



ANACORTES PLANNING COMMISSION

March 10, 2021

AGENDA

6:00 PM

A. Roll Call

B. Minutes

- 1) Minutes of February 10, 2021

C. Correspondence

D. New Business

- 1) Planning Commission Review of Land Use Projects and Legislative Actions (Discussion).

E. Old Business

- 1) Shoreline Master Program (SMP) Periodic Update Discussion

The City of Anacortes encourages people with disabilities to participate in public meetings. For assistance with special needs, please contact the City Clerk at 360-299-1960 in advance of the meeting.



Planning Commission Public Hearing Minutes for February 10, 2021

This is not a verbatim transcript of the meeting and is written to capture the general spirit of the discussion based upon notes and video observation by the author. To view the video recording of this meeting, click [here](https://www.anacorteswa.gov/700/Watch-Meetings), or go to <https://www.anacorteswa.gov/700/Watch-Meetings>.

Chair MacKenzie called the virtual Public Meeting of February 10, 2021, to order at 6:00 p.m.

Roll Call

Members Present: Commissioners Ruether, Jeretzky, MacKenzie, Cortright, Molyneaux, Graf

Absent: Commissioner Martin

Staff Present: Don Measamer, Libby Grage, Tess Cooper, Dave Oicles

Others present: Marine Floats Corp representatives Tabitha Simonetti and Logan Brown.

Minutes

The Minutes of December 9, 2020 were accepted as submitted.

Correspondence

Don Measamer, PCED Director, welcomed Commissioners to the 2021 planning season and summarized upcoming projects the PCED Staff is working on.

New Business:

SDP-2020-0002 Bayside Moorage Marina

Tess Cooper, Senior Planner, gave a presentation on this open record pre-decision meeting concerning the project, and explained the proposal by Marine Floats Corp. The timeline is to have the decision presented to City Council on March 8, 2021. In summary, PCED Staff recommends approval of this shoreline substantial development permit with conditions. Commissioners asked questions about the project with contractor representatives Tabitha Simonetti and Logan Brown answering questions, along with Staff.

Chair MacKenzie opened the Public Hearing at 6:27pm and asked for public comments. The following presented comments:

- Jerry Rutledge, 2411 Skyline Way #108, commented on noise levels & operating hours.

With no other public comments presented, Chair Mackenzie closed the Public Hearing at 6:42.

Discussion ensued among Staff and Commissioners with questions answered by Staff and project contractor representatives. Commissioner Molyneaux made a motion to approve with conditions presented and move decision to City Council. Chair MacKenzie seconded the motion. All Commissioners present voted to approve the motion 6-0.

With no further discussion, Chair MacKenzie concluded the meeting at approximately 7:04 p.m.



Planning Commission Agenda Bill

Meeting Date: March 10, 2021 **Agenda Item:** E.1.

Subject: Shoreline Master Program (SMP) Periodic Update Discussion

Staff Contact: LIBBY GRAGE

Approved for Submittal to Commission by

LIBBY GRAGE

LIBBY GRAGE

DON MEASAMER

Action Type

Discussion

Summary Statement: Staff will provide an overview of the public comments received during the joint public comment period for the proposed amendments to the SMP. The public comment period ended on December 18, 2020. City staff and The Watershed Company are working to provide responses to the comments in a matrix. Public Comments received are summarized and linked in the attached documents, and can also be found here:

<https://www.anacorteswa.gov/DocumentCenter/Index/1386>

Background: The City is conducting a periodic update to the Anacortes Shoreline Master Program as mandated under the Shoreline Management Act. Additional information can be found on the [SMP periodic update project website](#).

Previous Action: The Planning Commission held work sessions to review the proposed amendments to the SMP on July 22, 2020, August 26, 2020 and October 14, 2020. The Department of Ecology and the Planning Commission held a joint public hearing to take public comment on December 9, 2020. The written public comment period ended on December 18, 2020.

Competing Viewpoints Considered:

Recommended Motion: N/A

Alternative Actions:

Attachments (listed in order presented):

1. DRAFT Comment Response Matrix- Written Comments Only
2. DRAFT Comment Response Matrix - Verbal Comments

Public Comment Summary: City of Anacortes SMP Periodic Update
City & Ecology Joint Public Comment Period, November 18 – December 18, 2020
WRITTEN COMMENTS RECEIVED

Comment Number	Comment Topic and Section Number (Citation)	Commenter	Comment	Local Government Response and Rationale
<u>1</u>	4.5.14, see also Table B-7	Deborah Call	(Commenter is asking for a simplified clarification). Is this asking the publics' opinion on extending the trail along the Guemes canal to connect with downtown?	
<u>2</u>	Table 5.1 Use Matrix, SMP 5.11 Urban Maritime	Heather Roderick	Commenter is concerned regarding the rezoning of 1502 5th Street after the existing "Wild Ocean" building is demolished. Comments refer to the property's Residential Development as a Conditional Use; would prefer to see the character of Old Town Anacortes remain intact, suggestion for a sculpture garden.	
<u>3</u>	Table 5.1 Use Matrix, SMP 5.11 Urban Maritime	Bill Grace	Comments associated with re-zoning property at 1502 5th Street. Would like to see the city purchase and create a park, or have existing neighboring properties (Anchor Cove Marina or Trident Sea Food) purchase and extend their present size. Condominiums in the space is last choice.	
<u>4</u>	Table 5.1 Use Matrix, SMP 5.11 Urban Maritime	Linda Grace	Comments regarding the property on 5th Street, Wild Ocean. Provides a list of several preferred options over condos; includes a public park, park with increased ferry parking, or light commercial/industrial use.	
<u>5</u>	4.5.14, see also Table B-7	Debrah Call	Updated comment after receiving clarification from City staff: Although it sounds convenient and nice for the public, I'm more concerned about the environmental impacts of the shoreline, water, wildlife, hillside vegetation, ect being impacted by a trail extension. A trail is not more important than the nature of the area.	

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<u>6</u>	Table 5.1 Use Matrix, SMP 5.11 Urban Maritime	Nels Strandberg Heron House Holdings LLC	RE 1502 5th Street property. Requesting consideration to allow Multi-family/Residential to be added as a "Conditional Use" in the Urban Maritime designation SMP Update and flexibility regarding commercial use given the practically impossible access to the water.	
<u>7</u>	SED Amendments (No. 2); Figure 5.1	Marilyn Derig, et al	See attached letters from 2013/2014 referring to same zoning concern* These letters have to do with the inconsistency with zoning (Old Town and R2) and the Urban SED.	
<u>8</u>	SED Amendments (No. 2); Figure 5.1	Hal Rooks	Commenting to express support for changing the Shoreline Environmental Designation between B Avenue and H Avenue, along the Guemes Channel, from Urban to Shoreline Residential. The change addresses inconsistencies between municipal zoning regulations and the Shoreline Master Program.	
<u>9</u>	SED Amendments (No. 2); Figure 5.1	Gene Derig	Supports comments submitted by Hal Rooks regarding the SMP update 2020; the much-needed change will bring predictability to the planning process for all concerned.	
<u>10</u>	SED Amendments (No. 2); Figure 5.1	Marilyn Wells Derig	Supports comments and recommendations of Hal Rooks, and those of the Watershed Company, encouraging a change in the Shoreline Designation from Urban to Shoreline Residential between B and H Avenues. The change will improve compatibility with the Comp Plan, SMP, and City zoning, which is important to the neighborhoods, and improve the predictability for the City and future applicants for development.	

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<u>11</u>	5.6 (E); Policy 5.6.6	Evergreen Islands	Concerned about the SMP leniency toward historic structures, specifically the resurrection of the GEM project (located at the Sebastian-Stuart Dock) and other similar proposals for the other canneries and other existing structures along the Guemes Channel. To illustrate concerns, the comment letter relies on excerpts from legal comments presented in (3) letters from Aramburu & Eustis (see attachments).	
<u>12</u>	4.5.14, see also Table B-7	William Gregory	Pleased in changing the zoning near the canneries from Urban to Residential, requiring Habitat Assessment Report for projects near the shoreline marine environment is a very positive step. Concerns regarding the expansion of the Guemes Channel Trail through Shannon Point. Opposed to the 12 foot wide paved "trail" and concerned about vegetation restoration.	
<u>13</u>	3.1; Figure 5.1	Brian Wetcher	SMP draft allows permitted conditional use in nearly all shoreline designations, contradictory to and in conflict with the underlying use designation of shoreline zones. Consistency in zoning regulation has been an element of contention for project development and conservation efforts. Compliance monitoring is complaint driven, and therefore permitted conditional use permit conditions after project completion are unlikely to be monitored. Request for the City to designate an environmental compliance officer within the existing staff.	
<u>14</u>	1. SED Amendments (No. 2); 8.4(A) and Section 12.2; Table 5.1; DR-9.9.5	Dennis Clark, Department of Natural Resources	1. DNR requests that the City maintain the Shoreline Environmental Designation (SED) in the "Canneries" reach of the Guemes Channel as "Urban" to protect the constitutionally-mandated Anacortes Harbor Area. Reference to WAC 173-26-201(d)(ii). DNR is opposed to the proposal to change the Canneries SED from Urban to	

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			Shoreline Residential as doing so is not in the statewide interest. 2. DNR recommends updating the definition of “aquaculture” and supports removing the permitting requirement for wildstock geoduck harvest. Recommends the City replace the definition of aquaculture with that found in WAC 173-26-020(6). 3. DNR requests the SMP be supportive of low-impact aquaculture uses. Consider classifying single-slip FLUPSYs uses as “permitted” under Table 5.1. 4. DNR requests changing “extended moorage” duration in DR-9.9.5 from 5 to 30 days. DNR’s moorage rule allows for up to 30 continuous days moorage (WAC 332-52-155).	
15	5.6 (E); Policy 5.6.6; 4.5.14, see also Table B-7	Carol Bordin	Fully supports, accepts, endorses, and agree with comments given, both written and verbally to the City of Anacortes Planning, with regards to the Draft Shoreline Master Plan in the City of Anacortes geographic and demographic area by the following entities: Evergreen Islands, Sierra Club, and Martha Hall, respectively. Appreciates dedication in preserving shorelines by adhering to SMA (RCW 90.58) and Shoreline Master Program Guidelines (Chapter 173-26, Part III WAC)	
16	Table 5.1 Use Matrix, SMP 5.11 Urban Maritime	Alison Sherman	Commenter is concerned regarding the rezoning of 1502 5th Street after the existing “Wild Ocean” building is demolished. Comments refer to the property’s Residential Development as a Conditional Use; would prefer to see the character of Old Town Anacortes remain intact, suggestion for a sculpture garden.	
17		Judy Bushnell	Concerns regarding the Heron House Holding proposal; including the zoning change from light manufacturing to	

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	Table 5.1 Use Matrix, SMP 5.11 Urban Maritime		residential, compliance with current residential zoning rules for Old Town area, objections to the size of the planned building and increased traffic hazards.	
18	Table 5.1 Use Matrix, SMP 5.11 Urban Maritime	Clay F. Wilcox	Comments against the application made by Heron House Holding for residential development to be allowed as a Conditional Use for the property located at 1502 5th Street; development of high-end waterfront condominiums will not be in keeping with the Old Town purpose, uses, and density designations in the City of Anacortes' 2016 Comprehensive Plan.	
19	Table 5.1 Use Matrix, SMP 5.11 Urban Maritime	Joan Barlow	Commenter opposes lifting and changing zoning laws regarding proposed condo building on fifth street, has seen that new housing Stranberg built on 10th and 6th has caused the neighbors lack of view and sunshine. Protect what zoning restrictions are already in place.	
20	SED Amendments (No. 2); Figure 5.1	Mary Beth Conlee	Writing to share opposition to the conditional use permit for the old cannery site at 1502 5th Street. Will be glad to see cannery safely removed but the proposed development is not in keeping with the town's documented vision for Guemes Channel or for Old Town.	
21	AMC, Chapter 19, Table 19.20.030-1	Andrea Doll	Concern is for lack of early notice to the public for certain administrative actions and decisions; accessory dwelling units, boundary line adjustments, clearing and grading, and site plan review of 10 or less dwelling units should have public notice, notice of application, notice of the comment period, and of the period of appeal. The Director makes the decision to proceed, without public notice, and if there is an appeal it is not directed to the Planning Commission, but to the Hearing Examiner.	

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			Important that areas of authority be considered and modified.	
<u>22</u>	Table 5.1 Use Matrix, SMP 5.11 Urban Maritime	Dick de La Chapelle	Commenter is against HHH's application to allow the building of homes or condos on the lot currently occupied by the derelict cannery at 1502 5th St. Granting of the application is not consistent with the character of "Old Town" and permitting homes on the lot would permanently prevent future development of projects requiring water access.	
<u>23</u>	Table 5.1 Use Matrix, SMP 5.11 Urban Maritime	Laura Lavigne	Told by a friend that the Wild Ocean Building location was being considered as a potential location for condos/parking. If this is the case, please add my voice to the ones of those who would like very much to see this NOT happen.	
<u>24</u>	4.5.14, Table B-7, Ship Harbor wetland interpretive trail	Cathleen Burns	Please do not allow any more degradation of our shorelines, even for a trail. Our fish are so endangered we need all the spawning grounds we have left for them. We cannot continually alter and degrade our shorelines.	
<u>25</u>	5.6 (E); Policy 5.6.6 and SED Amendments (No. 2); Figure 5.1	Arlene French	Completely agrees with the comments submitted by Evergreen Islands, particularly as the SMP pertains to Reuse of Historic Over-Water Structures, opposition to the GEM project and its inappropriate use for the Red Cannery. References the 2016 Comprehensive Plan, Land Use, LU 1.5 that states reuse of historic over water structures should minimize impact on adjoining residential areas upland. Regarding the SMP and the current Light Manufacturing Zone pertaining to K Avenue, strongly suggests the carving out a small pocket	

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			sized rezone, to R4, or to approve a CUP, to accommodate a proposed development of 4 upscale condos, would set a terrible precedent.	
26	Table 5.1 Use Matrix, SMP 5.11 Urban Maritime	Diane and John Guinn	Writing to express comments against application made by Heron House Holding LLC for Residential Development to be allowed as a Conditional Use for property located at 1502 5th St. Old cannery building should be removed as soon as possible to reduce the negative environmental impact it has to surround land and water. A development of high-end waterfront condominiums is not keeping with the Old Town purpose, uses, and density designations in the City of Anacortes 2016 Comprehensive Plan. Waterfront is precious and should be developed in keeping with the character of the neighborhood.	
27	4.5.14, 4.6.B, Table B-7	Karen Ana King	Commenter doesn't understand 1) why the current Shore Management Plans weren't protective of the area along the Guemes Channel Trail; 2) why plans dictated by state and federal agencies weren't carefully/responsibly followed by Strandberg when construction happened; 3) why there was such a large overrun in expense when the basics of design weren't even followed; why required mitigation wasn't enforced; 4) why the city hasn't held those who compromised the integrity of the bluffs over the trail accountable for the erosion damage that was caused; 5) why City is so determined to put a 12-foot wide non-motorized transportation route through the buffer zone of the sensitive wetlands at Ship and across Shannon Point; 6) why the City didn't ever even consider the analysis and disclosure of alternate routes that would be less environmentally destructive, safer, more	

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			accessible, cheaper, quicker, easier, when the state was refinishing it. 7) How would the public feel about City's plans if they truly understood the ultimate cost to them, the taxpayers. There are so many questions and concerns that the City has never addressed. No penalties for violations of any CAO's or SMP to date.	
28	Figure 5.1; Table 5.2 and Section 5.12 B (Development standards); Section 5.12.B.2(G); Restoration Plan Appendix; Chapter 2.7; DR 8.4.8 and Table 5.1; Section 8.13 and DR 6.9.1 B(4)	Daniel C. Worra, Port of Anacortes	The Port is in general agreement with proposed amendments, although recommends certain revisions to the draft SMP update in the community's best interest. Comment 1- Retain current Urban shoreline designation for two existing older cannery facilities to allow for flexibility of reuse. Suggests alternatively changing the landward zoning to conform to the shoreline urban redevelopment. Comment 2- Draft SMP includes provisions for a visual impact assessment to address development projects within the shoreline jurisdiction where the building height will exceed 35 feet. Provide guidance and clarity to what views should be preserved and what considerations should be included in a view analysis. Add to Section 5.12.B.2(G): Allow over height Port facilities when in compliance with RCW 90.58.320 and/or by a shoreline conditional use permit. Comment 3- Update the Restoration Plan to provide further information on two Port of Anacortes projects that were identified in the top 25 projects of the plan. Comment 4- The Port believes the moratorium must have a higher standard than set forth in the SMP update. See comment for desired requirements. Comment 5- The Port sees no reason to distinguish non-commercial aquaculture from commercial aquaculture. Comment 6- Port facilities	

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			should be added as allowed maintenance under a geological hazard area. Section 8.13 does not clearly state, but should, that Port facilities are a transportation facility. Comment 7-State Regulations in WAC 173-26 utilize the word “shall” and not “must”. In many instances, “shall” and “will” were replaced with “must”. At a minimum for consistency in regulatory language, “shall” should be used.	
29	SED Amendments (No. 2); Figure 5.1	Triton America, LLC	Triton-America, LLC is the owner of the cannery property with the address of 1904 7th Street, Anacortes, WA 98221. Requests that the city maintain the Shoreline Environmental Designation of the “Canneries” properties including ours as “URBAN” to allow the water dependent commerce and uses which this designation would support. We oppose the changing to Shoreline Residential as doing so will hinder the intended uses of the property Triton-America, LLC would have. In fact, in the effort to create consistency with the underlying zoning, for our property, the City of Anacortes should change the Zoning instead of attempting to change the Designation.	
30	SED Amendments (No. 2); Figure 5.1	Hal Rooks (see previous comment from 12-6-20)	Regarding application made by Heron House LLC for Residential Development to be allowed as a Conditional Use for the property located at 1502 5th St, Anacortes. This waterfront property is designated Urban Maritime in the 2010 SMP. Rather than high-priced condos, I urge the city to use funds embarked for the Guemes walking trail to purchase the property for public access to the water for all residents. Urges the City to deny the application.	
31		Beth Bell	Writing regarding the application by Heron House Holding, LLC for the Residential Development to be	

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	SED Amendments (No. 2); Figure 5.1		allowed as a Conditional Use for the property located at 1502 5th Street, Anacortes. Against the project for a couple of reasons: 1) it is designated for Urban Maritime per the 2016 Comprehensive Plan and 2) Principle Uses and Density as called for within the plan explicitly states for single family detached dwellings...the current proposal is not in keeping with "Old Town Purpose or Character" and I don't believe they have the acreage for the population density they are requesting.	
32	SED Amendments (No. 2); Figure 5.1	Gordana Curgus	Writing to express comments against the application made by Heron House Holding LLC for Residential Development to be allowed as a Conditional Use for the property located at 1502 5th St, Anacortes. Old cannery building should be removed as soon as possible; a development of high-end waterfront condominiums is not in keeping with the Old Town purpose, uses, and density designations of the City of Anacortes 2016 Comprehensive Plan.	
33	Chapter 2.3; Gap Analysis 2007(b), Table 3-1, Issue No. 5; Section 2.4 (B,C,E); Chapter 5.4, Figure 5.1, SED Amendments No. 2; Table B-7; Policy	Evergreen Islands	Evergreen Islands submits the following comments regarding the draft SMP: We support changing the word "shall" throughout the document to "must". (1) The most recent inventory and assessment of shoreline resources was completed in 2009- what has been changed? (2) Please include the mandatory lists and maps of streams and lakes by name in the document as required. Evergreen Islands asserts that the City need to require a Habitat Assessment Report as recommended by the consultant (The Watershed Company). (3) Recommend the paperwork clearly state the category of shoreline exemption sought and/or approved. Support changing the shoreline designation from Urban to Shoreline	

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	4.8.5; Chapter 6.5		Residential between H and B Avenue, as well as the proposed changes near SHIP from Conservancy to Shoreline Residential. Evergreen Islands does not support a waterfront trail where there would be unacceptable environmental impacts and/or public safety risks. (4) Who is conducting monitoring and have existing regulations protected shorelines? Evergreen Islands support the proposed changes to strengthen the protection of trees and vegetation but urges the City to effectively implement these regulations as well as provide better oversight on related restoration and mitigation projects. Witnessed spotty implementation and lack of oversight. (5) Finally, Evergreen Islands urges the City to continue its transparent public processes for considering conditional uses and variances.	
34	Chapter 6.5	Kathleen Lorence-Flanagan	(1) Commenter welcomes the replacement of “shall” with “must”. (2) How is compliance monitored? Recommends a process for documenting compliance be incorporated into Chapter 6.5, as well as consequences for non-compliance. (3) Consistency in titles when referencing the Shoreline Administrator, Planning Director, Planning Community, and Economic Development Director. (4) DR-6.5.7 – identify who grants the approval. (5) DR-6-5-7a-c - It is recommended the word “tree” be specifically included with the plant inventory that is described in a and b, especially since trees are mentioned repeatedly in this section and have a multitude of functions along the shoreline, including shade provision.	

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			(6) DR-6.5.7(e) - For clarity, it is recommended that the decision maker who determines on-site mitigation is not possible, be specified. Is it the City, the contractor, a riparian plant specialist, a landscaper? (7) DR-6.5.7(g) - The implication is that a coniferous tree 6 inches in height is acceptable. What do “Best Science Practices” say is an appropriate size range? (8) DR-6.5.8 - What is the rationale for calling out water-dependent uses and public access trails? Perhaps I am not understanding ‘locational requirements’, but I should think any shoreline activity would be subject to the same requirements. (9) DR-6.5.9 - What is this exemption?” Where does one apply and who authorizes it?” Additionally, a comma between ‘exemption’ and ‘provided’ makes it read more sensibly. (10) DR-6.5.9 b Both elements are appreciated improvements. (11) DR-6.5.9 c, <i>“Trimming impacts to the following critical areas may require evaluation and a report prepared by a qualified professional to demonstrate: i. No direct impact [on] the nearshore functions and values including fish and wildlife habitat, ii. [It] Is not within a wetland or wetland buffer, and iii. It does not impact soil stability in landslide and erosion hazard areas. 2 points: 1) this is grammatically awkward; the words in brackets are missing. One expects “the following critical areas” to be identified, but they aren’t. 2) Who decides if an evaluation is needed? And who is the ‘qualified professional’? A biologist? A wet-land specialist? A geologist?</i>	

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			(12) DR-6.5.9 d > DR-6.5.9 e > Both are missing. (13) DR-6.5.9 f, <i>No trimming for view preservation can be over 25% of limbs in a five year period, so long as DR-6.5.9 b is also met. Photo documentation must accompany the shoreline permit application...</i> This will hopefully prevent some of the extreme trimming and topping that has been tolerated to-date. (14) DR-6.5.9.g, <i>"A photo of the tree is required as an as-built submittal, post permit issuance."</i> Is this referring to a building permit? Recommendation is for specification of the type of permit, as well as the photo being pre-permit. (15) DR-6.5.9.h, <i>"Hazardous trees or those identified as an extreme public nuisance by the Shoreline Administrator, may be removed under an ISA Tree Risk Assessment by a qualified arborist"</i>. Is the qualified arborist removing the tree or is the arborist doing the ISA Tree Risk Assessment? What qualifies the Shoreline Administrator to make these decisions? (16) DR-6.5.9.i, In regards to removal of invasive or non-native vegetation, <i>"a minimum of one native conifer"</i> must be planted within the shoreline setback. Additionally, <i>"A plan can be drawn by the applicant, so long as it is to scale, showing native species proposed, for permit submittal."</i> As Commissioner MacKenzie pointed out at the Oct. 14 meeting, <i>a lone conifer rarely thrives. Specification of the number of trees per square footage is recommended. The last sentence, in combination with 'f' and 'g', implies a permit is required. Specify the permit and from whom.</i>	

Comment Number	Comment Topic and Section Number (Citation)	Commenter	Comment	Local Government Response and Rationale
			(17) DR-6.5.9. j, Addresses removal of trees with ground based motorized equipment...must have “a professionally drawn plan showing requirements of DR-6.5.11 and other applicable SMP and dev. regulations.” and must have “prior written approval of the Shoreline Administrator.” Tree removal along the GCT was seen this last Spring, that, according to the contractor was approved by the SA. It was very nearly a clear cut. As always, there may be more to the story, but It raises questions about the process. (18) DR-6.5.10, “The Planning...Director may require a performance bond as a condition of shoreline exemption.” DR-6.5.13, The City may require a performance bond as a condition of shoreline exemption or shoreline permit approval, to ensure compliance with this Master Program. These seem nearly duplicative. Recommendations: Combine into one, if possible. Define the criteria for “may” as well as length of time the bond can be held. (19) DR-6.6.2, This is in the section following Vegetation Conservation. It starts with a reference to AMC 19.70. Not understanding what is being addressed here, I went to AMC 19.70, which says “reserved”. I presume this is because the CAO has not yet been adopted. Without being able to reference that document, it is impossible to comment on the meaning and/or significance of DR-6.6.2. I would like to add that when different documents are referenced, it would be extremely helpful to have a direct link specified immediately after the reference. Reviewing these documents is an onerous, sometimes confusing process. Provision of the link may help!	

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35	(68 page comment)	Martha Hall	1. Add a positive statement of support for protecting our shoreline. 2. Much more opportunity for public review and comments is needed throughout the sections on mitigation. 3. The sequence and timing of various permits and public comment periods and public hearings must be changed so that the public is able to access and use and comment on the input from experts who weigh-in on these permits. 4. Add additional wetlands and ponds to the Little Cranberry-Big Beaver Pond complex. 5. Whistle Lake is also connected to a beaver pond called Toot Swamp.	
36	Chapter 1.2 B	Mt. Baker Group, Washington State Chapter Sierra Club	The first goal of “economic development” in Section 1.2B seems a bit out of place and does not embrace the context of that term as used in the SMA, seeming at odds with the preferred goals enunciated in the SMA.	
37	SED Amendments, No. 2; Figure 5.1	Patrick M. Warren	Sebastian Stuart, LLC is the future owner of a historic cannery and plan on rehabilitating the property to include a small scale crab-off loading station and fishery hub that is not disruptive to the neighborhood. Wish to make the Guemes Channel Trail and public access to it on the plan’s prime objectives. Not in favor of changing the designation of these lands in our vicinity to Shoreline Residential. This designation is in conflict with DNR objectives to encourage harbor activities and conflicts with some of the activities we must do to comply with our lease obligations to the State of Washington.	
38	Chapter 2.4 E; Policy 9.5.8;	Bob Warinner, WDFW	1. Reference WDFW’s <i>Marine Shoreline Design Guidelines</i> (link) in the SMP in order to ensure that applicants are aware of the new rule requiring least	

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	Policy 9.9.3 (d); 9.11 (A)		impacting technically feasible alternative for every saltwater bank protection project. 2. Add language to specifically define a joint use structure, the advantages, and what is required to qualify. The WAC has specific allowances for the joint use docks that may help with language in SMP. 3. Add to DR-9.9.3(d) that WDFW is an additional agency that can provide information to limit the impact of buoys. 4. We suggest that dynamic revetment be included under “soft” techniques.	

Public Comment Summary: City of Anacortes SMP Periodic Update
City & Ecology Joint Public Comment Period, November 18 – December 18, 2020

PUBLIC HEARING COMMENTS – December 9, 2020*

**(Numbers 1-38 are written comments)*

Comment Number	Comment Topic and Section Number (Citation)	Commenter	Comment (Abbreviated; please see original correspondence for exact language, supporting arguments, and/or supporting material citations)	Local Government Response and Rationale
39	SMP 6.5	Kathleen Lawrence Flanagan 2005 10 th St.	My comments are limited to chapter 6.5 on vegetation conservation. The updates have indeed strengthened the protection of trees and vegetation. For example, the change of wording from shall to must throughout this chapter is stronger and that's appreciated. The focus on tree trimming for view preservation versus creation is also stronger. Compliance and oversight however remain a big concern. Nothing in the chapter speaks to who will monitor compliance, for example at the one year two year and five year mark specified in the regulations.	
40	SMP 10	Kathleen Lawrence Flanagan 2005 10 th St.	It's recommended a clear process for oversight of compliance be addressed as well as what consequences there may be when regulations are not followed.	
41	SMP 6.5	Kathleen Lawrence Flanagan 2005 10 th St.	Some general comments first there's a change in height for replacement of coniferous trees from the current standard have at least five feet in height to up to 8 deep which means a 3 inch tree could be planted and perhaps that's appropriate but I'm wondering what the rationale is for the change and what are the best science practices.	
42	AMC 19.20.030	Kathleen Lawrence Flanagan	Secondly consistent identification of who is responsible for certain decisions would be helpful, for example, it's stated	

		2005 10 th St.	that a proposed watering system needs approval but it doesn't say who the grantor of that approval is.	
43	SMP 6.5	Kathleen Lawrence Flanagan 2005 10 th St.	Thirdly it seems like education of developers Realtors buyers etc seems key to compliance with these regulations and so it's recommended that a plan be included for how this might be facilitated	
44	SMP 2.5	Kathleen Lawrence Flanagan 2005 10 th St.	4th when exceptions are granted on permit applications it's requested that the type of exempt exemption be named.	
45	SMP 5.6 Table 5.1	Kathleen Lawrence Flanagan 2005 10 th St.	unrelated to chapter 6.5 but related to the shoreline I want to comment on the November 4th Anacortes American article about the condemned fish plant that sits between anchor Cove Marina and Trident seafoods at 5 th and K. The site is zoned light manufacturing and that plus shoreline regulations reportedly prevent the owner from building 4 condominiums there it's also noted that a conditional use permit for condos is not allowed. The article goes on to say that contractor Strandberg is hoping for a change in the SMP that will allow the condos to be built. To change regulations for a specific site and a specific contractor seems unconscionable and I just hope that what was reported is not reality.	
46		Martha Hall 2617 16 th St.	I'd like to see a positive purpose to the plan. On page 2 it says that the city is adopting this plan because it wants to protect our environment and wildlife that uses the shoreline environment as public assets that are really valued. It sounds more like reading the purpose that it was kind of dragged to the table and forced to do this and I think citizens really support protecting salmon and orcas and I'd like to see us seen as the community that believes in this.	
47		Martha Hall 2617 16 th St.	Second is, who is the shoreline administrator throughout this program in this plan? I don't know who that is and I'm wondering if they are qualified to make the decisions that are given to this person. And related to this is this person impartial and this is especially important because the city of	

			Anacortes is often the applicant who's taking the permits required under this plan, such as permits to build the Guemes channel trail or the building at SHIP that the city is wanted for so long. I believe that when the applicant is the city, the application and process should be handled by someone who is impartial, not the city, for all the obvious reasons that many have watched for the last 10 years as the city built broad paved transportation routes along a stretch of the shoreline and Guemes channel. When the city was done, no impartial judge would say that there was no net loss of ecological function. It was a huge loss on this shoreline. The city denies this but since they're the judge and jury, they're right. The project was not completed as promised or described. The mitigation has still not been completed. Even a simple signage has not been completed correctly. These projects were completed under our shoreline master plan and it failed to meet the standards on no ecological loss. What happened and how did it fail? Violations and inadequate mitigation also occurred on private property, this was allowed, the city allowed this, and the plan failed. Until we find out why the plan failed for the last 10 years we won't know if it'll work in the next 10 years.	
48		Martha Hall 2617 16 th St.	Under mitigation I'd like to mention three things: First that the city should not be waived or excluded from having to have a performance bond. We have seen in the last 10 years that the city doesn't perform well and to exclude itself kind of disingenuous in its we know it's dangerous. So I oppose having a waiver for the city. Also then monitoring plants for only five years is not adequate. We know this again from this the projects that we watched in the last 10 years. Some of them are not done and they're 10 year old projects. So the monitoring should occur as long as the standards and the promises have not been kept if it takes 20 years until it has been done. The projects were approved as no net loss of ecological function based on mitigation.	
49		Martha Hall 2617 16 th St.	And third, the public needs to be involved in mitigation. As it stands now the public is not allowed to see, comment, or	

			even have information on mitigation. I've been told more than once that this just is not something that the public has a right to see and we don't see it and we can't find out about it. This needs to change because we are the Police Department on some of these projects. It's not the city who's policing city projects. There's not nearly enough public involvement in review and participation in much of this document and I think that that needs to be looked at throughout this. And again this is for city projects as well as on private property.	
50		Martha Hall 2617 16th St.	The draft says shoreline of Little Cranberry would be included as well as big Beaver pond. Based on the same criteria used to include big Beaver pond, I believe that the wetlands above Big Beaver would also qualify. Those wetlands and the year round streams connecting them do influence our shoreline. They hold and slowly release water that drains into the saltwater. The city controls and limits the holding capacity of both Big Beaver and Little Cranberry Lake. Holding this water is very important to our shoreline rather than letting it run out. This wetland system is very beneficial to salmon and orcas and our marine habitats. And perhaps the same thing could be done about another extensive wetland at smiley's bottom. It's a natural valley that also holds city stormwater runoff. Holding stormwater, filtering it, is extremely important.	
51		Rick Eggerth 1304 39th St. Bellingham, WA	I am the chairperson of the Mount Baker group of the Sierra Club. And then before I wanted to mention why I'm addressing you, I think that I want to mention that I really appreciate, and I think all of us appreciate the amount of work that has gone into this by the Commission the staff, The Watershed Company. We do acknowledge it is tremendous amount of effort and commend you all for doing such a great job thank you. What I want to mention is that in the Mount Baker group we encompass San Juan, Skagit and Whatcom counties. In Anacortes alone we have about 260 members, Skagit we have about 550 members and entire membership of the group is of almost 3000 in the 3 counties. But when	

			you look at our supporters as well those who aren't necessarily members but support what we do in Sierra Club Skagit has nearly 2500 supporters, Skagit another nearly 6000, San Juan County there are nearly 1,000. I mention this because areas of the shoreline areas of Anacortes are truly a regional resource, you have state parks, sorry not State Parks necessarily, but, parkland, beaches, the state ferry comes into Anacortes. These are areas that are used not just by those in Anacortes, but by the entire region they are true regional gem of a resource and I encourage you to keep that in mind. I realize you are the Anacortes Planning Commission but you have to recognize, and I hope you recognize, that these lands are utilized by far more than just the city of Anacortes, and they should be valued as a regional resource that that needs to remain a regional resource and needs to be dealt with with that in mind. So thank you again for your time and allowing me to comment, and I am done.	
52		Bill Gregory 816 Thurman Lane Sedro-Woolley	I am the Skagit County representative for the Mount Baker Sierra Club. I do with again to thank the Commission for the opportunity to comment on the shoreline management program update and just thank you for all the hard work in the Commission and staff on taking us enormous and hugely consequential task.	
53		Bill Gregory 816 Thurman Lane Sedro-Woolley	There are several things that we really are pleased about such as changing the zoning for the canneries from urban to residential. Also happy about the change, request for change to require a habitat assessment report for projects near shoreline marine environment. That is on page 14 of the watershed company gap analysis. Protection of vegetation trees along the shoreline as outlined in update is also positive as long as it impacts are monitored and enforced.	
54	SMP Restoration Plan	Bill Gregory 816 Thurman Lane Sedro-Woolley	But we do have concerns. Primarily these relate to the expansion of the Guemes Channel trail through Shannon Point as noted in appendix B-4 dot 1.3 Table B-7. The best news there is that perhaps through previous very significant public input the proposal excludes the area in and around ship harbor wetland. This is an extremely sensitive and	

			fragile wetland of what used to be a thriving shoreline and upland and cannot withstand the impact of a trail through it. The not so good news is that there is not mention of how the trail will connect to the proposed Shannon Point section. Like many of you I like to hike and walk and Anacortes area is blessed with an abundance of trails with incredible beauty and environmental significance. With great resources however comes great responsibility. So much is lost already even with the best of intentions and even more will be irreparably lost if the trail for Shannon Point is built as proposed. First, what is proposed is not a trail but a road at 12 foot wide paved impermeable gash, a virtual highway built for speed and convenience destroying the very nature it purports to value. There are places on Shannon Point there the Bluff has sluffed to the shoreline at one side with steep banks to a wetland on the other bordered on the far side by another steep bank with housing above. How can you do the proposed 12' trail there without armoring the bluff or destroying a wetland. Sadly, it is possible that the potential for the funding of this project might be through state or highway funds which required this massive 12 foot wide roadway and the damage that will entail. A small path, lightly graveled and thoughtfully placed, would open this amazing area to people who will take the time to stroll through the beautiful landscape. I'm asking that paved trails be prohibited in the Shannon Point preserve and the ship harbor area.	
55		Brian Wetcher 2407 Forest Park Lane Anacortes	My concerns tonight are with conditional use in this document. In this draft, almost every area on the shoreline is subject to preventive conditional use. Over the years controversies involving ambiguous and contradictory regulatory language particularly around projects on the shoreline. The SMP is basically a zoning document. As such the zoning document of the part of the SMP should be clear and consistent. Considering that many of the decisions in the public process now are now relegated to administrative decisions about the threshold approval of many of these	

			projects, I would say that we need to eliminate the conditional use in all these areas because either a use should be permitted, or it should not be permitted. Accordingly, if we allow conditional uses throughout these areas, we ensure that there will be controversy eventually with the surrounding community through conflicting uses.	
56		Brian Wetcher 2407 Forest Park Lane Anacortes	Further once these projects are conditioned we do not have a compliance mechanism to allow for monitoring their condition compliance down the road in the future and this is a future document that we're looking at. So I would also encourage the Commission to both read my written comments and to encourage the city to appoint an environmental monitoring designated officer that will be in charge of monitoring long-term conditions for these projects. I would point as an example that the city has not even complied with many of their own requirements in the permits requiring revegetation on parts of the Tommy Thompson trail and parts of the Guemes trail. Permitted conditional use invites long-term degradation of the shoreline. Either you should be permitted or it should not be permitted. Let's make the zoning and the uses as clear as possible to avoid as much controversy as possible.	
57	SMP 5.6	Tom Glade 210 Mansfield Court Anacortes	We're very concerned about the shoreline master program's leanings towards historic structures. In particular is the section page 47 is topic called use of historic overwater structures. And part of it says that the city of Anacortes's comprehensive plan encourages adaptive reuse of historically significant structures. And then policy 5. 6.6 says refurbish or rebuild existing piers and wharves to maintain a modern-day link with history. But we're particularly concerned about the resurrection of projects similar to this Gems projects and other proposals for canneries and canneries along the Guemes Channel.	
58	SMP 5.6, Table 5.1	Tom Glade 210 Mansfield Court Anacortes	We submitted a letter that relies on the legal comments presented by or Aramburu and Eustis on behalf of save our neighborhoods. And so Gems proposed to completely remove the existing deteriorated pier and pilings to construct	

			a completely new overwater commercial development including a three story hotel, a two story restaurant, a large parking lot parking area for 45 vehicles, together with widening the current access route down to the shoreline. The proposed pier will extend 300 feet into Guemes channel and be 120 feet wide. The vast majority of the proposal would be located on public lands owned by the state of Washington. To provide more parking Gems purchased nearly 1/3 block of residential neighborhood in the Old Town area which could be converted into a commercial parking lot by removing the two homes that existed at that location. Since that location was located ½ mile from Gems, Gems planned to provide a valet service to shuttle people to their facility. The route for the service was not direct and would wind through the neighborhoods. Even with the off water and onsite parking was not sufficient to handle all their big customer vehicles during peak hours. As a result customers would park on the neighborhoods and walked. Ostensibly that shuttle service would operate late into the evening and throughout the evening customers would be likely to walk through the quiet neighborhood. Gems claim that their proposal was a redevelopment or renovation of the existing pier. This is not the case. The existing pier and pilings would be completely removed and a new dock would be constructed. The proposed construction cannot be considered repair, maintenance or replacement of existing structure. The current water dependent use for related activities will cease to complete the building would be constructed for purpose for commercial purposes and non water dependent uses.	
59		Dennis Clark WDNR	The State Department of Natural Resources manages 2.6 million acres of state-owned aquatic lands for the benefit of all people of the state and a good number of those acres are in the city of Anacortes. For this reason the Department offers the following comments to the city as it updates its SMP. The Department routinely offers comments to cities	

			and counties as they update their SMP. I will submit a letter which covers four points.	
60		Dennis Clark WDNR	The most important one is that we request that the city maintain shoreline environmental designation at the canneries reach as Urban and not change it to Shoreline Residential. Of all the state-owned aquatic lands managed by DNR among the most important are harbor areas. Established by article 15 of Washington state constitution, harbor areas shall be forever reserved for landings, wharves, streets and other conveniences of navigation and commerce. The state in fact requires local governments to reserve land for harbor areas. Immediately abutting the canneries shoreline environmental designation is the Anacortes Harbor area. DNR manages this land associated with the cannery piers in this reach. We endorse the city keeping the urban classification for the land abutting the harbor area so as to maintain and support the constitutionally established purpose of the harbor area. DNR agrees that the Urban classification of the narrow strip 15-100 feet wide is appropriate to properly sustains urban use of the abutting harbor area. Consequently, DNR is opposed to the proposal to change the canneries SED from urban to shoreline residential. Instead the inconsistency with the underlying zoning should be addressed by changing the zoning, not the classification.	
61		Marlene Finley 1410 Kellogg Place Anacortes	First, I want to talk about some of the positive changes in the draft SMP. Changing the shoreline environment designations between the canneries is a positive. It will better reflect the residential neighborhood; the nature of these neighborhoods, and it will avoid and reduce future land use conflicts. Also changing the SED at the bottom of Edwards Way near ship harbor is a positive. It makes sense. Also a positive is that making changes that improve the consistency between the comprehensive plan the critical area ordinances and the shoreline master program. And lastly I wanted to mention the positive changes that are proposed in chapter 6 on vegetation and conservation standards, as Alex described	

			earlier. These will further protect trees and vegetation along the shoreline. Also, I want to compliment the city planning staff for improving and updating maps during this process and making them available to the public.	
62	SMP 6.7	Marlene Finley 1410 Kellogg Place Anacortes	A few concerns I have. One, where is the habitat requirement for habitat assessment reports in the update? The gap report recommended that the city require habitat assessment reports for projects adjacent to shoreline marine environments to help calculate buffers for critical saltwater habitat and I can't find that requirement.	
63		Marlene Finley 1410 Kellogg Place Anacortes	Also, at some point we need to update the shoreline inventory and assessments in order to do adaptive management, you have to have monitoring. Chapter 4 talks about restoration and adaptive management. It also talks about incentives to reduce buffer to allow for reducing buffers and setbacks, but you can't do that if you don't know the status of your shoreline.	
64		Marlene Finley 1410 Kellogg Place Anacortes	I want to encourage processes in reviewing conditional uses, variances, and mitigation that are public processes, that are open processes. With more flexibility added to this update we need to make sure there's an opportunity for the public to know and to comment on changes that are proposed.	
65	SMP 2.3	Marlene Finley 1410 Kellogg Place Anacortes	And last, the final gap analysis makes it mandatory to list and map streams and lakes. I can't find this in the update.	
66		Carol Bordin	I just wanted to make a full comment on behalf of Marlene Finley's comments. I fully endorse and accept what she's just presented to the Commission. I appreciate all her hard work and all the hard work that all of you are putting into it from the city and Planning Commission this evening.	