north side of the proposed manhole will be a private easement and maintained by the property owners of which it serves. **Complete and noted under Easements on Final Map.**
21. The scope of the project shall not exceed that as set-out in the replat, PUD, shoreline substantial development permit, and shoreline variance applications (including attachments), and in accordance with the determinations made and conditions imposed. **Exhibit 12** shall be the approved site plan.
22. The project shall comply with all applicable Shoreline Master Program regulations, including but not limited to, Chapter 5, *Shoreline Environments & Associated Policies and Regulations*, Chapter 6, *Environmental Protection General Regulations*, and Chapter 8, *Specific Use Policies and Development Regulations*. **Project is complete and in compliance.**
23. The applicant shall be responsible for reimbursement to the City for the cost of third party review, posting/ mailing and publication of the public hearing for this proposal. Payment in full shall be made before building permit issuance. **Leeward Landing LLC has reimbursed COA for 3<sup>rd</sup> party review.**
24. Development shall comply with the revised landscape plan (**See Exhibit 11**). Landscaping shall be in place and complete before building permit certificate of occupancy will be issued. **Landscape is complete per plans submitted for the development, individual homes will be landscaped at completion of construction.**



## LEEWARD LANDING LLC

25. Preliminary subdivision and Planned Unit Development approval authorizes the applicant to proceed with application for necessary permits to construct required improvements and to prepare construction drawings in accordance with the determinations made and conditions imposed. **Complete**
26. A note on the final short plat shall denote the following minimum building setbacks from the respective property lines as follows: **Building setbacks are identified on the final plat map.**
  - A) Front: 20-feet
  - B) Rear: 20-Feet
  - C) Side: 5-feet
27. Both Tracts A & B shall be owned and maintained by the property owner, property owner's association, successors or assigns. A note to this effect shall be recorded on the final replat/ PUD map. **Tracts A & B will be maintained by property owner (s), this is noted on the final plat map Condition #8.**
28. Private utilities shall be owned and maintained by the property owner, property owner's association, successors or assigns in a manner to ensure their functioning consistent with applicable regulations. A note to this effect shall be recorded on the final plat map. **Noted as Condition #9 on final plat map, utilities will be owned and maintained by property owners and Leeward Landing Owners Association.**
29. Those trees designated for retention on the submitted tree preservation plan shall be protected before and during site development and construction through adherence to AMC § 16.50.100. Chain link fencing (or other sturdy construction fencing) shall be erected along the drip line (plus 6 feet) of each of the trees designated for retention on the plan. **Complete**
30. Before any site development or construction activities occur on the subject property the applicant shall contact the Department of Planning, Community, and Economic Development to arrange a tree fence inspection. **Complete**
31. The lots in this subdivision are subject to applicable water, sewer, and stormwater general facility and hookup fees and transportation, fire, and park impact fees. These fees are payable at levels in effect at the time of building permit issuance and may differ from those fee levels currently in effect; sewer and water latecomer charges may be payable. A note to this effect shall be recorded on the final plat map. **Noted as Condition #10 on final plat map.**
32. Before final replat /PUD approval is given, the applicant /landowner shall provide covenants, conditions, and restrictions (CC&Rs) to the city for review and approval. **Complete draft CCRs re-submitted to COA on April 1<sup>st</sup>, 2016. CCRs are noted on page 4 final plat map.**
33. Before final replat /PUD submittal or approval, the land surveyor shall place the respective property corners of the subject property. **Property corners were located and marked by Herrigstad Engineering & Surveying.**



## LEEWARD LANDING LLC

34. Unless otherwise outlined within a vegetation management plan that has been approved by the City of Anacortes, within the NGPE, vegetation or tree removal, topping, or trimming is prohibited unless approved by the City. The applicant would need to submit an ISA certified report that states a tree is dead, diseased, or dying and hazardous to surrounding uses, along with a geological hazardous area critical area report to the City of Anacortes' Planning Department and Parks and Recreation Department for review and approval. Notwithstanding, vegetation /tree removal from an erosion or landslide hazard area and its associated buffer is prohibited per AMC § 17.70.260(4). **This is outlined in the Draft NGPE Agreement submitted to the COA on April 1<sup>st</sup>, 2016**
35. One twenty-eight (28) foot high, detached 2,000 square foot (maximum) accessory building is permitted on each lot provided it is in compliance with all other bulk and dimensional standards for the zone, except where modified through these conditions of approval. Where an accessory dwelling unit (ADU) is proposed within said building, the living space shall not exceed 1,200 square feet. Impact fees & GFC shall be payable at the time of building permit issuance for both the ADU and primary residence. The 2,000 square foot (maximum) permitted accessory building size and 28 foot high (maximum) height limit variance/deviance only applies to lots 3 through 9. Accessory structures on lots 1, 2, & 10 shall meet current zoning code standards including but not limited to maximum permitted building size and height. **This is noted as Condition #12 on final plat map and in the CCRs of Leeward Landing.**
36. Development shall comply with the issued SEPA Mitigated Determination of Non-Significance (MDNS) mitigation measures as follows:
  - A. Development shall comply with all of the recommendations of the Geotechnical Evaluation prepared by Geotest dated November 4, 2014, listed therein (MDNS Condition #1). **All work was constructed in accordance to Geo Test recommendations, required inspections complete, copies have been submitted to COA.**
  - B. All structures shall be setback a minimum of thirty (30) feet from the top of the bank of the geologically hazardous /steep slope as identified on the face of the replat /PUD (MDNS Condition #2). [See Condition of Approval #40 below. The stricter of the two conditions shall prevail] **Geological setback from slope is noted on the final plat map.**
  - C. A final tree preservation plan shall be submitted for review and approval prior to construction plan approval (MDNS Condition #3). **Tree Preservation Plan by Urban Forestry has been submitted to the COA.**
  - D. Erosion control, dust control, and best management practices shall be employed during construction /development activities as required by both the Building and Public Works Departments (MDNS Condition #4). **All BMPs will be applied and enforced during development and construction.**
  - E. The applicant shall submit a Large Parcel Stormwater & Water Quality Plan to minimize runoff, control erosion, and protect adjacent properties. Such measures may include replanting, reseeding, storm retention ponds, buffer areas or prompt development. This plan shall be prepared by a licensed civil engineer (MDNS



## LEEWARD LANDING LLC

- Conditions #5). The Large Parcel Storm Water Plan completed by Herrigstad Engineering Dated January 8, 2015 has been submitted to the COA.
- F. Orange construction fencing shall be installed at the project boundary's clearing limits as required by the Planning Department (MDNS Condition #6). Fencing was installed.
  - G. All applicable permits shall be secured before any construction activities begin onsite. (MDNS Condition #7). Permits obtained and work is complete.
  - H. Before building permits for each of the proposed residences will be issued, the applicant shall contact the Department of Planning, Community, and Economic Development to arrange a tree fence inspection (MDNS Condition #8). Owners, Builders, Contractors will comply with to MDNS Condition #8.
  - I. The landowner /applicant shall obtain a National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharge as required by the State of Washington's Department of Ecology (MDNS Condition #9). The Storm Water Permit was obtained from DOE remains active, site is monitored, site inspection forms have been submitted to COA on April 1<sup>st</sup>, 2016
  - J. A legally enforceable agreement, which shall be recorded as a covenant and noted on the face of the deed or plat, and executed in a form satisfactory to the City of Anacortes' acknowledging that the site is located in a geologically hazard area; the risks associated with development of such site; and a waiver and release of any and all claims of the owner(s), their directors, employees, successors, or assigns against the City of Anacortes for any loss, damage or injury, whether direct or indirect, arising out of issuance of development permits for this proposal (MDNS Condition #10). The Geologically Hazardous Covenant is pending, a draft document was resubmitted to COA for review on April 1<sup>st</sup>, 2016.
  - K. Pursuant to City of Anacortes' Shoreline Master Program (SMP) Appendix A-3.9.4, unless otherwise provided or as part of an approved alteration, removal of vegetation from an erosion or landslide hazard area or related buffer shall be prohibited. The applicant however has submitted a geotechnical report, tree preservation plan, and landscape plan addressing proposed vegetation removal. Any vegetation removal shall be consistent with the submitted geotechnical report, tree preservation plan, and landscape plan (MDNS Condition #11). This is noted on page 3 of final plat map #13.
  - L. Pursuant to City of Anacortes' SMP A-3.9.5, clearing shall be allowed only from May 1<sup>st</sup> to October 1<sup>st</sup> of each year provided that the city may extend or shorten the dry season on a case-by-case basis depending on actual weather conditions. Clearing limits shall be consistent with the submitted geotechnical report, tree preservation plan, and landscape plan (MDNS Condition #12). Clearing was completed during the allowed time and consistent with reports and plans.
  - M. The project geotechnical engineer, shall review the final civil drawings for consistency with the geotechnical report and provide specific detail for anchoring of the storm line on the slope. Site work shall be monitored by the geotech as determined by the Planning Department (MDNS Condition #13). Complete

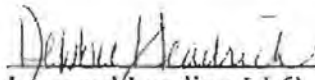


## LEEWARD LANDING LLC

- N. Before final replat /PUD submittal or approval is given, the applicant shall provide a tree cutting and debris management plan for review and approval prior to any activity taking place onsite (MDNS Condition #14). **Draft management plan submitted to COA for review.**
- O. Before final replat /PUD submittal or approval is given, the applicant shall submit a final report from their project biologist and geotechnical engineer prior to plan approval concerning the construction of the off-site public trail (MDNS Condition #15). **Final reports submitted to COA on April 1<sup>st</sup>, 2016 complete.**
- P. Before final replat /PUD approval is given, the off-site public trail connecting to Kansas Street Park, improvements to Kansas Street Park, and connection to Guemes Channel Trail below shall be constructed to city standards (MDNS Condition #16). **Trail and Stairs to the Guemes Channel Trail are complete, inspections complete, all documents submitted to COA.**
- Q. Before final replat /PUD submittal or approval is given, the applicant shall submit a detailed landscape plan addressing re-vegetation of both the steep slope and area of the project site that lies within the Conservancy Shoreline Designation /Environment. An as built shall be prepared after planting has been completed. Additionally, a 5-year maintenance and monitoring plan shall be prepared and submitted to the city for approval (MDNS Condition #17). **As Builts of re-vegetation and the 5-year maintenance and monitoring plan have been submitted to COA.**
- R. Before final replat/ PUD submittal or approval is given, that portion of each lot that lies within the Conservancy Shoreline Designation /Environment shall be placed into a Native Growth Protection Easement with a long-term maintenance plan for the homeowners association. A split rail cedar fence shall be constructed at the edge of the Conservancy Environment as determined by the Planning Department with critical area signage placed on it as required by the Planning Department (MDNS Condition #18). **NGPE is noted on final plat, the NGPE Agreement has been submitted to COA for approval prior to recording of document. Split rail cedar fence is installed, critical areas signage posted.**
37. The applicant / landowner shall work with neighboring property owners east of the subject property that are adjacent to the private and public trail and provide a combination of a sight obscuring fencing and/or landscaping utilizing only native plants indigenous to Western Washington. **Applicant met with the neighboring property owner Ms. Joan Osborne several times during construction. Together they designed a cedar fence for privacy that has been built between the properties. Ms. Osborne is pleased with the privacy fence and prefers no further buffer plantings be installed.**
38. The Homeowner's Association shall be responsible for the maintenance of all landscaping provided along the sidewalk fronting the subject property that runs parallel to Oakes Avenue. The height of any trees planted therein shall be similar to the landscaping in the San Juan Passage development /PUD fronting Oakes Avenue. This shall also be reflected in the CC&Rs. Additionally, the maximum permitted height of the fence proposed located within the front yard setback shall be five (5) feet from grade. **Landscape maintenance, tree height and fence height restrictions are reflected in the CCRs and on the final plat map Condition #14.**

## LEEWARD LANDING LLC

39. Before final PUD/ replat submittal or approval is given, the applicant/ landowner shall submit a 5-year maintenance and monitoring plan to the city for approval for all planting along the public trail, private trail, sidewalk located within the right-of-way, and plantings within the Native Growth Protection Easement (NGPE) located onsite. Once approved, the plan shall be noted on the final PUD /replat. **The 5-year maintenance and monitoring plan has been submitted to COA and noted on Final Plat Map Condition #15.**
40. As modified since the SEPA MDNS was issued, all structures shall be setback forty-five (45) feet from the top of the bank of the geologically hazardous /steep slope. This shall be identified and noted on the face of the final replat /PUD. **All Structures will be setback 45', this is identified on Final Plat Map and noted as Condition #16.**
41. The twenty-eight (28) foot high detached accessory structures (which may include ADUs) shall not exceed sixteen (16) feet in height (maximum) as measured above Oakes Avenue. **ADU height restrictions are identified in the CCRs and noted on the Final Plat Map Condition #17.**

  
\_\_\_\_\_  
Leeward Landing LLC  
Nels Strandberg  
By: Debbie Headrick

  
Dated



## Leeward Landing

---

March 30<sup>th</sup> 2016

Don Measamer  
Director of Planning and Community Development  
City of Anacortes  
PO Box 547  
Anacortes WA 98221

**Subject: Leeward Landing Public Stairs / ROW**

Dear Don,

Leeward Landing per approved plans and the plat approval process has completed its obligation to construct the public stairs and trail, connecting Kansas Park to the GCT. The location of the trail was determined through several site visits with myself and city representatives. The construction of the stairs was monitored by Geo Test and City of Anacortes building officials and has now received a final sign off by both parties. The stairs and trail are operational and being used by the general public.

Per the "Finding of Fact" for Leeward Landing PUD line item #9, which states: *"The value of the vacated right of way shall only go toward the offsite public portion of the trail construction (Kansas Avenue Park north to the Guemes Channel Trail). Any remaining funds shall be paid to the City of Anacortes. The value of the proposed vacated right of way will be determined prior to construction plan approval."*

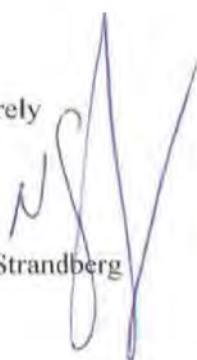
Before preliminary plat approval, an appraisal was submitted to the COA. The value of the Right of Way owned by the City of Anacortes was determined to be \$45,000. The actual cost to construct the stairs and public trail were \$64,889.65. Leeward Landing expects no compensation from the COA for added expenses above and beyond the value of \$45,000.

Although, Leeward Landing has met its obligation to the city, Leeward Landing still plans to participate in further improvements to the Kansas Park (at Leeward's expense), based on future meeting with the COA parks department.

See attached breakdown of actual costs, completed pictures, and valuation page of the appraisal.

Sincerely

Nels Strandberg



# Leeward Landing

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Leeward Landing LLC







P O BOX 319 \* ANACORTES, WA 98221

PHONE 360-293-7431 \* FAX 360-299-8660

TO: CITY OF ANACORTES  
LEEWARD STAIRS

## INVOICE

| DATE      |
|-----------|
| 3/18/2016 |

| DATE       |       | BALANCE     |
|------------|-------|-------------|
| 12/28/2015 | FI    | \$ 2,470.86 |
| 12/30/2015 | FI    | \$ 165.78   |
| 12/30/2015 | FI    | \$ 60.20    |
| 12/29/2015 | SRS&R | \$ 526.18   |
| 1/12/2016  | SRS&R | \$ 31.72    |
| 1/12/2016  | FI    | \$ 33.44    |
| 1/12/2016  | FI    | \$ 38.52    |
| 1/15/2016  | FI    | \$ 60.20    |
| 1/19/2016  | FI    | \$ 37.36    |
| 1/20/2016  | FI    | \$ 2,289.66 |
| 1/20/2016  | FI    | \$ 237.15   |
| 1/22/2016  | FI    | \$ 295.60   |
| 1/29/2016  | FI    | \$ 51.36    |
| 1/28/2016  | FI    | \$ 10.02    |
| 1/27/2016  | FI    | \$ 13.31    |
| 1/26/2016  | FI    | \$ (39.35)  |
| 1/26/2016  | FI    | \$ (165.40) |
| 1/26/2016  | FI    | \$ 48.72    |
| 1/26/2016  | FI    | \$ 61.76    |
| 2/1/2016   | FI    | \$ 2.35     |
| 2/1/2016   | FI    | \$ 24.56    |
| 2/2/2016   | SRS&R | \$ 783.59   |
| 2/11/2016  | FI    | \$ 82.86    |
| 2/4/2016   | FI    | \$ 147.72   |
| 2/4/2016   | FI    | \$ 16.78    |
| 2/8/2016   | SRS&R | \$ 20.11    |
| 2/8/2016   | FI    | \$ 52.68    |
| 2/5/2016   | FI    | \$ 10.88    |
| 2/16/2016  | SRS&R | \$ 1,044.79 |
| 2/18/2016  | FI    | \$ 189.13   |
| 2/17/2016  | FI    | \$ 27.80    |
| 2/17/2016  | FI    | \$ 57.56    |
| 2/16/2016  | FI    | \$ 29.82    |
| 2/12/2016  | FI    | \$ 7.81     |
| 2/17/2016  | FI    | \$ 47.21    |
| 2/29/2016  | FI    | \$ (3.49)   |
| 2/29/2016  | FI    | \$ 1,974.06 |
| 2/26/2016  | FI    | \$ 67.44    |
| 2/24/2016  | FI    | \$ 10.89    |

|                  |                            |            |            |
|------------------|----------------------------|------------|------------|
| 2/24/2016        | FI                         | \$         | 97.72      |
| 2/23/2016        | FI                         | \$         | 257.60     |
| 2/23/2016        | FI                         | \$         | (70.51)    |
| 2/19/2016        | FI                         | \$         | 362.32     |
| 2/22/2016        | FI                         | \$         | 10.64      |
| 2/22/2016        | FI                         | \$         | 76.77      |
| 2/18/2016        | FASTENAL                   | \$         | 13.16      |
| 2/17/2016        | FASTENAL                   | \$         | 11.74      |
| 3/3/2016         | SEBOS                      | \$         | 14.40      |
| 3/4/2016         | SEBOS                      | \$         | 28.80      |
| 3/14/2016        | FI                         | \$         | 98.60      |
| 3/14/2016        | FI                         | \$         | 34.17      |
| 3/9/2016         | FI                         | \$         | 1,653.04   |
| 3/10/2016        | FI                         | \$         | (50.64)    |
| 3/4/2016         | FI                         | \$         | (8.36)     |
| 3/4/2016         | FI                         | \$         | 74.62      |
| 3/7/2016         | FI                         | \$         | 37.52      |
| 3/1/2016         | FI                         | \$         | 74.13      |
| 3/7/2016         | FI                         | \$         | (1,046.23) |
| 3/2/2016         | FI                         | \$         | 40.54      |
| 3/1/2016         | FI                         | \$         | 124.30     |
| 3/1/2016         | FI                         | \$         | 124.30     |
| 3/3/2016         | FI                         | \$         | 26.21      |
| 3/3/2016         | FI                         | \$         | 23.84      |
| 12/4/2015        | FI                         | \$         | 92.32      |
| 12/29/2015       | SOUND CEDAR                | \$         | 2,098.25   |
| 3/9/2016         | LAKESIDE INDUSTRIES        | \$         | 27.17      |
| 3/15/2016        | FI                         | \$         | 88.85      |
| 3/15/2016        | FI                         | \$         | 106.04     |
| 3/15/2016        | FI                         | \$         | 9.41       |
| 3/16/2016        | FI                         | \$         | 76.44      |
| 3/17/2016        | FI                         | \$         | 64.40      |
| 3/17/2016        | FI                         | \$         | 40.95      |
| 3/18/2016        | FI                         | \$         | 62.70      |
| 3/22/2016        | FI                         | \$         | (13.83)    |
| 3/23/2016        | FI                         | \$         | 347.08     |
| 3/24/2016        | FI                         | \$         | 121.35     |
| 3/24/2016        | FI                         | \$         | 196.76     |
| 3/21/2016        | FI                         | \$         | 578.46     |
| 3/21/2016        | FI                         | \$         | 56.87      |
| 3/21/2016        | FI                         | \$         | 98.98      |
| 3/24/2016        | hb Jaeger Co               | \$         | 47.86      |
|                  | MATERIAL SUBTOTAL          | \$         | 16,930.38  |
| 11/26 - 12/25/15 | LABOR - 64.38 HRS @ 47.50  | \$         | 3,058.05   |
| 12/26 - 1/25/16  | LABOR - 127.49 HRS @ 47.50 | \$         | 6,055.78   |
| 1/26 - 2/25      | LABOR - 291.40 HRS @ 47.50 | \$         | 13,841.50  |
| 2/26 - 3/25      | LABOR - 255.15 HRS @ 47.50 | \$         | 12,119.63  |
|                  | LABOR SUBTOTAL             | \$         | 35,074.95  |
|                  | SUBTOTAL                   | \$         | 52,005.33  |
|                  | Overhead                   | \$         | 7,800.80   |
|                  | SALES TAX @ 8.5%           | \$         | 5,083.52   |
|                  |                            | AMOUNT DUE |            |
|                  |                            | \$         | 64,889.65  |





**Robert W. Suttles, MAI & Associates**  
*Washington State Certified General Appraiser*

**360-848-7470**

bob@nwrev.net • 360-848-7474 fax  
2105-C Continental Place • Mount Vernon, WA 98273

**Appraisers:**

*Robert W. Suttles, MAI  
Mark Salzer, MAI  
Chris Ledebor  
Laura Thie  
Jon Alberts*

**Appraisal Report  
of  
a Right-of-Way**



**Subject Address:**

**Minnesota Avenue Right-of-Way  
North of Highway 20 (Oakes Avenue)  
Anacortes, WA 98221**

**Prepared for:**

**Mr. Nels Strandberg  
Strandberg Construction  
2018 R Avenue  
PO Box 319  
Anacortes, WA 98221**

**Date of Valuation  
March 19, 2015**

**NWREV File No. 1503 960**



**Robert W. Suttles, MAI & Associates**  
*Washington State Certified General Appraiser*

**360-848-7470**

bob@nwrev.net • 360-848-7474 fax  
2105 C Continental Place • Mount Vernon, WA 98273

April 8, 2015

Mr. Nels Strandberg  
Strandberg Construction  
2018 R Avenue  
PO Box 319  
Anacortes, WA 98221

Subject: Appraisal of the 0.33 acre Minnesota Avenue Right-of-Way located north of Highway 20 (Oakes Avenue), Anacortes; Washington; between Skagit County Tax Parcels P58285 and P58264.

Dear Mr. Strandberg,

In response to your request, we have performed an inspection and completed the market research and analyses necessary for the purpose of providing you with an opinion of market value for the above referenced property. The date of valuation is March 19, 2015.

The scope of work that directs the appraisal process for this assignment involves determining an opinion of market value for the property "as is". As the subject is vacant land, only the Sales Comparison approach to value is applied as the pertinent valuation method.

The property rights appraised are in fee simple estate, subject to easements, reservations, restrictions, and covenants of record, with real estate consisting of land and existing improvements as depicted in this report. No personal property, trade fixtures, or business value is appraised. This appraisal is completed subject to the general assumptions and limiting conditions that are presented on page 8 of this report.

Based on our investigation and analysis and in conformance with the definition of market value and subject to the assumptions and limiting conditions delineated in this report, the "as is" opinion of market value of the fee simple interest in the appraised property as of March 19, 2015, is:

**Forty-Five Thousand Dollars - \$45,000**

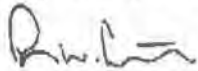


This opinion of value is based on the assumption that the properties are actively offered for sale with the services of competent brokerage on the open market for a time period of approximately three to six months and are sold for cash or terms equivalent to cash. Although the marketing period is believed to be reasonable, it is not to be regarded as a guarantee.

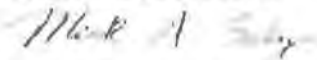
This letter of transmittal must remain attached to this report in order for the value opinion set forth to be considered valid.

Your attention is invited to the following report which contains a summary of the property description, data, analyses, and appraisal procedures applied.

Respectfully submitted,



Robert W. Suttles, MAI  
Washington State Certified General Real Estate Appraiser  
Certification #1100553



Mark Salzer, MAI  
Washington State Certified General Real Estate Appraiser  
Certification #1102081

### Summary of Notable Facts & Conclusions

**Addresses:** Minnesota Avenue Right-of-Way  
North of Highway 20 (Oakes Avenue)  
Anacortes, WA 98221

**Tax Identification Numbers:** None, located between P58285 and P58264

**Effective date of "as is" value:** March 19, 2015

**Date Report Completed:** April 8, 2015

**Property Owner:** City of Anacortes

**Zoning:** City of Anacortes – Residential District (R2)  
Anacortes Municipal Code – Chapter 17.36

**General Property Description:** The real property being appraised consists of an existing street right-of-way that the city is considering vacating with a total area of 14,561 SF, or 0.33 acres. The property is zoned for residential use and is wooded with utilities needing to be extended to the site.

#### **Sales Comparison Approach**

The opinion of value for the real estate is:

1 Developable Lot @ \$45,000 per Lot.....\$45,000

Based on our investigation and analysis and in conformance with the definition of market value and subject to the assumptions and limiting conditions delineated in this report, the "as is" opinion of market value of the fee simple interest in the appraised property as of March 19, 2015, is:

**Forty-Five Thousand Dollars - \$45,000**





## Urban Forestry Services, Inc.

Arboricultural Consulting | Wholesale Tree Nursery

### ARBORIST NOTES

**FOR:** Strandberg Custom Homes and Design  
Attn: Mr. Nels Strandberg  
2018 R Avenue  
Anacortes, WA 98221

**REGARDING:** Leeward Landing Project at Oakes Avenue, Anacortes, Washington

**PURPOSE:** Assess work completed, including mitigation, as a part of this projects tree preservation plan.

**FROM:** Urban Forestry Services, Inc.  
Mr. Paul Hans Thompson  
ISA Certified Arborist #PN-1838A  
ISA Tree Risk Assessment Qualified  
ASCA Registered Consulting Arborist #509

**DATE:** March 29, 2016

**Attachments:** Report - Level 1 Limited Visual Assessment and Tree Preservation Plan, Revised 11-5-14.  
Habitat Pruning | Natural Canopy Reduction Illustration  
Assumptions and Limiting Conditions

### Introduction

As requested by Mr. Nels Strandberg of Strandberg Custom Homes and Design, on March 11, 2016 I reviewed work completed to remove, cut and prune trees on this site, plus review the mitigation planting completed. The objective of this review is to determine if the work complies with the recommendations of the attached report by UFS; Report - Level 1 Limited Visual Assessment and Tree Preservation Plan, Revised 11-5-14.

The following notes provide a record of my findings and further recommendations for additional work to comply with the enclosed tree preservation plan.

### Findings

Strandberg Custom Homes and Design have retained additional trees in the conservation area above the slope. These trees appear to be suitable for retention at this time. Two trees failed in high winds during February / March, a third tree had a significant crown failure with the top falling onto the edge of the Guemes trail below.

15119 McLean Road  
Mount Vernon, WA 98273

Office (360) 428-5810  
Fax (360) 428-1822  
Cell (360) 770-9921

A large volume of debris was removed in the process of removing trees and cutting the tops and pruning, however some areas in the central and east sections of the slope have large amounts of debris remaining in small localized areas, stacked in deep layers. Our concern is that natural regeneration of natives under the numerous branches layers will be prevented due to lack of light and growing space. As a result, these same areas will be devoid of vegetation and thereby subject to erosion. In addition, these debris piles prevent replanting.

Tree removal, habitat pruning and view enhancement pruning was largely completed as per the plan. Exceptions to this are as follows:

- The habitat pruning cut all trees to the same height, top of the slope. Our expectation was that the height of the final cuts made would be varied. Varying the height of the final cut would have been closer to mimicking a natural failure pattern for trees on this slope. No action is necessary to correct this.
- The final cut on the trunks should have copied the information provided in the Habitat Pruning | Natural Canopy Reduction Illustration, with cuts being deeper and a more splintered appearance. This will encourage localized decay and create habitat quickly. In the remaining trees still to cut this should be completed.
- Cut branches should have been cut to mimic a fracture or tear-out failure. No action is necessary to correct this.

The groundcover that existed prior to tree removal and other work has been retained as per the plan, and is largely intact. Based on checks made by Mr. John Lundsford of Anacortes Parks and Recreation six trees were removed from within the Guemes Channel Trail construction area. These trees were incorrectly included in my inventory of the Leeward Landing Project. Checks by Nels Strandberg of Strandberg Custom Homes and Design noted an additional four trees were removed to allow for the construction of the Guemes Channel Trail. A total of 10 trees were removed to construct the Guemes Channel Trail.

The following is a complete list of the 10 trees removed for the purposes of constructing the Guemes Channel Trail:

| <u>Tree #</u> | <u>Species</u> | <u>Diameter (inches)</u> |
|---------------|----------------|--------------------------|
| 145           | Red alder      | 16.7                     |
| 150           | Red alder      | 11.9                     |
| 155           | Red alder      | 8.9                      |
| 156           | Red alder      | 10.2                     |
| 167           | Red alder      | 18.5                     |
| 168           | Red alder      | 14.5                     |
| 169           | Red alder      | 5.4                      |
| 170           | Red alder      | 12.7                     |
| 171           | Red alder      | 11.1                     |
| 173           | Red alder      | 10.1                     |

Tree # 133, a 15.8-inch diameter red alder and two other smaller trees failed, failed in high winds. Debris from these tree failures have been removed. All other trees were retained or removed as approved by the City of Anacortes.

Erosion was observed in a few very small and localized areas, affecting installed plantings and also exposing soil in very small areas of the slope. Some of these areas are also too steep to plant and will therefore be left. I observed that some areas in the mid and upper slope were not planted with native groundcovers and shrubs. These areas were identified for replanting in the plan.



## Recommendations

### Erosion Control and Debris Management:

As per standard erosion control where surface erosion has been observed the following should be immediately completed.

- Immediately cover exposed and eroding soils with straw or mulch.
- Immediately replant through either the straw or mulch.



Very steep slopes  
will not be planted.

Cut debris into 3 to 6  
foot sections, try to  
vary length, and  
disperse across the  
site.

Once debris is cut  
and dispersed, plant  
the cleared areas.

**Photo 1:** This is an example of 1.) Exposed soils (labelled) requiring erosion protection and planting; and 2.) Dense debris layers requiring cutting and dispersal across site, with follow-up planting required.

Note that existing native vegetation must be retained undamaged and uncovered and that bare areas should be visible under the debris and allow for an individual to plant into the slope beneath.

### Planting Stock Access / Species Adjustment / Replanting Areas:

The species specified in the plan were reported to be not available. The following is a substitute list with suppliers listed. UFS completed a check of availability for these shrubs and groundcovers on March 18, 2016. The planting stock should be purchased and installed immediately as stock availability changes on a daily basis.

#### Supplier List:

FCN (Stock Supplier Abbreviation) Fourth Corner Nurseries  
Contact Angie Ballard O'Hare, Nursery Sales – (360) 734 0079  
5652 Sand Road, Bellingham WA 98226

WACD (Stock Supplier Abbreviation) WACD Plant Materials Center  
Contact Jim Brown, Manager & Sales – (360) 757 6972 / (360) 757 1094  
16564 Bradley Road, Bow, WA 98232

Planting Stock List:

Supplier | Species | Special Notes

Upper Slope –

- FCN | Tall Oregon-grape, *Mahonia aquifolium*
- FCN | Red huckleberry, *Vaccinium parvifolium*
- WACD, FCN | Red Osier-dogwood, *Cornus stolonifera*
- FCN | Red-flowering current, *Ribes sanguineum* | Low Stock Numbers
- FCN | Nootka rose, *Rosa nutkana*
- FCN | Snowberry, *Symphoricarpos albus*

Mid Slope-

- FCN | Red huckleberry, *Vaccinium parvifolium*
- FCN | Red-flowering current, *Ribes sanguineum* | Low Stock Numbers
- WACD, FCN | Pacific ninebark, *Physocarpus capitatus* | FCN Low Stock Numbers
- FCN | Swordfern, *Polystichum munitum*
- FCN | Beaked hazelnut, *Corylus conuta* var. *californica*
- WACD | Red elderberry, *Sambucus racemose*
- FCN | Black twinberry, *Lonicera involucrate*

As per the plan ""The density of planting should be sufficient to ensure no soil is exposed between plants after 3 to 5 years of establishment. In addition, as per "DR-6.5.7 f:"

*"shrubs shall be planted such that within two years the shrubs will cover at least thirty percent (30%) of the area that would be covered when the shrubs have attained a mature size."*



Pine damaged in localized erosion; conditions such as these must be immediately corrected.

Cover exposed soils with either straw or mulch, and plant through this into the slope.

**Photo 2:** Localized erosion has caused damage to installed trees and shrubs. Shown in this photo is the damage caused to two shore pine, *Pinus contorta* var. *contorta*. Areas of bare soil will need to be replanted and the trees condition addressed through replanting or replacement.

Let us know if you have any questions about these arborist notes.



## **Leeward Landing Planned Unit Development**

### **Hillside/ NGPE Landscape Plan**

The Hillside/ NGPE zone is a complex area with hundreds of trees and existing shrubs on steep slopes with limited access. Creating a detailed 2 dimension landscape plan graphically would be extremely difficult and likely would need significant changes as site conditions are highly variable, existing ground cover has not been located, and visualizing changes to tree canopies would be almost impossible. Leeward Landing proposes that the more detailed landscape plan be developed in the field under the supervision of Urban Forestry (Arborist) and the City of Anacortes Parks department. The actual locations of landscape materials will be located on site by staking the locations of landscape materials to be used, immediately after tree work has been completed. Careful attention will be paid to include all details of the Urban Forestry Arborist report, ATSI report, and Geo Tech's report. The intent is to replace 100% of all removed Red Alders with a far more diverse mix of trees. The added Shrubs will add significant bio diversity to the NGPE, increasing habitat value as well as aesthetics.

The following quantities of shrubs and trees, recommend by Urban Forestry, will be planted in location TBD within the NGPE area, and approved by Urban Forestry and the City of Anacortes.

- 30 - 1" Caliper Vine Maple
- 4 - 1" Caliper Big Leaf Maple
- 20 - 1" Caliper Douglas Maple
- 20 - Beaked Hazel Nut
- 20 - Black Hawthorne
- 100 - Salal
- 20 - Ocean Spray
- 20 - Oregon Grape
- 10 - Western Crabapple
- 4 - 4' Sitka Spruce
- 20 - 6' Shore pine
- 50 - Sword Fern
- 20 - Cascara
- 20 - Red Flowering Currant
- 30 - Nootka Rose
- 20 - Thimbleberry
- 50 - Native Willow (planted branches from on-site willow)
- 20 - Snowberry

**Leeward Landing Planned Unit Development  
5 Year Maintenance and Monitoring Plan**

1. After initial install of plants the site will be inspected by the City of Anacortes and Urban Forestry, verifying the installation of all agreed plants and trees. Deficiencies will be noted and corrected.
2. An "as built" drawing will be created, and pictures of views and trees documented and recorded on the property's deed. (NGPE Agreement)
3. On April 1<sup>st</sup> of each subsequent year, a City of Anacortes representative will meet with a representative from Leeward Landing HOA representative to check for dead or dying trees and shrubs. Dead or dying plantings will be documented and replaced, within 60 calendars days.
4. 5 years from final plat approval the monitoring plan will end.
5. The NGPE will then be maintained by the language in the NGPE Agreement.
6. Leeward will only be required to replant trees or shrubs if survival rate drops below 80%.

\_\_\_\_\_  
Leeward Landing LLC  
Nels Strandberg

\_\_\_\_\_  
Date

I certify that I know or have satisfactory evidence that \_\_\_\_\_ is the person who appeared before me, and said person acknowledged that said person signed this instrument and acknowledged it to be free and voluntary act of said person for the uses and purposes mentioned in the instrument.

Dated this day \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(Signature of Notary)

\_\_\_\_\_  
Print Name of Notary  
Notary Public in and for the State of Washington,

Residing at \_\_\_\_\_

My Appointment expires \_\_\_\_\_



Native Growth Protection Area  
Planting Requirements/Actual Inventory

**NGPE Planting Requirement**

| <b>Plant Type</b>                | <b>Required</b> | <b>Actual</b> |
|----------------------------------|-----------------|---------------|
| <b>NGPE Planting Requirement</b> |                 |               |
| <b>Plant Type</b>                | <b>Required</b> | <b>Actual</b> |
| 1' Caliper Vine Maple            | 30              | 30            |
| 1" Caliper Big Leaf Maple        | 4               | 4             |
| 1" Douglas Maple                 | 20              |               |
| Douglas Hawthorne                |                 | 20            |
| Beaked Hazel Nut                 | 20              | 20            |
| Black Hawthorne                  | 20              | 20            |
| Salal                            | 100             | 100           |
| Ocean Spray                      | 20              | 20            |
| Oregon Grape                     | 20              | 20            |
| Western Crab Apple               | 10              | 10            |
| 4' Sitka Spruce                  | 4               | 4             |
| 4'-5' Shore Pine                 | 0               | 20            |
| 6' Shore Pine                    | 20              | 20            |
| Sword Fern                       | 50              | 100           |
| Cascara                          | 20              | 20            |
| Red Flowering Currant            | 20              | 20            |
| Nootka Rose                      | 30              | 30            |
| Thimbleberry                     | 20              | 20            |
| Native Willow                    | 50              | 200           |
| Snowberry                        | 20              | 20            |
|                                  | <b>478</b>      | <b>698</b>    |

\* 80% Required Survival Rate on 478 plants

Elm 10/1/15 to Georgia



# Fourth Corner Nurseries

Fourth Corner Nurseries  
5757 Sand Rd.  
Bellingham, WA 98226

BARE-ROOT SALES: (360) 592-2250  
CONTAINER SALES: (360) 734-0079  
FAX: (888) 506-1236  
EMAIL: [sales@fourthcornernurseries.com](mailto:sales@fourthcornernurseries.com)  
WEB: [www.fourthcornernurseries.com](http://www.fourthcornernurseries.com)

## Acknowledgement

# SI-9149

Date 10/1/2015

Page 1

### SOLD TO

Strandberg Custom Homes & Design  
Attn: Debbie Headrick  
2018 R Avenue  
Anacortes, WA 98221  
Ph. (360) 293-7431

### SHIP TO

cash

*Leeward*

Ph.

| Ordered   | Ship Date | Customer PO#    | Salesperson | Terms | Ship Via        | Job Name |
|-----------|-----------|-----------------|-------------|-------|-----------------|----------|
| 9/11/2015 | confirmed | Leeward Landing | bob         | COD   | Customer Pickup |          |

| Qty. Ordered | Available | Description                                               | Origin    | Size     | Unit Price | Extended Price |
|--------------|-----------|-----------------------------------------------------------|-----------|----------|------------|----------------|
| 20           | 20        | Pinus contorta v. contorta - Shore Pine                   | BC - Vanc | 1 gallon | \$4.00     | \$80.00        |
| 100          | 100       | Polystichum munitum - Sword Fern                          |           | 1 gallon | \$4.50     | \$450.00       |
| 30           | 30        | Acer circinatum - Vine Maple                              | 02-PugetL | 1 gallon | \$4.00     | \$120.00       |
| 4            | 4         | Acer macrophyllum - Big Leaf Maple                        | 02-PugetL | 1 gallon | \$4.00     | \$16.00        |
| 20           | 20        | Corylus cornuta v. californica - Beaked Hazelnut, Filbert | 02-PugetL | 1 gallon | \$4.50     | \$90.00        |
| 20           | 20        | Crataegus douglasii v douglasii - Douglas Hawthorn        | 02-PugetL | 1 gallon | \$4.00     | \$80.00        |
| 20           | 20        | Frangula (Rhamnus) purshiana - Cascara                    | 09-ECasca | 1 gallon | \$4.00     | \$80.00        |
| 20           | 20        | Mahonia repens - Creeping Oregon Grape                    |           | 1 gallon | \$5.00     | \$100.00       |
| 30           | 30        | Rosa nutkana - Nootka Rose                                | 02-PugetL | 1 gallon | \$4.00     | \$120.00       |
| 20           | 20        | Symphoricarpos albus - Common Snowberry                   | 02-PugetL | 1 gallon | \$4.00     | \$80.00        |

### THIS IS NOT A CONFIRMATION

To place a firm order, please sign and return within 10 days, with a 25% deposit.

X

I understand this is a non refundable deposit with the balance due before shipping.

This Acknowledgement total does not include shipping cost.

### Substitution

If size ordered is unavailable, sent the next—

largest size available

smaller size available

no substitutions

Note: You will be charged for the size shipped.

\$329.34

\$989.52 Visa  
329.34 Visa

|                  |            |
|------------------|------------|
| Plant Total:     | \$1,216.00 |
| Packaging:       | \$0.00     |
| Shipping:        | \$0.00     |
| Subtotal:        | \$1,216.00 |
| 8.5 % Sales Tax: | \$103.36   |
| Total:           | \$1,319.36 |
| Amount Paid:     | \$0.00     |
| Total Due:       | \$1,319.36 |



|            |         |
|------------|---------|
| Date       | 10/2/15 |
| Invoice No | 1312    |

Arturo Lopez  
 Lopez Valley Nursery and Landscaping  
 10624 Collins Road  
 Sedro-Woolley, WA 98284  
 Office: (360) 854-0210  
 Cell: (360) 770-6221

Bid To  
 Strandberg (custom Homes & Design)  
 P.O. Box 319  
 Anacortes, WA 98221  
 Phone(360)293-7431 X1  
 Fax(360)299-8660

| QT              | Description                 | Unit Price | Amount     |
|-----------------|-----------------------------|------------|------------|
| 100             | Salal 1gal.                 | \$4.00     | \$400.00   |
| 20              | Ocean Spray 2gal.           | \$9.50     | \$190.00   |
| 10              | Western Crabapple 2gal.     | \$10.50    | \$105.00   |
| 4               | Sitka Spruce 4'             | \$18.50    | \$74.00    |
| 20              | Shore Pine 4'-5'ht.         | \$35.00    | \$700.00   |
| 20              | Red Flowering Currant 2gal. | \$100.50   | \$210.00   |
| 20              | Thimbleberry 2gal.          | \$9.50     | \$190.00   |
| 1               | Delivery                    | \$50.00    | \$50.00    |
| Leeward Landing |                             |            |            |
| Subtotal:       |                             |            | \$1,919.00 |
| Tax:            |                             |            | \$158.86   |
| Total Balance   |                             |            | \$2,077.86 |



# Fourth Corner Nurseries

Fourth Corner Nurseries  
5757 Sand Rd.  
Bellingham, WA 98226

BARE-ROOT SALES: (360) 592-2250  
CONTAINER SALES: (360) 734-0079  
FAX: (888) 506-1236  
EMAIL: sales@fourthcornernurseries.com  
WEB: www.fourthcornernurseries.com

## INVOICE

# SI-9607

Date 2/2/2016

Page 1

### SOLD TO

Strandberg Custom Homes & Design  
c/o: Debbie Headrick  
2018 R Ave.  
Anacortes, WA 98221  
Ph. (360) 293-7431

### SHIP TO

Strandberg Construction  
2018 R Avenue  
Anacortes, WA 98221

Ph. (360) 293-7431

| Ordered  | Ship Date | Customer PO# | Salesperson | Terms | Ship Via | Job Name |
|----------|-----------|--------------|-------------|-------|----------|----------|
| 1/4/2016 | confirmed |              | angie       | COD   | UPS      |          |

| Qty. Ordered | Shipped | Description                                 | Origin    | Size        | Unit Price | Extended Price |
|--------------|---------|---------------------------------------------|-----------|-------------|------------|----------------|
| 200          | 200     | Salix lucida ssp lasiandra - Pacific Willow | 02-PugetL | cuttings 4' | \$0.80     | \$160.00       |
| 3            | 3       | Boxes - extra large                         |           | each        | \$12.00    | \$36.00        |

*Leeward Landing*

Signature

*Debbie Headrick*

Date

*2/2/2016*

|                  |          |
|------------------|----------|
| Plant Total:     | \$160.00 |
| Packaging:       | \$36.00  |
| Shipping:        | \$61.66  |
| Subtotal:        | \$257.66 |
| 8.5 % Sales Tax: | \$21.90  |
| Total:           | \$279.56 |
| Amount Paid:     | \$0.00   |
| Total Due:       | \$279.56 |

We take great care to provide nursery stock of high quality, true to name and healthy at time of shipping. However, we can give no guarantee, expressed or implied, as to productiveness or life span. Any stock received in unsatisfactory condition must be reported immediately. Plant claims will be reviewed and credit will be issued where justified; at no time will we be responsible for more than the purchase price.

We do not guarantee plants to live after accepted.

*Pd Visa 2/2/2016*



Changes Pending  
4.01.2016

**When Recorded, Return To:**

City of Anacortes  
Planning, Community, & Economic Development Department  
904 6th Street / P.O. Box 547  
Anacortes, WA 98221

**GEOLOGICALLY HAZARDOUS AREA COVENANT,  
CONDITIONS, AND RESTRICTIONS:**

**PARCEL(S) #:**

**PROJECT  
FILE #**

**PROJECT  
NAME:**

**PROPERTY  
ADDRESS:**

**ZIP  
CODE:**

**LANDOWNER  
NAME:**

**MAILING  
ADDRESS:**

**ZIP  
CODE:**

**LEGAL DESCRIPTION (attach additional pages if needed):**

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## **SECTION ONE: ACKNOWLEDGEMENT AND ACCEPTANCE OF RISK:**

1.1 The undersigned ("Grantor") is the owner of the real property described above ("Property");

1.2 The City of Anacortes ("City") has a substantial interest in the effective and safe use of lands within its borders, and in the health, safety, and welfare of its citizens;

1.3 Grantor acknowledges that the Property is located in an environmentally sensitive area more specifically defined as a "geologically hazardous area" in Article IV of [Chapter 17.70 of the Anacortes Municipal Code](#);

1.4 "Geologically hazardous areas" may be subject to landslides and other soils movement that may result in the damage or destruction, in whole or in part, of any building, structure, dwelling, or lands within or adjacent to such areas;

1.5 Grantor understands and acknowledges that there are unique risks associated with development of the Property, including but not limited to property damage, loss of use, personal injury, and death that may result from soil movement;

1.6 This Covenant is to be signed, acknowledged and recorded in the records of Skagit County as a restrictive covenant, restricting and limiting use of the Property before the City will issue any permit(s) to do any work on the portion of the Property that is located within a "geologically hazardous area"; and

1.7 This ~~Covenant~~Covenant concerns the Grantor's use, occupation or enjoyment of the Property and is for the benefit of the City. This Covenant is intended to bind Grantor, its successors and assigns, any subsequent owner of the Property or any portion thereof, and any heir(s), successor(s), legal representative(s) and assign(s) of any of the foregoing parties (collectively, "Owner") and to run with the land.

## **SECTION TWO: RESTRICTIONS ON OCCUPATION, USE, AND DEVELOPMENT OF THE PROPERTY:**

2.1 The Property may not be occupied, used or developed, and no residential or commercial building, structure, or dwelling shall be erected or constructed on the Property, without first obtaining applicable permit(s) ("Permit(s)") from the City.

2.2 Grantor and each Owner of any portion of the Property that is located within a geologically hazardous area hereby covenants and agrees as follows:



2.2.1 Owner shall provide, design, construct, erect, maintain, repair, rebuild, or improve such structure(s), building(s), barriers(s), or dwelling(s) as is reasonably necessary to prevent, control or avoid damage from the adverse impacts from soils movement within or adjacent to the Property;

2.2.2 It is the sole burden and responsibility of Owners to obtain, ensure, and fund any design, approval, authorization, material, supplies, labor, services, maintenance, repairs, structural alterations, insurance, taxes, or assessments necessary or required to prevent, control or avoid damage from the adverse impacts from soils movement within or adjacent to the Property;

2.2.3 In consideration of the issuance of the Permit(s), Owner on his/her/their own behalf and on behalf of his/her/their heirs, successors, legal representatives, and assigns hereby releases and waives any right to assert any claim or ~~course of~~ cause of action related to any loss or damage to people or property either on or off the Property resulting from soils movement by reason of or arising out of issuance of the Permit(s) by the City for development on the Property.

Owner on his/her/their own behalf and on behalf of his/her/their heirs, successors, legal representatives, and assigns further and agrees to indemnify (including reasonable attorney's fees) and hold the City, its officers, employees and agents harmless from any claim(s) or ~~courses-causes~~ of action resulting from soil movement by reason of or arising out of issuance of the Permit(s) by the City for development on the Property which are related to: any loss or damage to people or property either on or off the Property resulting from soil movement (including but not limited to lateral spreading and seismically induced total and differential settlement); loss of soil strength and bearing capacity; loss of axial, end-bearing and lateral resistance of deep foundations; flotations of underground tanks; damage to buried utilities; amplification of earthquake ground motions; water movement; flooding; and water collection.

~~P;~~ provided, nothing herein shall require Owner and his/her/their heirs, successors, legal representatives, and assigns to indemnify and hold harmless the City, its officers, agents and employees from claims or ~~courses-causes~~ of action caused solely by the negligence of the City, its officer, employees and agents.

2.2.3 ~~and p~~ Provided further, that if the claims or ~~courses-causes~~ of action are caused by or result from the concurrent negligence of (1) Owner, his/her/their heirs, successors, assigns and agents, and (2) the City, its officer, agents and employees, then Owner, his/her/their heirs, successors, assigns and agents shall indemnify and hold harmless the City, its officers, agents and employees from claims or causes of action only to the extent of the negligence of the Owner, his/her/their heirs, successors, assigns and

agents. The indemnity provisions provided herein shall be valid and enforceable only to the extent provided by law; and

**2.2.4** This Covenant shall be recorded in the records of Skagit County and run with the land in perpetuity for purposes of providing notice to Owner and/or his/her/their heir(s), successor(s), legal representative(s) and assign(s) that the Property is in a geologically hazardous area, that there may be actual or potential risks associated with development thereon, of any conditions or prohibitions on development, and of any features in this design which will require maintenance or modification to address anticipated soils changes.

### **SECTION THREE: RESERVATIONS, RESTRICTIONS, AND COVENANTS:**

**3.1** Grantor hereby declares that the Property is held and shall be conveyed subject to the reservations, restrictions, and covenants set forth in this Covenant.

### **SECTION FOUR: MISC. GENERAL PROVISIONS:**

**4.1** It is expressly understood and agreed that invalidation of any provision contained in this Covenant, or any portion of this Covenant, by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect.

### **SECTION FIVE: RUNNING COVENANT:**

**5.1** The covenants, agreements, and restrictions contained herein are intended to be restrictive covenants and not conditions, that shall run with the affected Property, that shall extend to and be binding upon the undersigned and any other Owner, and that shall be contained in any future title report applicable to the Property.

### **SECTION SIX: RECORDING:**

**6.1** This Covenant shall be recorded in the real estate records of the Auditor's Office of Skagit County, Washington.

### **SECTION SEVEN: INSURANCE:**

**7.1** Grantor and any subsequent Owner are hereby advised to obtain insurance in addition to standard homeowner's insurance to specifically cover the risks posed by proposed development in a geologically hazardous area, including without limitation those risks described above.



DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

\_\_\_\_\_  
Grantor

I certify that I know or have satisfactory evidence that \_\_\_\_\_ is the person who appeared before me, and said person acknowledged that said person signed this instrument and acknowledged it to be free and voluntary act of said person for the uses and purposes mentioned in the instrument.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(Signature of Notary)

\_\_\_\_\_  
(Legibly Print or Stamp Name of Notary)

Notary public in and for the State of

Washington, residing at \_\_\_\_\_

My appointment expires \_\_\_\_\_

**NATIVE GROWTH Protection Easement Agreement  
Maintenance and View Protection  
Leeward Landing  
Anacortes WA, 98221**

**THIS NATIVE GROWTH Protection Easement Agreement (this "Agreement" is hereby entered into by Leeward Landing LLC: Nels Strandberg, its successor and assigns ("Grantor") and the CITY OF ANACORTES ("City") as of the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_.**

**Grantor is the owner of certain real property (the "Property") in Skagit County, Washington, Legally described herein:**

**Leeward Landing Planned Unit  
Parcel:**

**The Property is subdivided as LEWARD LANDING A 10 LOT Planned Unit Development recorded \_\_\_\_\_ Under Auditor file NO. \_\_\_\_\_ Records of Skagit County, Washington, and any amendments, corrections or addenda thereto subsequently recorded from time to time.**

The NGPE is intended to preserve the area located within the first 100' landward of the Ordinary High Water Mark of Guemes Channel in a substantially undisturbed condition in order to maintain and improve the overall health of the natural habitat and protect the stability of the steep slope, while allowing for maintenance of view corridors from the property to the Guemes Channel.

Grantor wishes to record the Agreement for the purpose of establishing and clarifying the terms and conditions of the NGPE.

**Terms and Conditions:**

1. Any proposed activity within the NGPE area shall be in conformance with Shoreline Master Program and the approved critical areas reports for the subject site, as determined by the City of Anacortes. These reports include:
  - a. "Assessment of ESA Compliance & SMP Shoreline Functions for Leeward Landing" by ATSI, dated February 27, 2015 (~~Attachment~~);
  - b. "Leeward Landing Project Level 1 Limited Visual Assessment and Tree Preservation Plan, Revised 11-5-14" by Urban Forestry Services, Inc., dated November 5, 2014 (~~Attachment~~);
  - c. "Geotechnical Evaluation" by Geotest, dated November 4, 2014 (~~Attachment~~);
2. Prior to Final Plat Approval, "Grantor" will submit "photographic" evidence of created "views" and significant trees (within NGPE) from individual lots within the Leeward Landing Plat. The vertical elevation of photo will be recorded as well as the location



on the lot. This will create a "baseline" allowing "Grantor" and their successors and future owners, the right to maintain the "View Window" as described above for perpetuity. As vegetation grows, the following guidelines along with the Tree Preservation Plan, Hillside/NGPE Landscape Plan and the Tree and shrub Pruning Techniques in the NGPE Zone "Exhibit B" will be used when maintaining the View Windows.

3. Prior to any view maintenance activities proposed to occur for trees approximately 10 years old or older Leeward Landing Homeowners Association shall submit a report, prepared by an ISA certified arborist, to the City of Anacortes, describing proposed view maintenance activities needed in order to maintain views established through the PUD approval process, as described above. Maintenance activities proposed for multiple lots shall be consolidated into one report and shall occur in a coordinated fashion, unless otherwise approved by the City of Anacortes. The plan shall be consistent with the approved Critical Areas report, Tree Preservation Plan, and Geotechnical report for the project and shall identify trees to be trimmed, including methods proposed, equipment to be used, and a tree cutting and debris management plan.
4. For "new vegetation" growth that exceeds a height of 4ft (in a horizontal plane) above the height of the top of bank, owners may maintain such height no more often than once per calendar year. As described in "Exhibit B", a plan for maintenance proposed to be completed shall be submitted to the City of Anacortes for review and approval prior to work occurring. New sprouts from a maple stump are not considered mature trees.
5. Hand removal of noxious weeds, as listed by the state in Chapter 16-750 WAC, is permitted, provided such activity shall be conducted in a manner consistent with best management practices and the City's engineering design standards and native vegetation is promptly reestablished in the disturbed area.
6. "Hazard trees" as identified by an ISA Certified Arborist, may be removed subject to concurrence of the City of Anacortes. Hazard trees that are removed or blown down shall be replaced by the landowner with like species, subject to approval of the City of Anacortes. Replacement vegetation shall be maintained by the land owner until able to survive on its own.
7. Tree and shrub pruning permitted under the circumstances above shall utilize the techniques, as appropriate, outlined in "Exhibit B" herein
8. Fallen trees in the NGPE shall only be removed from the site with the prior approval of the City of Anacortes.
9. Trails through the NGPE shall not be permitted without the prior approval of the City of Anacortes and shall comply with the ASMP
10. Fencing plans along the NGPE must be approved by the City of Anacortes. No fencing is permitted within the NGPE.
11. The use of pesticides or herbicides within or adjacent to the NGPE is prohibited.

12. All work within the NGPE will be performed by hand, or with a chainsaw. At no point will the roots of vegetation be disturbed.
13. Dumping of landscaping or any other debris into NGPE is prohibited.
14. Any disturbance of the NGPE that is inconsistent with this agreement and/or the Shoreline Master Program is a violation of the SMP and shall be subject to restoration and penalty provisions of the Anacortes Municipal Code and the SMP.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_.

GRANTOR:

\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

CITY:  
CITY OF ANACORTES, WASHINGTON

By: \_\_\_\_\_

ATTEST:

Approved as to from:

By: \_\_\_\_\_

By: \_\_\_\_\_

Acknowledgement on Following Page



## Acknowledgement

State of Washington

County of Skagit

The foregoing instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

By \_\_\_\_\_, who was personally known to me or who provided sufficient proof of identity.

**Witness my hand and official seal.**

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

State of Washington

County of Skagit

The foregoing instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

By \_\_\_\_\_, who was personally known to me or who provided sufficient proof of identity.

**Witness my hand and official seal.**

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

**"Exhibit A"**

**Legal Description:**

**Leeward Landing Planned Unit Development**

**Parcel**

**P31716, P31717, P58364, P58285**

**COMMONLY KNOWN AS:**

**Lot 1 - 3820 Leeward Lane Anacortes, Washington 98221  
Lot 2 - 3816 Leeward Lane Anacortes, Washington 98221  
Lot 3 - 3814 Leeward Lane Anacortes, Washington 98221  
Lot 4 - 3810 Leeward Lane Anacortes, Washington 98221  
Lot 5 - 3806 Leeward Lane Anacortes, Washington 98221  
Lot 6 - 3802 Leeward Lane Anacortes, Washington 98221  
Lot 7 - 3718 Leeward Lane Anacortes, Washington 98221  
Lot 8 - 3716 Leeward Lane Anacortes, Washington 98221  
Lot 9 - 3710 Leeward Lane Anacortes, Washington 98221  
Lot 10 - 3708 Leeward Lane Anacortes, Washington 98221**



## **“Exhibit B”**

### **Permitted Tree and Shrub Pruning Techniques in the NGPE Zone**

#### **Tree Trimming and Pruning**

Retain a minimum of 70% of the original crown to maintain tree health and vigor. The removal of too much live foliage can reduce the tree's ability to supply food to the roots, thereby weakening them. A combination of the following trimming methods can be used:

1. **Windowing (vista pruning):** Remove groups of branches, creating openings to allow for view through sections of the crown.
2. **Interlimbing (thinning):** Remove branches to reduce their density throughout the crown, or sections of the crown. This allows for filtered view through the crown.
3. **Skirting Up (crown raise):** Remove branches to provide vertical clearance, allowing for a view under the canopy.
4. **Canopy Reduction:** Reduce length of branches to decrease height and or spread.
5. **Habitat Pruning:** Use coronet and natural fracture cutting techniques to reduce the height and or spread of the canopy. This creates additional long term habitat.

#### **Shrub Trimming and Pruning**

There are five basic techniques for pruning shrubs. A combination of the following trimming methods can be used:

1. **Pinching back:** Simply use your fingers to pinch off the terminal bud of the branch. This will encourage lateral branches to form and can be a great way to prevent more pruning later on.
2. **Heading back:** This method removes the terminal bud, resulting in more branches. Cut the branch at an angle, about 1/4" above a branch bud and sloping down and away from the bud. The bud nearest the cut determines the direction the branch grows. With the outward facing bud usually resulting in the best shape. If a heading cut is made in the middle of a branch with no bud, the result will be a flush of growth at the site of the cut.
3. **Thinning:** Thinning involves removing branches while leaving the terminal bud. Make the cut just outside the branch collar, which is the bulge where the branch meets the stem, but don't leave a stub. Thinning can produce a more open, shapely plant, without altering its overall size, shape, or growth habit.
4. **Renewal or rejuvenation pruning:** Renewal pruning involves removing the oldest stems and branches at the base, then thinning or heading back the younger stems to promote regrowth. With rejuvenation pruning, the entire shrub is cut to stubs less than 12". This drastic measure is usually done if a shrub has become an overgrown, tangled mass that is not blooming well.
5. **Shearing:** Shearing involves trimming off the tips of branches and is best used only for formal hedges. Shearing alters the shrub's natural shape and promotes thick growth only on the exterior of the plant, which results in dead foliage and lack of growth on the interior branches.



Lot #1

2 1/2

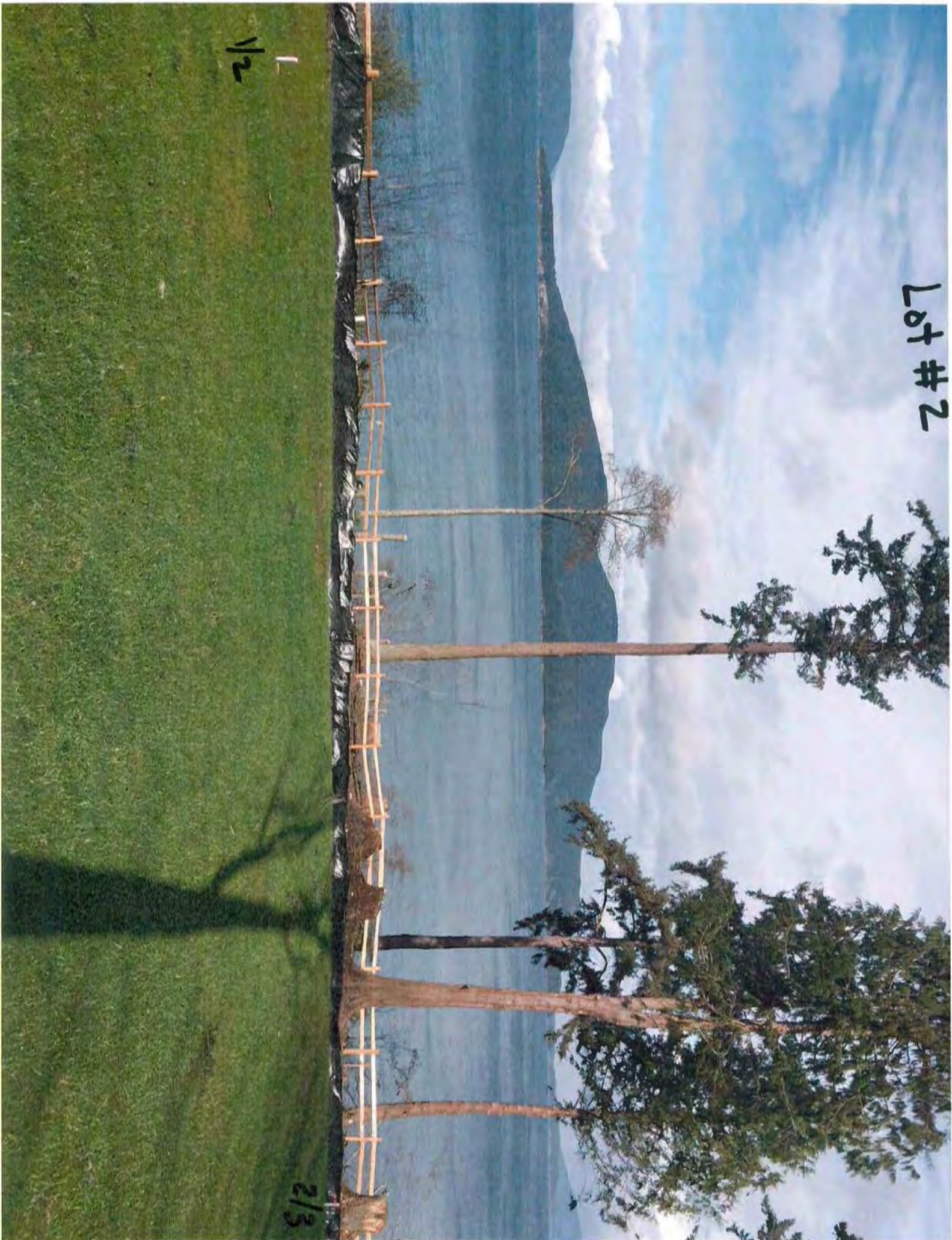




Lot #2

1/2

2/3





Lot #3

2/3

3/4





Lot #4

3/4

4/5





Lot #5

4/5

5/6





Lot #6

516

617





Lot #8

7/8

8/9





Lot #9

B/9

9/10





Lot #7

6/7

7/8





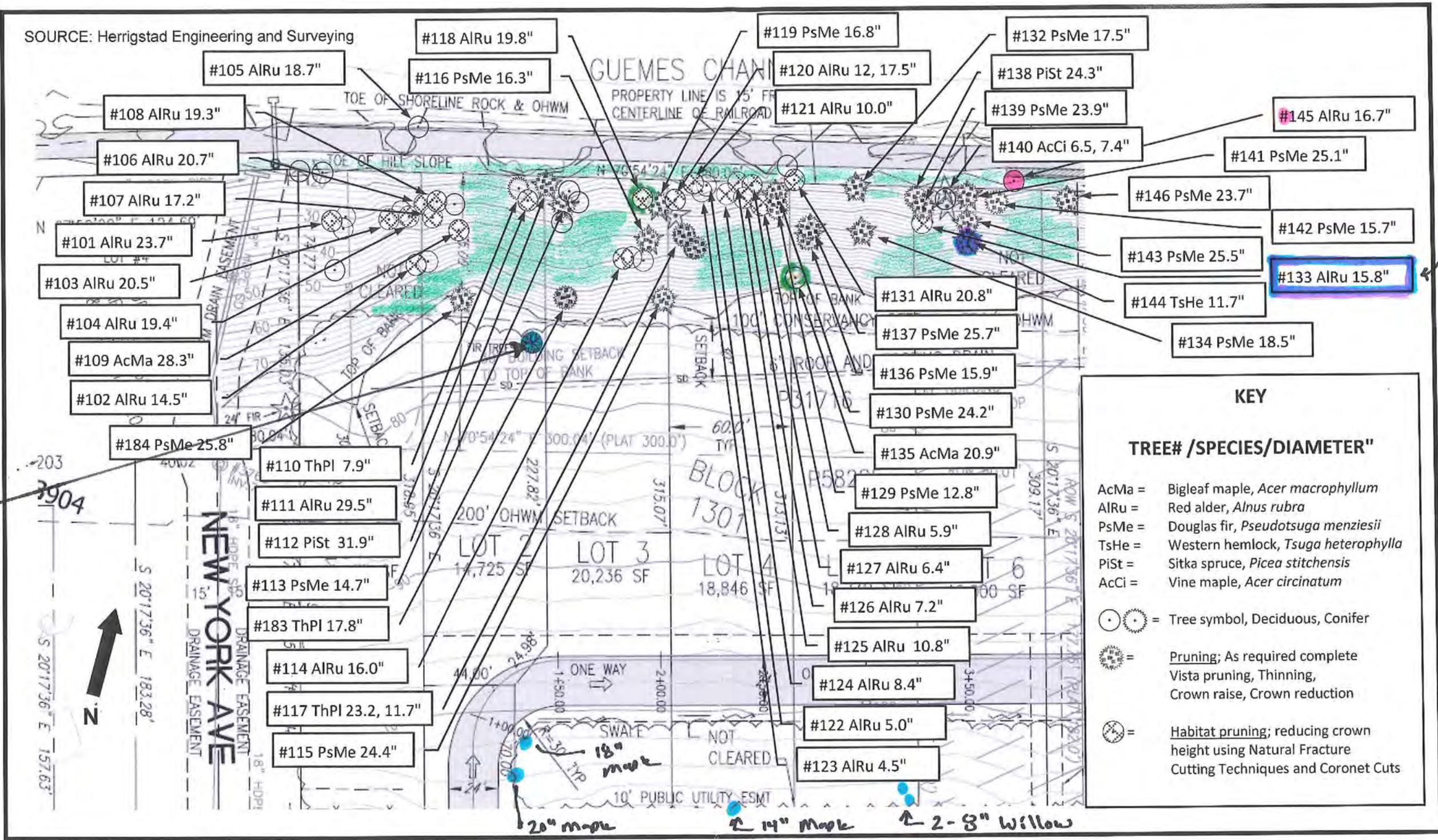
Lot 410

9/16

10/1







**Urban Forestry Services, Inc.**  
15119 McLean Rd  
Mount Vernon, WA 98273

**Title:** Leeward Landing - Tree Preservation Plan, West Section  
**Prepared for:** Strandberg Custom Homes and Design  
Mr. Nels Strandberg  
2018 R Ave, PO Box 319  
Anacortes, WA 98221

Approximate Location of Preserved Trees

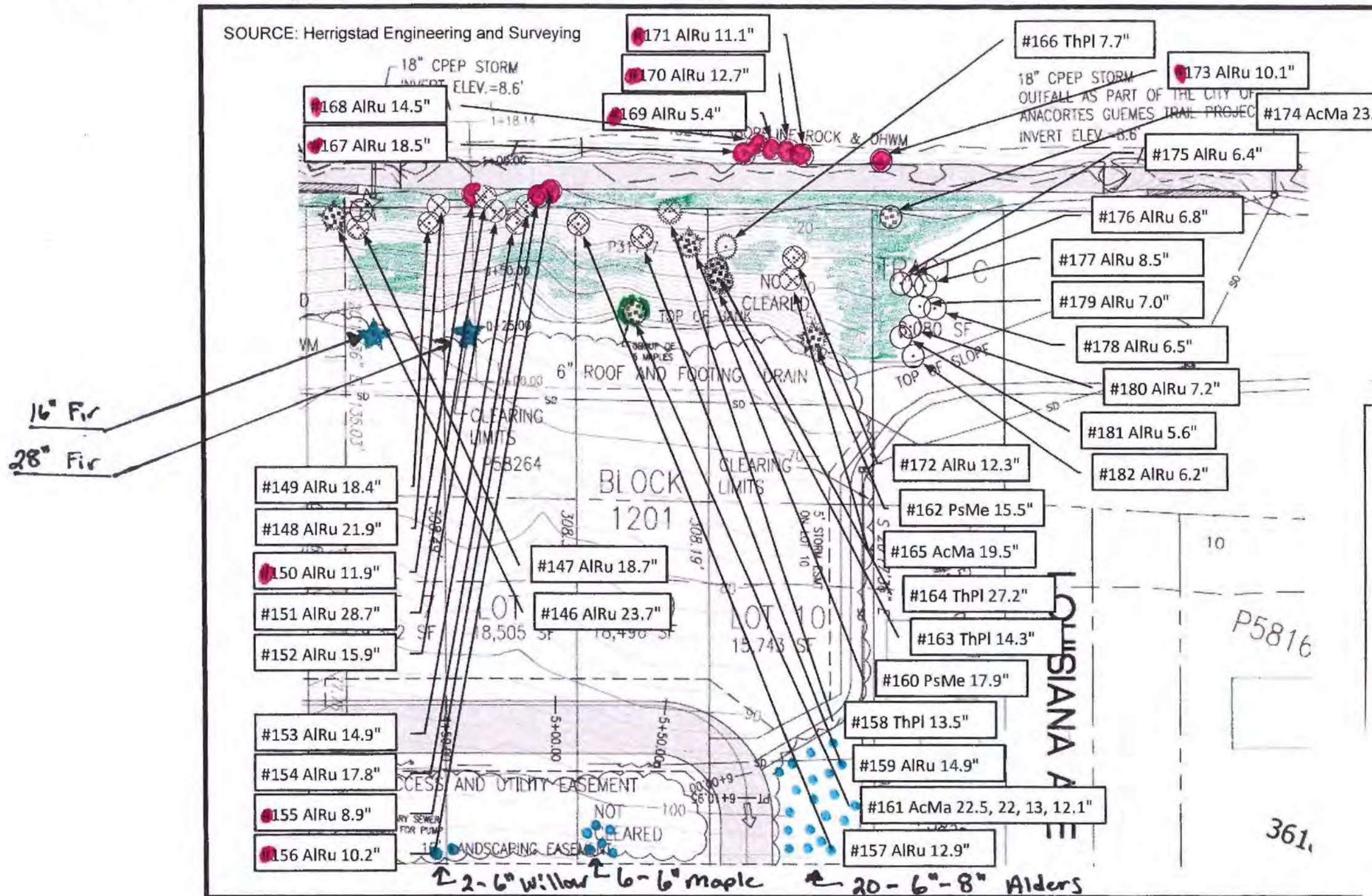
**Date:** October, 2014

**Not To Scale**  
**Location of Trees is Approximate Only**





# Leeward Landing Tree Plan As Bu:ITS





# \* Required Per Approval

## Leeward Landing Planned Unit Development

### Hillside/ NGPE Landscape Plan

The Hillside/ NGPE zone is a complex area with hundreds of trees and existing shrubs on steep slopes with limited access. Creating a detailed 2 dimension landscape plan graphically would be extremely difficult and likely would need significant changes as site conditions are highly variable, existing ground cover has not been located, and visualizing changes to tree canopies would be almost impossible. Leeward Landing proposes that the more detailed landscape plan be developed in the field under the supervision of Urban Forestry (Arborist) and the City of Anacortes Parks department. The actual locations of landscape materials will be located on site by staking the locations of landscape materials to be used, immediately after tree work has been completed. Careful attention will be paid to include all details of the Urban Forestry Arborist report, ATSI report, and Geo Tech's report. The intent is to replace 100% of all removed Red Alders with a far more diverse mix of trees. The added Shrubs will add significant bio diversity to the NGPE, increasing habitat value as well as aesthetics.

The following quantities of shrubs and trees, recommend by Urban Forestry, will be planted in location TBD within the NGPE area, and approved by Urban Forestry and the City of Anacortes.

- ✓ 30 - 1" Caliper Vine Maple
- ✓ 4 - 1" Caliper Big Leaf Maple
- ✓ 20 - 1" Caliper Douglas Maple
- ✓ 20 - Beaked Hazel Nut
- ✓ 20 - Black Hawthorne
- ✓ 100 - Salal
- ✓ 20 - Ocean Spray
- ✓ 20 - Oregon Grape
- ✓ 10 - Western Crabapple
- ✓ 4 - 4' Sitka Spruce
- ✓ 20 - 6' Shore pine + 4' 5' 20' 11' 14' 17' 20' 22' 25' 28' 31' 34' 37' 40' 43' 46' 49' 52' 55' 58' 61' 64' 67' 70' 73' 76' 79' 82' 85' 88' 91' 94' 97' 100' 103' 106' 109' 112' 115' 118' 121' 124' 127' 130' 133' 136' 139' 142' 145' 148' 151' 154' 157' 160' 163' 166' 169' 172' 175' 178' 181' 184' 187' 190' 193' 196' 199' 202' 205' 208' 211' 214' 217' 220' 223' 226' 229' 232' 235' 238' 241' 244' 247' 250' 253' 256' 259' 262' 265' 268' 271' 274' 277' 280' 283' 286' 289' 292' 295' 298' 301' 304' 307' 310' 313' 316' 319' 322' 325' 328' 331' 334' 337' 340' 343' 346' 349' 352' 355' 358' 361' 364' 367' 370' 373' 376' 379' 382' 385' 388' 391' 394' 397' 400' 403' 406' 409' 412' 415' 418' 421' 424' 427' 430' 433' 436' 439' 442' 445' 448' 451' 454' 457' 460' 463' 466' 469' 472' 475' 478' 481' 484' 487' 490' 493' 496' 499' 502' 505' 508' 511' 514' 517' 520' 523' 526' 529' 532' 535' 538' 541' 544' 547' 550' 553' 556' 559' 562' 565' 568' 571' 574' 577' 580' 583' 586' 589' 592' 595' 598' 601' 604' 607' 610' 613' 616' 619' 622' 625' 628' 631' 634' 637' 640' 643' 646' 649' 652' 655' 658' 661' 664' 667' 670' 673' 676' 679' 682' 685' 688' 691' 694' 697' 700' 703' 706' 709' 712' 715' 718' 721' 724' 727' 730' 733' 736' 739' 742' 745' 748' 751' 754' 757' 760' 763' 766' 769' 772' 775' 778' 781' 784' 787' 790' 793' 796' 799' 802' 805' 808' 811' 814' 817' 820' 823' 826' 829' 832' 835' 838' 841' 844' 847' 850' 853' 856' 859' 862' 865' 868' 871' 874' 877' 880' 883' 886' 889' 892' 895' 898' 901' 904' 907' 910' 913' 916' 919' 922' 925' 928' 931' 934' 937' 940' 943' 946' 949' 952' 955' 958' 961' 964' 967' 970' 973' 976' 979' 982' 985' 988' 991' 994' 997' 1000
- ✓ 50 - Sword Fern plant 100\*
- ✓ 20 - Cascara
- ✓ 20 - Red Flowering Currant
- ✓ 30 - Nootka Rose
- ✓ 20 - Thimbleberry
- ✓ 50 - Native Willow (planted branches from on-site willow) planted 200
- ✓ 20 - Snowberry



Nels

ern Jim Wiggins  
3/24/14Leeward Landing NGPE  
Planting Calculations

## Oaks Avenue Landscape

| NGPE Planting Requirement   |          |        |
|-----------------------------|----------|--------|
| Plant Type                  | Required | Actual |
| NGPE Planting Requirement   |          |        |
| Plant Type                  | Required | Actual |
| ✓ 1' Caliper Vine Maple     | 30       | 30     |
| ✓ 1" Caliper Big Leaf Maple | 4        | 4      |
| ✓ 1" Douglas Maple          | 20       |        |
| Douglas Hawthorne           |          | 20     |
| ✓ Beaked Hazel Nut          | 20       | 20     |
| ✓ Black Hawthorne           | 20       | 20     |
| ✓ Salal                     | 100      | 100    |
| ✓ Ocean Spray               | 20       | 20     |
| ✓ Oregon Grape              | 20       | 20     |
| ✓ Western Crab Apple        | 10       | 10     |
| ✓ 4' Sitka Spruce           | 4        | 4      |
| ✓ 4'-5' Shore Pine          | 0        | 20     |
| ✓ 6' Shore Pine             | 20       | 20     |
| ✓ Sword Fern                | 50       | 100    |
| ✓ Cascara                   | 20       | 20     |
| ✓ Red Flowering Currant     | 20       | 20     |
| ✓ Nootka Rose               | 30       | 30     |
| ✓ Thimbleberry              | 20       | 20     |
| ✓ Native Willow             | 50       | 200    |
| ✓ Snowberry                 | 20       | 20     |
|                             | 478      | 698    |



80% survival rate

| Additional Plantings | # Tree | Tree Unit | Tree Credit |
|----------------------|--------|-----------|-------------|
| Vine Maple           | 16     | 1         | 16          |
| Arbutus              | 31     | 1         | 31          |
| White Birch          | 15     | 1         | 15          |
| Shore Pine           | 22     | 1         | 22          |
| Birch                | 7      | 1         | 7           |
| Pine                 | 15     | 1         | 15          |
|                      | 106    |           | 106         |

e/m 10/1/15 to Georgia



# Fourth Corner Nurseries

**Fourth Corner Nurseries**  
**5757 Sand Rd.**  
**Bellingham, WA 98226**

BARE-ROOT SALES: (360) 592-2250  
 CONTAINER SALES: (360) 734-0079  
 FAX: (888) 506-1236  
 EMAIL: sales@fourthcornernurseries.com  
 WEB: www.fourthcornernurseries.com

## Acknowledgement

# SI-9149

Date 10/1/2015

Page 1

### SOLD TO

Strandberg Custom Homes & Design  
 Attn: Debbie Headrick  
 2018 R Avenue  
 Anacortes, WA 98221  
 Ph. (360) 293-7431

### SHIP TO

cash

*Leeward*

Ph.

| Ordered   | Ship Date | Customer PO#    | Salesperson | Terms | Ship Via       | Job Name |
|-----------|-----------|-----------------|-------------|-------|----------------|----------|
| 9/11/2015 | confirmed | Leeward Landing | bob         | COD   | Customer Picku |          |

| Qty.<br>Ordered | Available | Description                                               | Origin    | Size     | Unit Price | Extended<br>Price |
|-----------------|-----------|-----------------------------------------------------------|-----------|----------|------------|-------------------|
| 20              | 20        | Pinus contorta v. contorta - Shore Pine                   | BC - Vanc | 1 gallon | \$4.00     | \$80.00           |
| 100             | 100       | Polystichum munitum - Sword Fern                          |           | 1 gallon | \$4.50     | \$450.00          |
| 30              | 30        | Acer circinatum -Vine Maple                               | 02-PugetL | 1 gallon | \$4.00     | \$120.00          |
| 4               | 4         | Acer macrophyllum - Big Leaf Maple                        | 02-PugetL | 1 gallon | \$4.00     | \$16.00           |
| 20              | 20        | Corylus cornuta v. californica - Beaked Hazelnut, Filbert | 02-PugetL | 1 gallon | \$4.50     | \$90.00           |
| 20              | 20        | Crataegus douglasii v douglasii - Douglas Hawthorn        | 02-PugetL | 1 gallon | \$4.00     | \$80.00           |
| 20              | 20        | Frangula (Rhamnus) purshiana - Cascara                    | 09-ECasca | 1 gallon | \$4.00     | \$80.00           |
| 20              | 20        | Mahonia repens - Creeping Oregon Grape                    |           | 1 gallon | \$5.00     | \$100.00          |
| 30              | 30        | Rosa nutkana - Nootka Rose                                | 02-PugetL | 1 gallon | \$4.00     | \$120.00          |
| 20              | 20        | Symphoricarpos albus - Common Snowberry                   | 02-PugetL | 1 gallon | \$4.00     | \$80.00           |

\$989.52 Visa 10/1/15  
 329.84 Visa

\$329.84

### THIS IS NOT A CONFIRMATION

To place a firm order, please sign and return within 10 days, with a 25% deposit.

X

I understand this is a non refundable deposit with the balance due before shipping.

This Acknowledgement total does not include shipping cost.

### Substitution

If size ordered is unavailable, sent the next—

\_\_\_\_ largest size available

\_\_\_\_ smaller size available

\_\_\_\_ no substitutions

Note: You will be charged for the size shipped.

|                  |            |
|------------------|------------|
| Plant Total:     | \$1,216.00 |
| Packaging:       | \$0.00     |
| Shipping:        | \$0.00     |
| Subtotal:        | \$1,216.00 |
| 8.5 % Sales Tax: | \$103.36   |
| Total:           | \$1,319.36 |
| Amount Paid:     | \$0.00     |
| Total Due:       | \$1,319.36 |





# Fourth Corner Nurseries

Fourth Corner Nurseries  
5757 Sand Rd.  
Bellingham, WA 98226

BARE-ROOT SALES: (360) 592-2250  
CONTAINER SALES: (360) 734-0079  
FAX: (888) 506-1236  
EMAIL: sales@fourthcornernurseries.com  
WEB: www.fourthcornernurseries.com

## INVOICE

# SI-9607

Date 2/2/2016

Page 1

### SOLD TO

Strandberg Custom Homes & Design  
c/o: Debbie Headrick  
2018 R Ave.  
Anacortes, WA 98221  
Ph. (360) 293-7431

### SHIP TO

Strandberg Construction  
2018 R Avenue  
Anacortes, WA 98221

Ph. (360) 293-7431

| Ordered  | Ship Date | Customer PO# | Salesperson | Terms | Ship Via | Job Name |
|----------|-----------|--------------|-------------|-------|----------|----------|
| 1/4/2016 | confirmed |              | angie       | COD   | UPS      |          |

| Qty. Ordered | Shipped | Description                                 | Origin    | Size        | Unit Price | Extended Price |
|--------------|---------|---------------------------------------------|-----------|-------------|------------|----------------|
| 200          | 200     | Salix lucida ssp lasiandra - Pacific Willow | 02-PugetL | cuttings 4' | \$0.80     | \$160.00       |
| 3            | 3       | Boxes - extra large                         |           | each        | \$12.00    | \$36.00        |

Leeward Landing

Signature

*Debbie Headrick*

Date

*2/2/2016*

|                  |          |
|------------------|----------|
| Plant Total:     | \$160.00 |
| Packaging:       | \$36.00  |
| Shipping:        | \$61.66  |
| Subtotal:        | \$257.66 |
| 8.5 % Sales Tax: | \$21.90  |
| Total:           | \$279.56 |
| Amount Paid:     | \$0.00   |
| Total Due:       | \$279.56 |

We take great care to provide nursery stock of high quality, true to name and healthy at time of shipping. However, we can give no guarantee, expressed or implied, as to productiveness or life span. Any stock received in unsatisfactory condition must be reported immediately. Plant claims will be reviewed and credit will be issued where justified; at no time will we be responsible for more than the purchase price.

We do not guarantee plants to live after accepted.

*Pd Visa 2/2/2016*

|            |         |
|------------|---------|
| Date       | 10/2/15 |
| Invoice No | 1312    |

Arturo Lopez  
Lopez Valley Nursery and Landscaping  
10624 Collins Road  
Sedro-Woolley, WA 98284  
Office: (360) 854-0210  
Cell: (360) 770-6221

Bid To  
Strandberg (custom Homes & Design)  
P.O. Box 319  
Anacortes, WA 98221  
Phone(360)293-7431 X1  
Fax(360)299-8660

| QT              | Description                 | Unit Price | Amount     |
|-----------------|-----------------------------|------------|------------|
| 100             | Salal 1gal.                 | \$4.00     | \$400.00   |
| 20              | Ocean Spray 2gal.           | \$9.50     | \$190.00   |
| 10              | Western Crabapple 2gal.     | \$10.50    | \$105.00   |
| 4               | Sitka Spruce 4'             | \$18.50    | \$74.00    |
| 20              | Shore Pine 4'-5'ht.         | \$35.00    | \$700.00   |
| 20              | Red Flowering Currant 2gal. | \$100.50   | \$210.00   |
| 20              | Thimbleberry 2gal.          | \$9.50     | \$190.00   |
| 1               | Delivery                    | \$50.00    | \$50.00    |
| Leeward Landing |                             |            |            |
| Subtotal:       |                             |            | \$1,919.00 |
| Tax:            |                             |            | \$158.86   |
| Total Balance   |                             |            | \$2,077.86 |

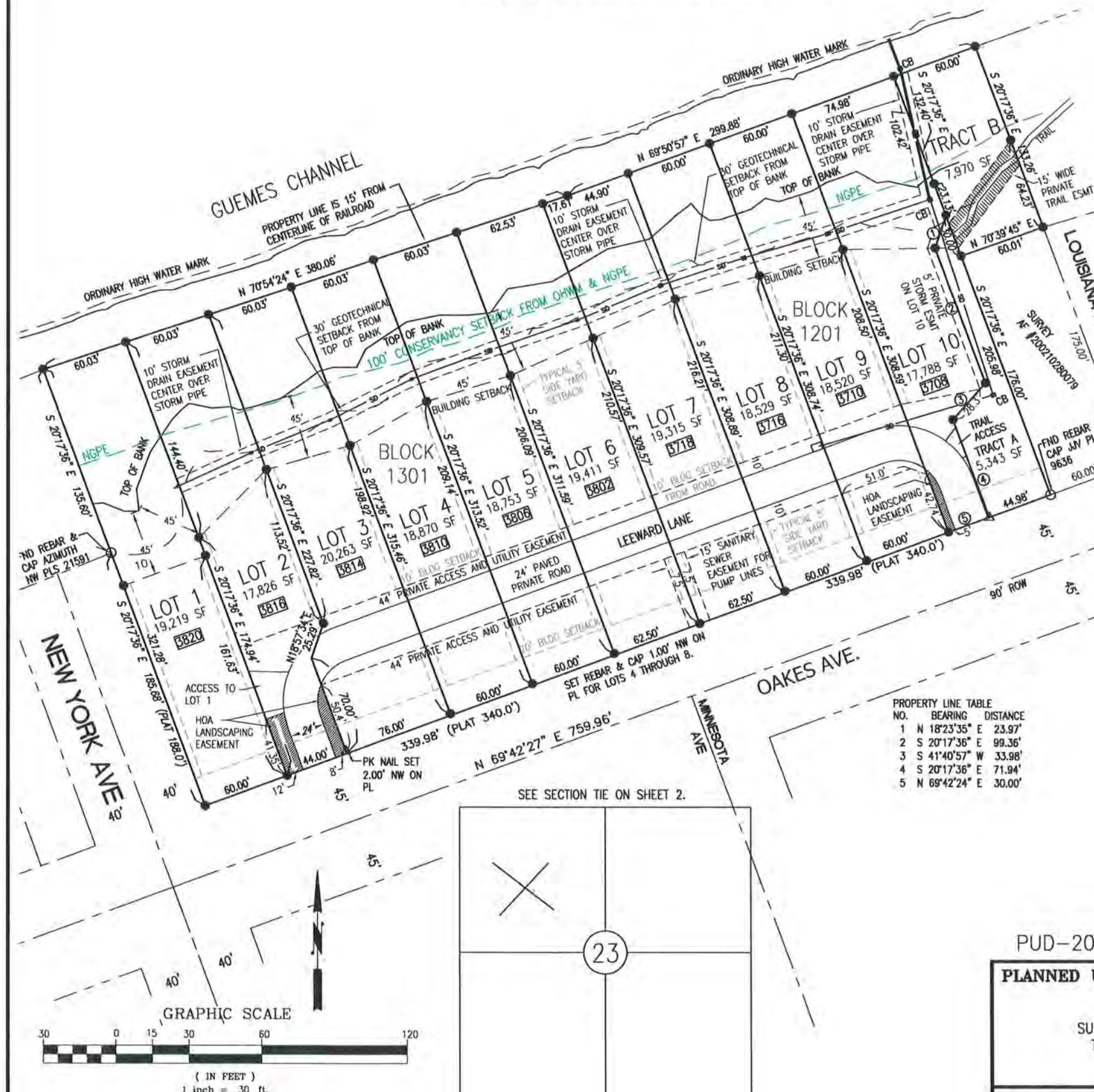
Landscaping  
✓



LEEWARD LANDING PUD  
SURVEY IN SEC. 23, TWP. 35 N, RNG 1 E., W.M.  
ANACORTES, WASHINGTON

AUDITORS CERTIFICATE

RECORD OF SURVEY AT THE REQUEST OF DALE K. HERRIGSTAD



- AUDITOR  
DEPUTY AUDITOR
- GENERAL INFORMATION
1. Assessor's Account No.s 350123-0-004-0007, P31716; 350123-0-004-0106, P31717; 3809-201-010-0108, P58264; 3809-301-010-0106, P58285.
  2. Description and exception information is from the Subdivision Guarantee Policy No: SGW-08002115, dated February 10, 2016.
  3. This property is SUBJECT TO and TOGETHER WITH easements, reservations, restrictions, covenants and other instruments of record including but not limited to those instruments referred to in the Subdivision Guarantee referenced under Note 2 above. Said report lists document recorded under Auditors File Number AF #201510070026 (PSE easement over newly installed utilities).
  4. Zoning: (R2) Residential Low Density District.
  5. Water Supply: City of Anacortes.
  6. Sewer Disposal: City of Anacortes.
  7. Storm Sewer: City of Anacortes.
  8. ● Set Rebar and Cap #27807.
  9. ○ Found Rebar and Cap as noted 2-29-2016.

ADDRESSES  
SHOWN IN BOX ON LOTS



SURVEYORS CERTIFICATE

I hereby certify that the LEEWARD LANDING PLANNED UNIT DEVELOPMENT is based upon an actual survey and subdivision performed by me or under my supervision of Section 23, Township 35 North, Range 1 East, W.M.; that the courses and distances are shown correctly on the ground; and that I have complied with the provisions of the statutes and platting regulations and that permanent control monuments have been established at each and every controlling corner of the parcel of land being subdivided.

DALE K. HERRIGSTAD, P.L.S.  
Certificate No. 27807  
Date

PUD-2014-0001, SDP-2014-0001

PLANNED UNIT DEVELOPMENT OWNER: LEEWARD LANDING, LLC  
P.O. BOX 319  
ANACORTES, WA 98221

SURVEY IN THE NW 1/4 OF SECTION 23,  
TOWNSHIP 35 N., RNG. 1 EAST, W.M.  
SKAGIT COUNTY, WASHINGTON

**HERRIGSTAD ENGINEERING & SURVEYING**  
4320 Whistle Lake Road, Anacortes, WA 98221 (360) 299-8804

SHEET 1 OF 4

|                  |
|------------------|
| DWN BY: DKH      |
| CHECK BY: DH     |
| DATE: March 2016 |
| SCALE: 1"=30'    |
| Job2012-83       |

SECTION 23, TOWNSHIP 35 N, RNG 1 EAST



**LEEWARD LANDING PUD  
SURVEY IN SEC. 23, TWP. 35 N, RNG 1 E., W.M.  
ANACORTES, WASHINGTON**

**NOTES**

1. FOUND CONCRETE MONUMENT IN CASE WITH COVER 5-22-2015.
2. FOUND REBAR & CAP AS NOTED VISITED 1-15-2016.

PUD-2014-0001, SDP-2014-0001

SHEET 2 OF 4

**PLANNED UNIT DEVELOPMENT** OWNER: LEEWARD LANDING, LLC  
P.O. BOX 319  
ANACORTES, WA 98221

SURVEY IN THE NW 1/4 OF SECTION 23,  
TOWNSHIP 35 N., RNG. 1 EAST, W.M.  
SKAGIT COUNTY, WASHINGTON

**HERRIGSTAD ENGINEERING & SURVEYING**  
4320 Whistle Lake Road, Anacortes, WA 98221 (360) 299-8804

DWN BY: DKH  
CHECK BY: DH  
DATE: March 2018  
SCALE: 1"=50'  
Job2012-83

1. ☒ FOUND CONCRETE MONUMENT IN CASE WITH COVER 5-22-2015.
2. ☐ FOUND REBAR & CAP AS NOTED VISITED 1-15-2016.



SHEET 2 OF 4

DWN BY: DKH

CHECK BY: DH

DATE: March 2016

SCALE: 1"=50'

Job2012-83

4320 Whistle Lake Road, Anacortes, WA 98221 (360) 299-8804



**LEEWARD LANDING PUD  
SURVEY IN SEC. 23, TWP. 35 N, RNG 1 E., W.M.  
ANACORTES, WASHINGTON**

**CONDITIONS OF APPROVAL SIGNED JULY 6, 2015.**

1. Sanitation, recycling, and compost collection shall be picked-up from the internal private road serving the subject replat/PUD -not placed on Oakes Avenue.
2. There shall be no parking permitted on any portion of either Oakes Avenue or the one-way street located within the development. No parking signage shall be demarcated onsite.
3. The proposed storm-water conveyance to the public outfall and easement shall be considered private and maintained by the property owners of which it serves.
4. The proposed 10-foot storm drain easement and collector system near top of bank shall be private and maintained by the property owners of which it serves.
5. Proposed 15-foot sanitary sewer easement for pump lines and collector side service pipe on the north side of the proposed manhole will be in a private easement and maintained by the property owners of which it serves.
6. The project shall comply with all applicable Shoreline Master Program regulations, including but not limited to, Chapter 5, Shoreline Environments & Associated Policies and Regulations, Chapter 6, Environmental Protection General Regulations, and Chapter 8, Specific Use Policies and Development Regulations.
7. The following are the minimum building setbacks from the respective property lines:  
A) Front: 20-feet  
B) Rear: 20-Feet C) Side: 5-feet
8. Both Tracts A & B shall be owned and maintained by the property owner, property owner's association, successors or assigns.
9. Private utilities shall be owned and maintained by the property owner, property owner's association, successors or assigns in a manner to ensure their functioning consistent with applicable regulations.
10. The lots in this subdivision are subject to applicable water, sewer, and stormwater general facility and hookup fees and transportation, fire, and park impact fees. These fees are payable at levels in effect at the time of building permit issuance and may differ from those fee levels currently in effect; sewer and water latecamer charges may be payable.
11. Unless otherwise outlined within a vegetation management plan that has been approved by the City of Anacortes, within the NGPE, vegetation or tree removal, topping, or trimming is prohibited unless approved by the City. The applicant would need to submit an ISA certified report that states a tree is dead, diseased, or dying and hazardous to surrounding uses, along with a geological hazardous area critical area report to the City of Anacortes' Planning Department and Parks and Recreation Department for review and approval. Notwithstanding, vegetation tree removal from an erosion or landslide hazard area and its associated buffer is prohibited per AMC § 17.70.260(4).
12. One twenty-eight (28) foot high, detached 2,000 square foot (maximum) accessory building is permitted on each lot provided it is in compliance with all other bulk and dimensional standards for the zone, except where modified through these conditions of approval. Where an accessory dwelling unit (ADU) is proposed within said building, the living space shall not exceed 1,200 square feet. Impact fees & OFC shall be payable at the time of building permit issuance for both the ADU and primary residence. The 2,000 square foot (maximum) permitted accessory building size and 28 foot high (maximum) height limit variance/deviance only applies to lots 3 through 9. Accessory structures on lots 1, 2, & 10 shall meet current zoning code standards including but not limited to maximum permitted building size and height.

13. Development shall comply with the issued SEPA Mitigated Determination of NonSignificance (MDNS) mitigation measures as follows:  
A. Development shall comply with all of the recommendations of the Geotechnical Evaluation prepared by Geotest dated November 4, 2014, listed therein (MDNS Condition #1).  
B. Pursuant to City of Anacortes' Shoreline Master Program (SMP) Appendix A-3.9.4, unless otherwise provided or as part of an approved alteration, removal of vegetation from an erosion or landslide hazard area or related buffer shall be prohibited. The applicant however has submitted a geotechnical report, tree preservation plan, and landscape plan addressing proposed vegetation removal. Any vegetation removal shall be consistent with the submitted geotechnical report, tree preservation plan, and landscape plan (MDNS Condition #11).
14. The Homeowner's Association shall be responsible for the maintenance of all landscaping provided along the sidewalk fronting the subject property that runs parallel to Oakes Avenue. The height of any trees planted therein shall be similar to the landscaping in the San Juan Passage development PUD fronting Oakes Avenue. This shall also be reflected in the CC&Rs. Additionally, the maximum permitted height of the fence proposed located within the front yard setback shall be five (5) feet from grade.
15. Before final PUD/ replat submittal or approval is given, the applicant/ landowner shall submit a 5-year maintenance and monitoring plan to the city for approval for all planting along the public trail, private trail, sidewalk located within the right-of-way, and plantings within the Native Growth Protection Easement (NGPE) located onsite.
16. As modified since the SEPA MDNS was issued, all structures shall be setback forty-five (45) feet from the top of the bank of the geologically hazardous/ steep slope.
17. The twenty-eight (28) foot high detached accessory structures (which may include ADUs) shall not exceed sixteen (16) feet in height (maximum) as measured above Oakes.

**LEGAL DESCRIPTION**

**PARCEL "A":**

Lots 3 through 10, inclusive, Block 1201, "NORTHERN PACIFIC ADDITION TO ANACORTES," as per plat recorded in Volume 2 of Plats, pages 9 through 11, inclusive, records of Skagit County, Washington.

Situate in the City of Anacortes, County of Skagit, State of Washington.

**PARCEL "B":**

All that portion of the right-of-way of the former railway of the Great Northern Railway Company in Section 23, Township 35 North, Range 1 East, W.M., described as follows:

Beginning at the Northeast corner of Block 1201 in Northern Pacific Addition to Anacortes, as per plat recorded in Volume 2 of Plats, pages 9 through 11, inclusive, records of Skagit County, Washington; thence Northwesterly along the Northeastly line of said Block 1201 extended, to a point 15 feet distant Southeastly, measured at right angles, from the center line of the former railway of said Great Northern Railway Company, as located and constructed on March 6, 1940; thence Southwesterly parallel with said center line and 15 feet distant there from, to the Southwesterly line of said Block 1201 extended Northeastly; thence Southeastly along said extended line to the Northwest corner of Block 1201 in said Northern Pacific Addition to Anacortes; thence Northeastly along the Southerly boundary of said Northern Pacific Addition to Anacortes, to the point of beginning.

Situate in the City of Anacortes, County of Skagit, State of Washington.

**PARCEL "C":**

Lots 1 to 10, inclusive, Block 1301, "NORTHERN PACIFIC ADDITION TO ANACORTES," as per plat recorded in Volume 2 of Plats, page 9, records of Skagit County, Washington.

Situate in the City of Anacortes, County of Skagit, State of Washington.

**PARCEL "D":**

That portion of Government Lot 4, in Section 23, Township 35 North, Range 1 East, W.M., described as follows:

Beginning at the Northwest corner of Block 1201, "NORTHERN PACIFIC ADDITION TO ANACORTES," as per plat recorded in Volume 2 of Plats, page 9, records of Skagit County, Washington; thence Northwesterly along the Southwesterly line of said Block 1201 extended, to a point 15 feet distant Southeastly, measured at right angles, from the centerline of the railway of said Great Northern Railway Company, as located and constructed on March 6, 1940; thence Southwesterly parallel with said centerline and 15 feet distant therefrom, to the Southwesterly line of Block 1301 in said Plat extended Northwesterly; thence Southeastly along said extended line to the Northwest corner of said Block 1301; thence Northeastly along the Northerly boundary of said "NORTHERN PACIFIC ADDITION TO ANACORTES", to the point of beginning.

Situate in the City of Anacortes, County of Skagit, State of Washington.

PUD-2014-0001, SDP-2014-0001

SHEET 3 OF 4

**PLANNED UNIT DEVELOPMENT OWNER:** LEEWARD LANDING, LLC  
P.O. BOX 319  
ANACORTES, WA 98221

SURVEY IN THE NW 1/4 OF SECTION 23,  
TOWNSHIP 35 N., RNG. 1 EAST, W.M.  
SKAGIT COUNTY, WASHINGTON

**HERRIGSTAD ENGINEERING & SURVEYING**

4320 Whistle Lake Road, Anacortes, WA 98221 (360) 299-8804

DWN BY: DKH

CHECK BY: DH

DATE: March 2018

SCALE: noted

Job2012-B3





**LEEWARD LANDING PUD  
SURVEY IN SEC. 23, TWP. 35 N, RNG 1 E., W.M.  
ANACORTES, WASHINGTON**

**EASEMENTS**

1. An easement is hereby reserved for and conveyed to the PUGET SOUND ENERGY INC.(A.F. NO. 200807140094), FRONTIER COMMUNICATIONS TELEPHONE COMPANY, CASCADE NATURAL GAS COMPANY, AND COMCAST CABLE TELEVISION COMPANY and their respective successors and assigns under and upon a 44 foot wide private access and utility easement across lots 2 through 10 as shown on the face of the plat and extended to the Oakes Avenue right-of-way through a 30 foot wide easement on Lot 10 and 44 foot wide easement on Lot 2 being the full width of the lots at Oakes Avenue, as shown on the plat, in which to construct, operate, maintain, repair, replace and enlarge underground pipes, conduits, cables and wires all necessary or convenient underground or ground mounted appurtenances thereto for the purpose of serving this subdivision and other property with electric, gas, telephone and other utility service, together with the right to enter upon the streets, lots, tracts and spaces at all times for the purposes herein stated.
2. The private road within the 44 foot wide access and utility easement will be the responsibility of the Leeward Landing Homeowners Association for the purposes of a access road with maintenance being the responsibility of the Leeward Landing Homeowners Association.
3. A Native Growth Protection Easement (NGPE) is hereby reserved over the area on the subject property located within 100 foot landward of the Ordinary High Water Mark. The NGPE shall remain undisturbed except as authorized by the City of Anacortes after review and approval of a plan for the activities as described in the NGPE agreement recorded under AFN \_\_\_\_\_.
4. A 15 foot wide sanitary sewer easement, 7.5 feet either side of the property line between lots 6 and 7 is hereby granted to the Leeward Landing Homeowners Association for the purposes of sanitary sewer force lines to each individual lot. The maintenance of each line is the responsibility of the lots for which they serve.
5. A private landscaping easement adjacent to the private access road across Lots 2 and 10 as shown on the plat is hereby granted to the Leeward Landing Homeowners Association for the purposes of landscaping and maintenance.
6. A 10 foot wide storm drainage easement on and across the northern portions of Lots 2 through 10 as well as Tracts A & B, centered over the storm drainage system as constructed is hereby granted to the Leeward Landing Homeowners Association for the purposes of storm drainage and maintenance.
7. A 5 foot wide storm drainage easement on and across the eastern portion of Lot 10 adjacent to Tract A, as shown on the face of the plat, is hereby granted to the Leeward Landing Homeowners Association for the purposes of storm drainage and maintenance.

**NOTES**

1. Subject to Declaration of Covenants, Conditions, Restrictions, (CC&R's), Geohazard Covenant and NGPE Maintenance Agreement, recorded together under;

AFN \_\_\_\_\_.

2. The PUD reference number PUD-2014-0001 and date of approval shall be included in all deeds and contracts.

**PROPERTY NOTES:**

1. Tract A is to be granted to the Leeward Landing Homeowners Association for the purposes of a pedestrian trail, storm drainage and landscaping with the construction and maintenance being the responsibility of the Leeward Landing Homeowners Association.
2. Tract B is to be granted to the Leeward Landing, LLC. The 15 foot wide trail easement shown across Tract B is granted to the Leeward Landing Homeowners Association for the purposes of a pedestrian trail with the construction and maintenance being the responsibility of the Leeward Landing Homeowners Association.

**CITY OF ANACORTES APPROVALS**

The Planning Commission of the City of Anacortes meeting in regular session on \_\_\_\_\_ did find that the Leeward Landing PUD serves the public use & interest & has authorized the Subdivision Administrator to execute its written approval.

Signature of Planning Director \_\_\_\_\_

Approval by the Council of the City of Anacortes, WA, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST: City Clerk \_\_\_\_\_

Examined and approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

City Engineer \_\_\_\_\_

**CITY TREASURERS CERTIFICATE**

I hereby certify that there are no delinquent special assessments and all special assessments on any of the property herein contained dedicated as streets, alleys, or for other public use, are paid in full.

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Treasurer, City of Anacortes \_\_\_\_\_

**DEDICATION**

Know All Men by these Present that SKAGIT BANK, Mortgage Holders and LEEWARD LANDING LLC, owner of the land hereby platted, declare this plat and dedicate to the use of the public forever, streets and avenues shown hereon and the use thereof for all public purposes consistent with the use thereof for public highway purposes together with the right to make all necessary slope for cuts and fills upon the lots and blocks shown hereon in the original reasonable grading of all such streets and avenues shown hereon. The Owners and their assigns hereby waive all claims for damages against which may be occasioned to the adjacent properties by the construction, drainage and maintenance of said road and or area.

LEEWARD LANDING LLC

SKAGIT BANK

State of Washington  
County of Skagit

I certify that I know of have satisfactory evidence that \_\_\_\_\_ signed this instrument, on oath stated that (he/she/) (was/are) authorized to execute the

instrument and acknowledged it as the \_\_\_\_\_ of LEEWARD LANDING LLC to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Given under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, Notary Public in and for the State of Washington

Name printed \_\_\_\_\_

Residing at \_\_\_\_\_

My commissions expires \_\_\_\_\_

State of Washington  
County of \_\_\_\_\_

I certify that I know of have satisfactory evidence that \_\_\_\_\_ signed this instrument, on oath stated that (he/she/) (was/are) authorized to execute the

instrument and acknowledged it as the \_\_\_\_\_ of SKAGIT BANK to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Given under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, Notary Public in and for the State of Washington

Name printed \_\_\_\_\_

Residing at \_\_\_\_\_

My commissions expires \_\_\_\_\_

**SKAGIT COUNTY TREASURERS CERTIFICATE**

I certify that all taxes heretofore levied and which have become a lien upon the lands herein described have been fully paid and discharged according to the records of my office, up to and including the year of 20\_\_\_\_.

Certified this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Skagit County Treasurer \_\_\_\_\_

PUD-2014-0001, SDP-2014-0001

SHEET 4 OF 4

**PLANNED UNIT DEVELOPMENT** OWNER: LEEWARD LANDING, LLC  
P.O. BOX 319  
ANACORTES, WA 98221

SURVEY IN THE NW 1/4 OF SECTION 23,  
TOWNSHIP 35 N., RNG. 1 EAST, W.M.  
SKAGIT COUNTY, WASHINGTON

**HERRIGSTAD ENGINEERING & SURVEYING**

4320 Whistle Lake Road, Anacortes, WA 98221 (360) 299-8804

DWN BY: DKH

CHECK BY: DH

DATE: March 2016

SCALE: None

Job2012-83







## **Draft - Planning Commission Meeting Minutes for – April 13, 2016**

Chair Laumbattus called the Meeting of April 13, 2016 to order at approximately 6 p.m.

### **Roll Call**

Commissioners Present: Moffitt, Oppel, Laumbattus, McNett Pollard, Cleland-McGrath and Farnsworth.

### **Minutes**

Minutes of March 9, 2016 and March 23, 2016 were approved as read.

### **Correspondence**

No correspondence was presented.

### **New Business**

#### **Leeward Landing Final Replat/PUD Application**

Ms. Libby Grage, Planning Manager, presented the Leeward Landing Final Replat/PUD Application to the Commissioners. Ms. Grage reminded the Commissioners that this final plat Planned Unit Development/Replat application was originally heard before the Commissioners at an open public hearing on May, 2015. The City Council did issue preliminary plat and PUD approval for the project on July 6, 2015 subject to 41 conditions of approval. This was a replat and Planned Unit Development including vacation of a portion of Minnesota Ave undeveloped right of way. Following that preliminary approval by City Council, several construction plans were submitted to staff and approved by the Public Works Department and the applicant then constructed project infrastructure including curb, gutter, sidewalk and landscaping along Oakes Avenue. The contractors also installed a private internal access road and utilities. The Public Works Department and the Fire Marshall have been on site and inspected all the improvements and recommend approval of the final plat application subject to submittal of a two year maintenance bond prior to recording of the plat. The Planning Commission is asked to make a recommendation of approval or disapproval as to compliance of the conditions of preliminary plat approval that were set by City Council.

Commissioner Pollard asked whether the additional planting on the bluff had been completed to which Ms. Grage provided it had been completed the day before and staff has not had a chance to go to the site.

Commissioner Oppel expressed concern about the steep hazardous bank and who would be responsible for the bank stability after the lots are sold. Mr. Measamer provided that conditions require a geologically hazardous area covenant be recorded on the property which is currently being developed. Ms. Darcy Swetnam, City Attorney, provided that City staff, the applicant and their counsel have agreed to the terms of the geologically hazardous area

covenant which is designed to address those issues and be responsive to that condition. Commissioner Oppel asked if every property owner will have to agree to the covenant to which Ms. Swetnam provided that each property owner will not have to agree but this will be recorded with each parcel.

With no further questions, Commission Pollard made a motion to recommend approval; motion seconded by Commissioner McNett. Vote called or was unanimous in favor of motion.

With no further business, Chair Laumbattus called the meeting to a close at approximately 6:10 p.m.





## **CITY COUNCIL**

*Leeward Landing Final Replat & PUD Submittal*

*May 2, 2016*

*By: Kevin Cricchio, AICP, Associate Planner*



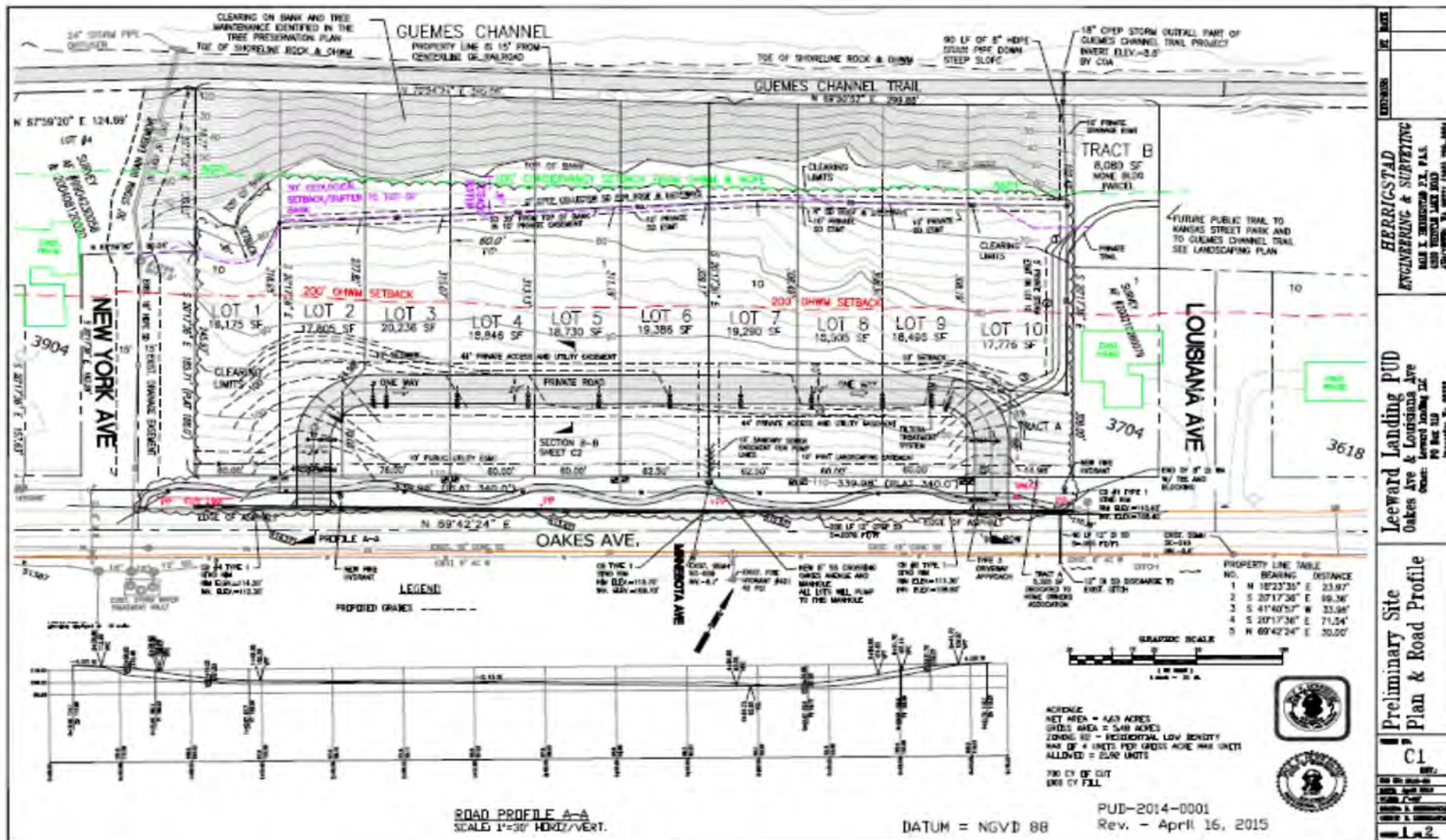




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**HERRIGSTAD**  
ENGINEERING & SURVEYING  
200 E. JEFFERSON ST. P.O. BOX 1000  
SALT LAKE CITY, UT 84101  
(801) 466-1000

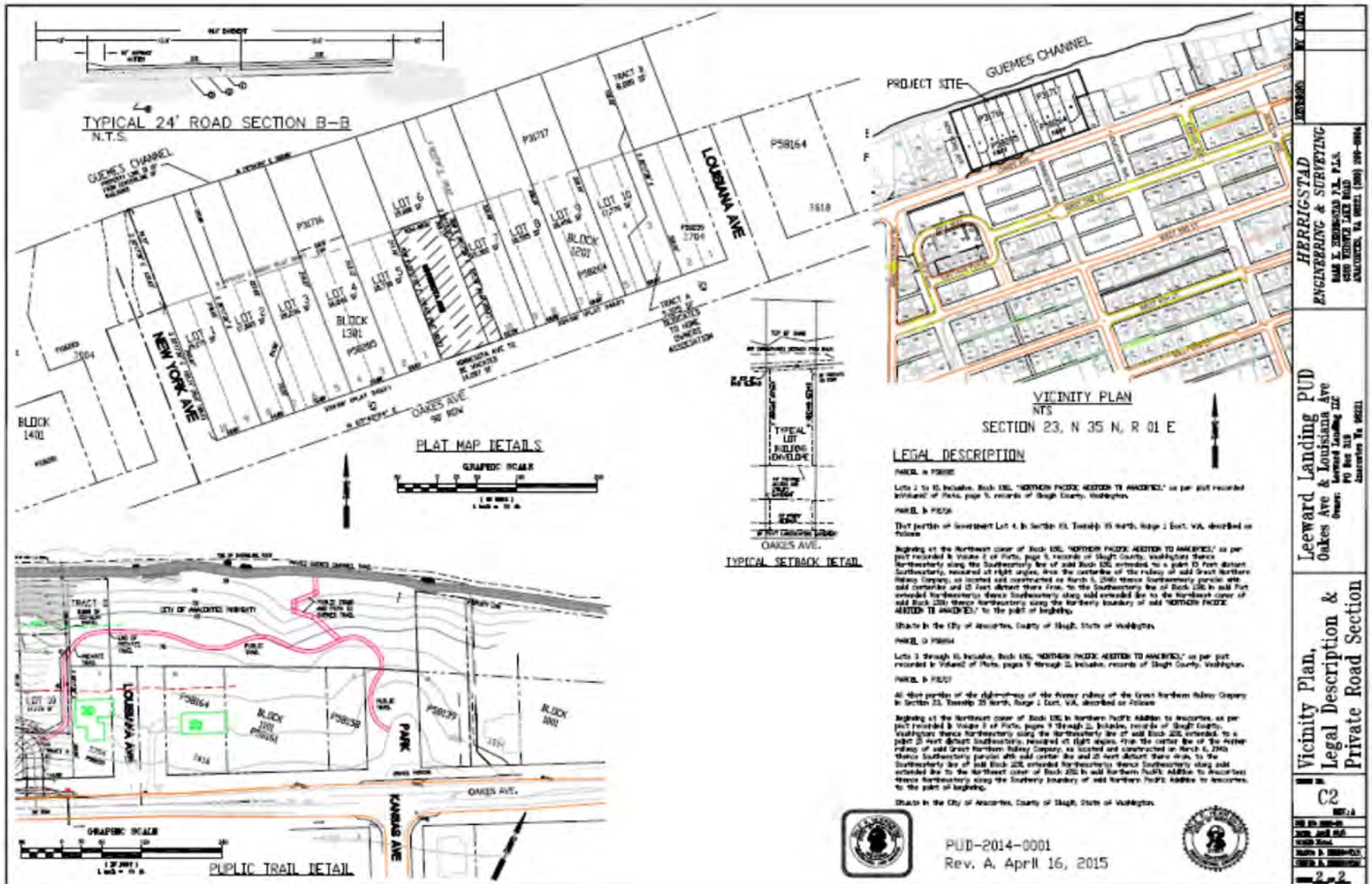
**Leeward Landing PUD**  
Oakes Ave & Louisiana Ave  
Sheet 1 of 2  
Project No. 2014-0001  
Revision No. 001

**Preliminary Site Plan & Road Profile**

**C1**

**DATE**  
APR 16, 2015





# **PUD-2014-0001 & SDP-2014-0001:**

## **Applicant & Landowner:**

Nels Strandberg  
Strandberg Construction  
2018 "R" Avenue  
Anacortes, WA 98221

## **Project Name:**

Leeward Landing PUD

## **Subject Parcels:**

Parcel #: P58285, P58264, P31716, & P31717



# **PUD-2014-0001 & SDP-2014-0001:**

## **Project Location:**

The project is located between Louisiana Avenue & New York Avenue on the north side of Oakes Avenue. The subject properties are 4.63 ± net acres in area. The subject properties are located in a portion of Section 23; Township 35 North; Range 01 East; Willamette Meridian.

## **Existing Land Use:**

Vacant

## **Zoning District:**

Residential (R2) Zoning District

## **Shoreline Environment:**

Conservancy Environment (within first 100 feet landward of the OHWM) and Shoreline Residential Environment (from 100 feet to 200 feet as measured landward from the OHWM).

## **PUD-2014-0001 & SDP-2014-0001:**

### **Subject Proposal:**

Preliminary replat/PUD approval was issued for Leeward Landing, a 10-lot replat on the north side of Oakes Avenue, east of Anacopper Road, by City Council on **July 6, 2015**, subject to 41 conditions.

The subject proposal also included: a vacation of public right-of-way; Planned Unit Development (PUD) approval including modification(s) to underlying zoning standards; Shoreline Substantial Development Permit for site development and a shoreline trail (public & private), shoreline variance for trail setback to OHWM; & SEPA environmental review. The site consists of approximately 4.63 ± net acres along the Guemes Channel shoreline.



## **PUD-2014-0001 & SDP-2014-0001:**

### **Subject Proposal:**

Following preliminary approval, civil construction plans were approved by the Public Works Department and project infrastructure, including curb, gutter, sidewalk and landscaping on Oakes Avenue, private internal access road and utilities, have been constructed.

Leeward Landing, LLC has submitted a **final replat/PUD application** meeting the requirements of AMC § 16.16.020. The Public Works Department has inspected all improvements and recommends approval of the final replat application, subject to submittal of a 2-year maintenance bond prior to recording of the replat/ PUD. The Planning Commission met on **April 13, 2016**, regarding the subject final replat/ PUD application and recommended approval unanimously to City Council.

## **PUD-2014-0001 & SDP-2014-0001:**

### **Subject Proposal:**

Based on an approved critical areas report, arborist tree preservation plan/report and geotechnical report, the applicant conducted some tree removal and tree pruning. A final report from the arborist was submitted identifying several items remaining to be addressed, including some erosion control, debris management and additional planting on the slope. These items were completed following a site visit to verify completion. The applicant has also agreed to submit an irrevocable letter of credit in the amount of \$10,000 in order to ensure successful completion of the 5-year maintenance and monitoring period, and to plant the geotech setback area prior to recording of the plat.



# **PUD-2014-0001 & SDP-2014-0001**

## **Background:**

The final replat /PUD process is a check to determine that the terms and requirements of preliminary replat /PUD approval have been met and that required improvements have been constructed or bonded/guaranteed.

If the City Council finds that the final replat /PUD meets the requirements as set-out in the preliminary replat/ PUD approval conditions, the final replat /PUD shall be approved per AMC § 16.16.030.

## **PUD-2014-0001 & SDP-2014-0001**

### **Items Needed Concurrent to or Before Final Replat /PUD Recording:**

1. Submittal of Irrevocable Letter of Credit in amount of \$10,000.00 to ensure maintenance and monitoring of plantings within NGPE per Leeward Landing Maintenance and Monitoring Plan.
2. Record 5-Year Maintenance & Monitoring Plan.
3. Copy of 2 Year Public Works Maintenance Bond needed.
4. Record CC&Rs.
5. Record NGPE Protection Easement Agreement.
6. Record Geologically Hazardous Area Covenant, Conditions, & Restrictions.





# City Council Agenda Bill

**Meeting Date:** 5/2/2016

**Agenda Item:** 7c

**Subject:** Updates to Title 6

**Staff Contact:** Darcy Swetnam, Chief Bonnie Bowers

| Approved for Submittal to Council by |                                 |
|--------------------------------------|---------------------------------|
|                                      | Laurie Gere, Mayor              |
|                                      | Steve Hoglund, Finance Director |
| x                                    | Darcy Swetnam, City Attorney    |
|                                      |                                 |
|                                      |                                 |

| Action Type |                    |
|-------------|--------------------|
| x           | Ordinance No. 2978 |
| x           | Code Revision?     |
|             | Resolution No.     |
|             | Contract           |
|             | Public Hearing     |
|             | Staff Report       |

## **Summary Statement:**

This is a proposed Ordinance makes a few adjustments to the newly-rewritten Title 6. First, changes to Chapter 6.04 include cats in the prohibition of animals running at large and require cats in heat to be contained. Changes to Section 6.02.040 includes a definition of "hens". Changes to Chapter 6.08 require that microchips be activated and maintained in an active status and that dangerous dogs be restrained during transport. Finally, additional restrictions are added to Chapter 6.10 prohibiting other fowl from being kept in all but the R1 use zone.

•

## **Background:**

A new Title 6 was adopted by Council in September of 2015. That discussion spurred additional interest in additional protections for cats. The changes to Chapter 6.04 are intended to protect cats, protect neighboring property owners, and limit overpopulation. The additional changes (6.02.040, 6.08.050, 6.08.090, and 6.10.010) were suggestions from Anacortes Animal Control Officer Nybo to cleanup the newly-adopted Title 6.

| Budget Impact              |     |
|----------------------------|-----|
| Amount Budgeted            | N/A |
| Budget Account (BARS)      | N/A |
| Proposed Expenditure       | N/A |
| Budget Amendment Required? | N/A |
| Revenue Source             | N/A |

| Proposed Contract |     |
|-------------------|-----|
| Contractor        | N/A |
| Amount            | N/A |
| Start Date        | N/A |
| End Date          | N/A |

**Previous Council/Committee Action:** Council adopted Title 6 in September of 2015

**Competing Viewpoints Considered:**

Some people oppose the restriction on cats at large because they are concerned that neighbors will pick up their neighbor's cats and take them to the Humane Society. Other people feel that cats should be required to be licensed by the City.

**Recommended Motion:** I move to adopt Ordinance 2978, an Ordinance Amending Sections 6.02.040, 6.04.090, 6.04.110, 6.08.050, 6.08.090, and 6.10.010 AMC regarding Animals.

**Alternative Actions:** Leave Title 6 as it is currently written.

**Attachments:**

- Proposed Ordinance 2978



## **Ordinance No. 2978**

### **An Ordinance Amending Sections 6.02.040, 6.04.090, 6.04.110, 6.08.050, 6.08.090, and 6.10.010 AMC, Regarding Animals.**

**Whereas** the Anacortes Municipal Code currently regulates Animals under Title 6; and

**Whereas** the Anacortes City Council updated Title 6 through Ordinance Number 2955 on September 28, 2015; and

**Whereas** the City Council desires to clarify several sections updated by Ordinance Number 2955; and

**Whereas** the Anacortes City Council desires to make certain restrictions on domestic animals applicable to cats; and

**Whereas** the City Council desires to provide the best protection for residents, property owners, visitors, and animals in the City of Anacortes.

**Now, therefore, the City Council of the City of Anacortes does ordain as follows:**

Section 1. Anacortes Municipal Code Section 6.02.040 entitled "Definitions." will hereby include the following additional provision, to be titled subsection 6.02.040(P):

(P). "Hen" means an adult female chicken.

Section 2. Anacortes Municipal Code Section 6.04.090 entitled "Animals running at large." is hereby amended to read as follows:

#### **6.04.090 – Animals running at large.**

It is unlawful for any person being the owner or keeper of any animal ~~with the exception of domestic cats~~ to permit such animal to be at large upon the private property of another within the city except with the permission of the owner or custodian of such private property.

Section 3. Anacortes Municipal Code Section 6.04.110 entitled "Dogs in season." is hereby amended to read as follows:

#### **6.04.110 – ~~Animals~~ Dogs in season.**

Every female dog or cat in season will be confined in a well-ventilated and adequately sized closed structure so that the dog or cat cannot come into contact with an intact male dog or cat except for planned breeding.

Section 4. Anacortes Municipal Code Sub-Section 6.08.050 entitled "Potentially dangerous dogs – Enclosure or secure restraint required." is hereby amended to read as follows:

**6.08.050 - Potentially dangerous dogs and dangerous dogs—Enclosure or secure restraint required.**

It is unlawful for the owner of a potentially dangerous dog or dangerous dog to permit the dog to be outside the proper enclosure of the potentially dangerous dog or dangerous dog unless such dog is restrained by a substantial physical control device, including a static leash no longer than six feet in length or carrying cage, and under physical restraint of a responsible person. In addition to physical control devices, an animal control officer may require a potentially dangerous dog or dangerous dog to be muzzled while outside the proper enclosure. In prescribing the muzzle requirement for a potentially dangerous dog or dangerous dog the animal control officer must take into consideration the following factors:

- A. The breed of the animal and its characteristics;
- B. The physical size of the animal;
- C. The number of animals in the owner's home;
- D. The zoning involved; size of the lot where the animal resides; the number and proximity of neighbors;
- E. The existing control factors, including but not limited to fencing, caging, runs and staking locations;
- F. The nature of the behavior giving rise to the animal control officer determination that the animal is vicious:
  - 1. Extent of injury(ies),
  - 2. Circumstances, e.g., time of day, on/off property, provocation instinct,
  - 3. Circumstances surrounding the result and complaint, e.g., neighborhood disputes, identification, credibility of complainants, and witnesses.

Section 5. Anacortes Municipal Code Sub-Section 6.08.090(A) entitled "Microchipping of dangerous and potentially dangerous dogs required." is hereby amended to read as follows:

- A. Any dog which is declared to be a "dangerous dog" or "potentially dangerous" pursuant to this chapter or Chapter 16.08 RCW or a similar provision in another jurisdiction shall be required to be microchipped by a veterinarian of the owner's choice, at the owner's expense and the name of the microchip manufacturer and identification number of the microchip must be provided to the animal control authority. The microchip must be properly activated and registered through the microchip company with current owner name, address and phone number and must remain active and registered. This shall be in addition to the other requirements of this chapter and this procedure must be accomplished within thirty days after the owner's receipt of the dangerous dog or potentially dangerous declaration issued pursuant to this chapter or Chapter 16.08 RCW or upon thirty days after moving the potentially dangerous or dangerous animal into the city limits. Documentation of the microchip implant shall be provided to the city, including the microchip identification number, within thirty days after the microchip implantation. If the owner does not have



the dog microchipped the city animal control officer may seize the dog and have the animal microchipped at the owner's expense.

Section 6. Anacortes Municipal Code Section 6.10.010 entitled "Keeping of hens." will hereby include the following additional provision, to be titled subsection 6.10.010(E):

(E). It is unlawful for any person to keep, harbor, or confine ducks, geese, guineas, peackocks, pheasants, or other fowl, with the exception of hen, within the City of Anacortes, other than in the R1 use zone.

Section 7. This ordinance shall take effect five (5) days from and after its passage, approval and publication in the manner required by law.

**PASSED and APPROVED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.**

**CITY OF ANACORTES:**

\_\_\_\_\_  
Laurie Gere, Mayor

**Attest:**

\_\_\_\_\_  
Steve Hoglund, City Clerk-Treasurer

**Approved as to Form:**

\_\_\_\_\_  
Darcy Swetnam, City Attorney

# Potential Title 6 Updates

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ANIMALS



# Background

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- Council passed a complete rewrite of Title 6 in September 2015
- During public discussion, multiple members of the community called for increased regulation of cats
- Members of the public were invited to work with City Staff to further explore issues related to cat regulation
- Community members expressed a variety of opinions on cat regulation
- Concurrently, Officer Nybo has identified several areas where cleanup is needed to new Title 6

# Two Components to Potential Update

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- 1. Cat Regulations
  - Include cats in the prohibition against animals at large
  - Require cats in heat to be contained
  
- 2. Cleanups identified by Officer Nybo
  - Microchipping
  - Restraining dangerous dogs during transport
  - Defining “hens”
  - Prohibiting game birds other than hens in all but R1 zone



# Cat Issues

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- Members of the public have expressed concern about cat safety and overpopulation and cat damage to neighbors and wildlife. Several options to address have emerged:
  - Option One: Mandatory cat licensing with enforcement
  - Option Two: Cat licensing or registration to track lost cats and return them to owners
  - Option Three: Prohibit cat roaming at large and attempt to limit overpopulation
  - Option Four: Provide funding to a local shelter to take in stray cats



# Public Concerns

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- Cat licensing:
  - Cats would be regulated and prohibited from roaming – would protect cats and neighbors
  - Enforcement would be difficult and may not reflect cat behavior
- Prohibiting cats from roaming at large:
  - Would clarify the City's policy on cats and would allow enforcement in egregious circumstances
  - Could prevent cats from killing wildlife
  - Could allow neighbors to take bothersome neighbor cats
  - Could pose enforcement problems with unidentified cats (without some sort of registration)
  - Difficult for owners to prevent cats from roaming





# Public Concerns, Cont'd.

- More time is needed to evaluate solution:
  - Some members of the public would like more analysis of cat issues to develop solutions
- Resources should be allocated to outreach and education:
  - City should provide community education on the dangers of cats roaming, overpopulation etc.
  - E.g. Council could authorize Officer Nybo to devote 2 hours per month to civic education on cat issues
- Council should budget for shelter of stray dogs and cats:
  - HSSV will take in cats or dogs for \$65 per (includes spay or neuter) – Proposed \$2500 per year



# Additional Title 6 Updates

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- Requiring microchips to be activated and remain active while in City
- Restraining dangerous dogs during transport – extending the same requirements for “potentially dangerous dogs” to “dangerous dogs”





# Additional Title 6 Updates

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- Defining “hens”
- Prohibiting game birds other than hens in all but R1 zone



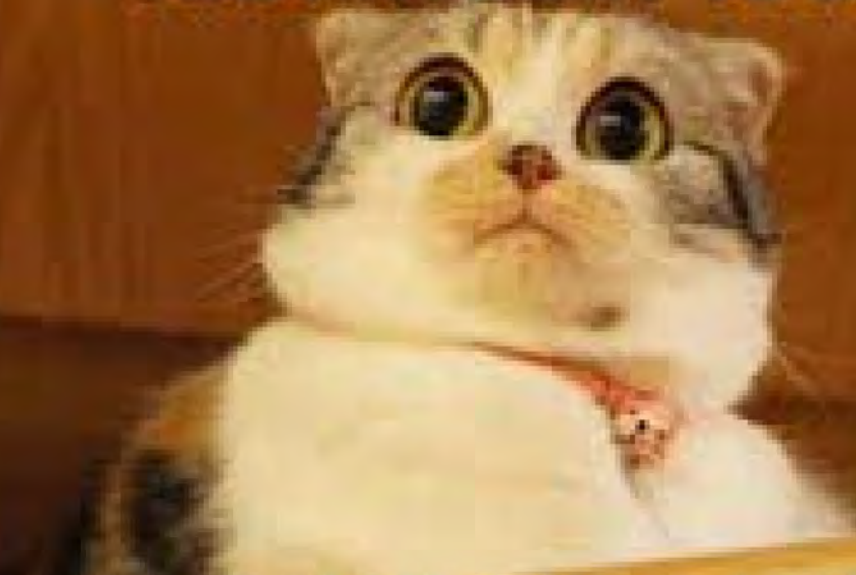
# Questions?

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**YOU HAVE CAT TO BE**



**KITTEN ME RIGHT MEDW**

more awesome pictures at [THEMETAPICTURE.COM](http://THEMETAPICTURE.COM)

Arlene French -1411 8<sup>th</sup> Street Anacortes – 360-293-0142 – May 2, 2016

I am speaking tonight, in support of the proposed changes to Title 6, Chapter 6.04 of the Anacortes Municipal Code. These changes will provide protection for cats, protection for neighboring property owners and Limit Overpopulation of cats.

Currently, our Code does not hold cat owners responsible for their cat's safety and well-being, or for public health and nuisance issues caused by cats roaming at large.

The definition of a Free Roaming, At Large Cat is: A cat who is not on their owner's property; they may be owned or possibly lost or abandoned.

#### PHOTO

This is Gracie. Thanks to a contract between the Swinomish Tribe and the Humane Society of Skagit Valley, a thoughtful resident rescued her and brought her to the Shelter. Gracie is the perfect poster child for irresponsible cat ownership. Through no fault of her own, she was allowed to roam free, unspayed, in heat and now was pregnant and lost.

At this time she resides at my home. I am a volunteer at the Humane Society and I am now fostering her and her 6 kittens which were born at my house 10 days ago. She's a friendly cat and litter box trained, so, at one time, someone "owned" her. Why didn't they have her spayed? Why did they think that I should take care of her and her kittens? Is it because they didn't think about it. Years ago, dogs ran loose and there was an overpopulation of dogs. Now, we all know that dogs should not run loose; it's very unusual to find someone who thinks that is OK. It's all about education and knowledge.

I believe that this simple code proposal, making it un-lawful for your cat to roam freely on my property, without my permission..... And, why, why is it OK for you to own a cat and then because you feel that your cat needs to be free, it ends up becoming my problem? ....Anyway, this simple code change will be the beginning of the education of the public as to why cats should live safely and happily indoors.

This won't solve all of the problems, but is a good place to start.

#### Humane Society of Skagit Valley



**Janine Ceja**  
Executive Director

18841 Kelleher Road North  
Burlington, WA 98233  
Mainline: 360-757-0445  
Fax: 360-757-2568  
janine.c@skagithumane.com  
www.skagithumane.com

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Humane Society Thrift Shop  
525 #G East College Way  
Mount Vernon, WA 98273  
360-424-5991



May 2, 2016

My name is Marilyn Wells Derig. I reside at 1302 K Avenue, in Anacortes.

I support the City's recommended animal code changes.

The purpose of code says:

It is hereby declared to be the public policy of the City of Anacortes to adopt and enforce those animal control measures deemed necessary for the protection of the health, welfare and safety of the residents and animals within Anacortes and to prevent damage to property and cruelty to animals. To this end it is the purpose of the ordinance codified herein to provide a means of licensing dogs and facilities to regulate animal behavior so that it will not constitute a nuisance; to prevent or curtail inhumane treatment of animals; and to prevent or curtail domestic animal overpopulation.

Why is this a good idea? Gracie, Arlene's cat, is a great example. Why should it be lawful to allow free-roaming cats? If your cat is going over to your neighbor's yard, defecating in your neighbor's vegetable garden or flowerbed, your neighbor's child's sandbox, or anywhere else on their property, it is an infringement on your neighbor's property rights, if you don't have your neighbor's permission.

Arlene, Patty and I have loved our cats and they have been indoor cats. My cat, Critter, lived for 17 years. She was indoors from the moment she was rescued by Gene on a logging road near Sedro Woolley.

We are concerned, as the City is, with protecting cats, cat overpopulation, neighborhood property rights, and the killing of federally protected neo-tropical songbirds and other birds that frequent many of our Backyard Habitat areas.

Free-roaming cats carry diseases, which frequently infect other cats. Also, several of these diseases can be spread to humans, adults and children alike, and have serious far-reaching consequences. When children are young, say up to the age of four or so, they are very curious. Part of that curiosity involves tasting things, putting things in their mouths and that includes cat feces, which they find in areas that they play in, such as the woodchip landscaping that is found around playground equipment at Whitney School, for example. This is a common way for disease to be spread to humans.

The City's proposed animal ordinance change should in no way be interpreted as a measure to discriminate against cats or cat owners. In fact the present code discriminates against cats by not granting them protection under the law. We hope this code change will be the beginning of a dialogue leading to actual protection of cats from disease, death or maiming from other animals, being hit by a vehicle or

getting lost and losing their owner. We believe this will also be a start in protecting property rights of neighbors.

If this measure is re-codified, we can talk with our neighbors about the code, the code's intent, their cats and related matters, as my husband and I have done in the past, when cats were in the code. Neighbors want to be good neighbors and want to protect their cats.

Cat owners frequently don't know what steps to take if their animal winds up missing. How many of us have seen the posters advertising another missing cat? If we had a contract with the Skagit Humane Society, they could hold our stray cats for 2 weeks before putting them up for adoption. Mother cats with kittens are fostered out. When a cat goes missing, owners could call the sheltering agency if they knew or were told to do that. Gracie was lucky. A concerned citizen in Mount Vernon picked her up, took her to that agency (where the City of Mount Vernon has a sheltering contract); she was cared for there, and she now has a good "forever home." Education is the key.

Sincerely,

A handwritten signature in black ink that reads "Marilyn Wells Derig". The signature is written in a cursive, flowing style.

Marilyn Wells Derig  
1302 K Avenue  
Anacortes, WA 98221  
360-293-3928  
mderig@me.com



May 2, 2016

My name is Patricia Young and I reside at 2219 32<sup>nd</sup> Street, Anacortes.

I support the recommended animal code changes intended to protect cats, protect neighboring property owners, and limit overpopulation.

Currently Anacortes has no ordinances that include cats. After meeting with city officials and Chief Bowers, Marilyn, Arlene and I agreed that to be successful code changes would have to be incremental in nature and would have a public outreach program to address concerns. Having a code that says your cat cannot roam at large on private property is fair and reasonable. This also gives homeowners the basis for talking to their neighbors if their cat trespasses. It is the law. Please respect my rights to not have your cat in my yard.

It would be advantageous for the city to partner with the Humane Society. The city has a sheltering contract for dogs but none for cats. If a cat or kitten is turned in to the Humane Society by residents of Anacortes, they must pay the \$60 fee out of their own pocket. Not having the money to pay the fee may contribute to the numbers of abandoned cats left to fend for themselves. A city contract with HS would allow for the rescue of strays and lost cats. This is a benefit to the animals and to the city. The Humane Society has the added benefit of being open seven days a week.

Public education is essential for any proposed changes to work. Supporting the status quo does not protect cats, property owners, or limit overpopulation. Chief Bowers started the necessary dialogue about cats and dogs with her article in "A – town is Our Town." We hope that Officer Nybo will resume writing her articles for the newspaper. An article about changes to the animal codes and what they would mean to the public would be timely. To further public outreach, Arlene, Marilyn and I would like to have question and answer forums at the library with representatives from SPOT, the Humane Society, Veterinarians, and various other animal groups. Our dogs have "Bark in the Park." We propose a "Celebration of Cats" to include all things pertaining to cats and how to keep them safe, happy, and healthy.

**Humane Society (HSSV) Services: Janine Ceja (Director)**

**HS of Skagit Valley provides services from South Snohomish to Skagit County and east to Darrington and west to Oak Harbor, including Arlington, Everett, Mount Vernon and the Swinomish Reservation. It is a No-Kill shelter except in dire situations such as a terminally ill animal.**

**\*Animal care, spays and neuters, micro chipping**

**\*Re-homing pets**

**\*Adoption (705 cats in 2015!!)**

**\*Foster care for neonates that come into the shelter unadoptable so they can be adoptable**

**\* Education and outreach**

**\*Trap neuter release**

**\*Low income spay & neuter for dogs & cats**

**\*Transfer in and out to partner shelters throughout the Pacific NW**

**\*Marketing, internet, social media**

**\*2<sup>nd</sup> chance shelter animal medical care for those out-of-the-ordinary expenses that may mean the animal would have to be euthanized but instead gets a 2<sup>nd</sup> chance to be adopted**

**\*An average stay for a cat is 34 days, but many get homes fairly quickly while less than 2% are here for up to a year**

**\*Open 7 days a week**

**\*Quarantine services for animals that need to be held for law enforcement. They have the training, skills & equipment to handle such situations.**





## Anacortes City Council

### Proposed Agenda Items for the Next Eight Weeks Beginning May 9, 2016

*Subjects listed below have been tentatively suggested for consideration by the Anacortes City Council on the dates indicated. Items may be added to, removed from or rearranged on this list. Routine business such as approval of minutes, vouchers and consent agenda items is not included. The complete Preliminary Agenda for each meeting is published at 3:00 on the Wednesday prior to the meeting. Published Agendas are subject to change and may be updated following the posting period. For additional information on agenda topics, please contact the City Clerk's office at 360-299-1960 to be directed to the sponsoring staff member.*

#### May 9, 2016

- Historic Preservation Board Update (Discussion)
- Planning Committee Update: AMC Title 19 (Discussion)

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#### May 16, 2016

- Public Hearing: Ordinances 2975, 2976, 2977, Jeretzky, Allen and Rockwood Right of Way Vacations (Discussion/Possible Action)

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#### May 23, 2016

- Skagit Community Action Update (Discussion)
- Marine Tech Schools Update (Discussion)

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#### June 6, 2016

- Public Meeting: Proposed Water Use Efficiency Goal (WUE) (Discussion/Possible Action)

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#### June 13, 2016

- WSDOT 2017 SR 20 Spur Overlay Project Presentation (Discussion)

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#### June 20, 2016

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#### June 27, 2016

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#### July 5, 2016

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#### Upcoming City Council Committee Meetings

*The public is welcome to attend City Council Committee Meetings.*

- Finance, Wednesday, Apr 27, 2016, 5:00 PM, Johnny Picasso's, 501 Commercial Avenue
- Public Works, Monday, May 2, 2016, 5:00 PM, Main Floor Conference Room (Parks Office)
- Housing Affordability & Community Services, Thursday, May 5, 2016, 1:30 PM, Main Floor Conference Room (Parks Office)
- Planning, Monday, May 9, 2016, 5:00 PM, Main Floor Conference Room (Parks Office)
- Finance, Wednesday, May 11, 2016, 5:00 PM, Johnny Picasso's, 501 Commercial Avenue
- Public Works, Monday, May 16, 2016, 5:00 PM, Main Floor Conference Room (Parks Office)
- Tourism Promotion Strategic Planning, Thursday, May 19, 2016, 4:30 PM, Anacortes Public Library Meeting Room
- Parks & Recreation, Thursday, May 19, 2016, 6:00 PM, Main Floor Conference Room (Parks Office)
- Planning, Monday, May 23, 2016, 5:00 PM, Main Floor Conference Room (Parks Office)

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