



- Meetings may be viewed on the [City of Anacortes website](#), on the City of Anacortes [YouTube](#) Channel, or on TV [Channel 10](#).
- The public may also watch or listen to the meeting live by visiting <https://us02web.zoom.us/j/85918981678> or by telephoning 1-253-215-8782 and entering Meeting ID 859 1898 1678.
- Listen to the meeting by phone: 872-240-3412, Access Code: 261-991-485
- The public is encouraged to comment via email to pced@cityofanacortes.org, via written comment addressed to PCED, P.O. Box 547, Anacortes, WA 98221, or via e-comment (<https://www.anacorteswa.gov/700/Watch-Meetings> - click on meeting you wish to provide comment and in upper right corner is an option to include Public Comment). Public comments received prior to 3:00 p.m. the day of the meeting will become part of the record for the meeting, just as if presented in person.
- Complete guidelines for virtual participation in Anacortes Planning Commission meetings are available [here](#) (page 2). View the quick video example for connecting to the meeting [here](#).

ANACORTES PLANNING COMMISSION

October 13, 2021

**Municipal Building Council Chambers
6th Street and "Q" Avenue**

**** This meeting will be held electronically only ****

AGENDA

6:00 PM

[VIEW PACKET MATERIALS HERE](#)

- A. Roll Call**
- B. Minutes**
 - 1) Draft Minutes of 09/22//2021
- C. Correspondence**
- D. New Business**
 - 1) Bonus Height provisions in the R4 Use Zone, AMC 19.50.42 C, concept discussion
 - 2) Public Hearing - SDP-2021-0008 - Delmar/Brownson Dock Replacement
- E. Old Business**

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 September 22, 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>.

Commission Chair MacKenzie called the Public Hearing of September 22, 2021, to order at 6:00 p.m.

Roll Call:

Members Present: Commissioners Mike Cortright, Gary Molyneaux, Jeff Graf, Sarah Ruether, Frank Jeretzky, Linda Martin, Ward MacKenzie

Members Absent: none

Staff Present: Don Measamer, Emily Morgan, Dave Oicles

Minutes: The minutes from September 8, 2021, were accepted as submitted.

Correspondence: No additional correspondence other than the items currently on the agenda.

Old Business: None, except for: (Flood Plain Management, AMC chapter 19.74 updates) will be discussed at a later PC meeting on October 27, 2021 as we are waiting for more information concerning sea levels.

New Business: ***Ordinance 3091, Resolution 3043 related to Day Care II as a permitted use in the R4 Use Zone (Daycare II is defined as more than 12 adults or children in a 24-hour period)***
Don Measamer, PCED Director, gave a PowerPoint presentation on Ordinance 3091 and provided information on the permitted use, rather than requiring a Conditional Use Permit (CUP), which is a much lengthier process. Resolution 3043 on September 7, 2021, established a Work Plan to begin the discussions related to potential impacts of Daycare II as an allowed use in the R4 Use Zone. The meeting tonight was part of the Work Plan. Potential impacts could include pickup and drop off areas, traffic circulation, staff parking, and building size. Discussion ensued with Commissioners and Mr. Measamer answering questions.

At 6:32pm, Chair MacKenzie asked if there were any public comments. There were none.

With no further discussion, Chair MacKenzie concluded the meeting at 6:33pm.



Planning Commission Agenda Bill

Meeting Date: October 13, 2021 **Agenda Item:** D.1.

Subject: Bonus Height provisions in the R4 Use Zone, AMC 19.50.42 C, concept discussion

Staff Contact: DON MEASAMER

Approved for Submittal to Commission by

DON MEASAMER

LIBBY GRAGE

Action Type

Discussion

Summary Statement: Due to neighborhood concerns regarding a five-story building permit issued in the R4 Use Zone west of the commercial use zone, City Council adopted Ordinance 3054, declaring an emergency and adopting a moratorium on the acceptance of building permit and land use permit applications for the R4 Use zone west of the commercial use zone that propose to use the bonus height provisions of 19.42.050 C, 25% of the units not more than 600 sf. The bonus height would allow for an additional 10 ft in height above the 40 foot base height, 50 ft or five stories. The moratorium does not apply to the affordable housing bonus height provisions.

Several concepts were discussed at a public meeting on February 25, 2020 and staff received several comments related to the concepts, included in the packet. Other concepts will most likely come forward as we continue the discussion and public process.

The moratorium has been extended several times due to unforeseen circumstances and most recently extended by Ordinance 3097.

Background: With the adoption of Ordinance 3054 October 21, 2019 by City Council a moratorium was established on the acceptance of building and land use permits proposing the use of the Bonus Height Provisions of AMC 19.42.050 in the R4 Use Zone west of the Commercial Use Zone for a period of six months. The moratorium has been extended several times due to unforeseen circumstances.

Due to the current state of emergency with the COVID 19 pandemic work on reviewing and providing recommendations on regulatory amendments to AMC 19.42.50 through the public process has been limited.

City staff continues work on possible alternatives, however, deadlines established by the various work plans cannot be met due to restrictions on public meetings and hearings.

Proposed Ordinance 3069 extends the moratorium for a period of six months to allow additional time to involve the public and work through possible alternatives.

The moratorium does not apply to the acceptance of applications for projects that

propose using AMC 19.42.050. D, Affordable Units Option, thereby allowing the Anacortes Family Center project to move forward.

The following information is provided as additional background from the agenda bill from Ordinance 3054.

The R4 zone has a standard height limit of 40 feet, which has been in effect since 2008 (Ordinance 2794). Between 2008 and 1994, the height limit was 35 feet (Ordinance 2316). The City's 2019 development regulation update ([Ordinance 3040](#)), did not increase that standard height limit in the R4 zone, but did provide for a 10-ft increase in height over the standard height limit if (option 1) 25% of the total dwelling units contain 600 sq ft or smaller units; or (option 2) a qualifying number of affordable dwelling units is provided in the development. The bonus height provision now allows effectively for five-story development.

The City's purpose in enacting the bonus height provisions of AMC 19.42.050 was to incentivize the creation of new dwelling units that are either explicitly "affordable" (option 2), requiring monitoring and enforcement of rental prices of no more than 30% of the household income of households whose annual income is 50% or less of the area median income; or that are 600 sq ft or less (option 1), which have no explicit affordability requirements but are quite small and therefore highly likely to be less expensive than normal-size newly constructed dwelling units and will add more to the supply of housing in the city than larger units. When supply increases, prices decline. The City's purpose in providing for the bonus height incentive in the Commercial, Central Business District, and R4 zones was to allow for the most intense development in the City to occur in areas where services are most available (e.g., access to food, shopping, and transit) and where existing commercial development is most likely to be compatible, especially in the downtown core and areas between Commercial Ave and "R" Avenue. The City did not limit such new development to only one area, because that would reduce the likelihood that new development would occur.

The westerly portion of the Residential High Density District (the "R4 zone") (outlined in blue on the attached map) is bounded by "O" Avenue on its eastern edge for the first four and a half northern blocks, then jogs a half block toward Commercial Avenue and continues southward through the middle of the block between "O" and Commercial until it reaches the Medical Overlay zone. We believe that five-story development west of "O" Avenue may be too intense for the R4 neighborhood between "O" and "M" Avenue and adjoining streets, and that the City should pause acceptance of applications so that we can fully consider the impacts of such development in that area and re-engage with the community. But further development in the half-block of R4 between "O" Avenue and Commercial Avenue is consistent with the City's objectives in incentivizing high-density housing in the Commercial Avenue core where services are present, and where a wide street separates less-dense residential land uses.

This ordinance would enact a moratorium, which state law defines as a temporary measure that a city may use while it considers permanent regulations through the usual legislative process of enacting land use regulations (described in [AMC Chapter](#)

[19.16](#)).

The moratorium would apply only to applications that meet all of the following criteria:

- for a land use permit or building permit
- in the R4 zone
- east of "O" Avenue
- proposing to use the bonus height provisions of AMC 19.42.050 (i.e., more than the standard height limit of 40 ft)

The moratorium would be effective only for six months unless the City Council takes action to extend it for another six-month period prior to its expiration or unless the City Council adopts permanent regulations.

Previous Action: NA

Competing Viewpoints Considered: More discussion

Recommended Motion: NA

Alternative Actions: NA

Attachments (listed in order presented):

1. R4 Use Zone Draft Concepts
2. R4 Zone Bonus Height Draft Concept Discussion
3. R4 Zoning Map
4. Feb 25,2020 R4 Public Meeting Summary

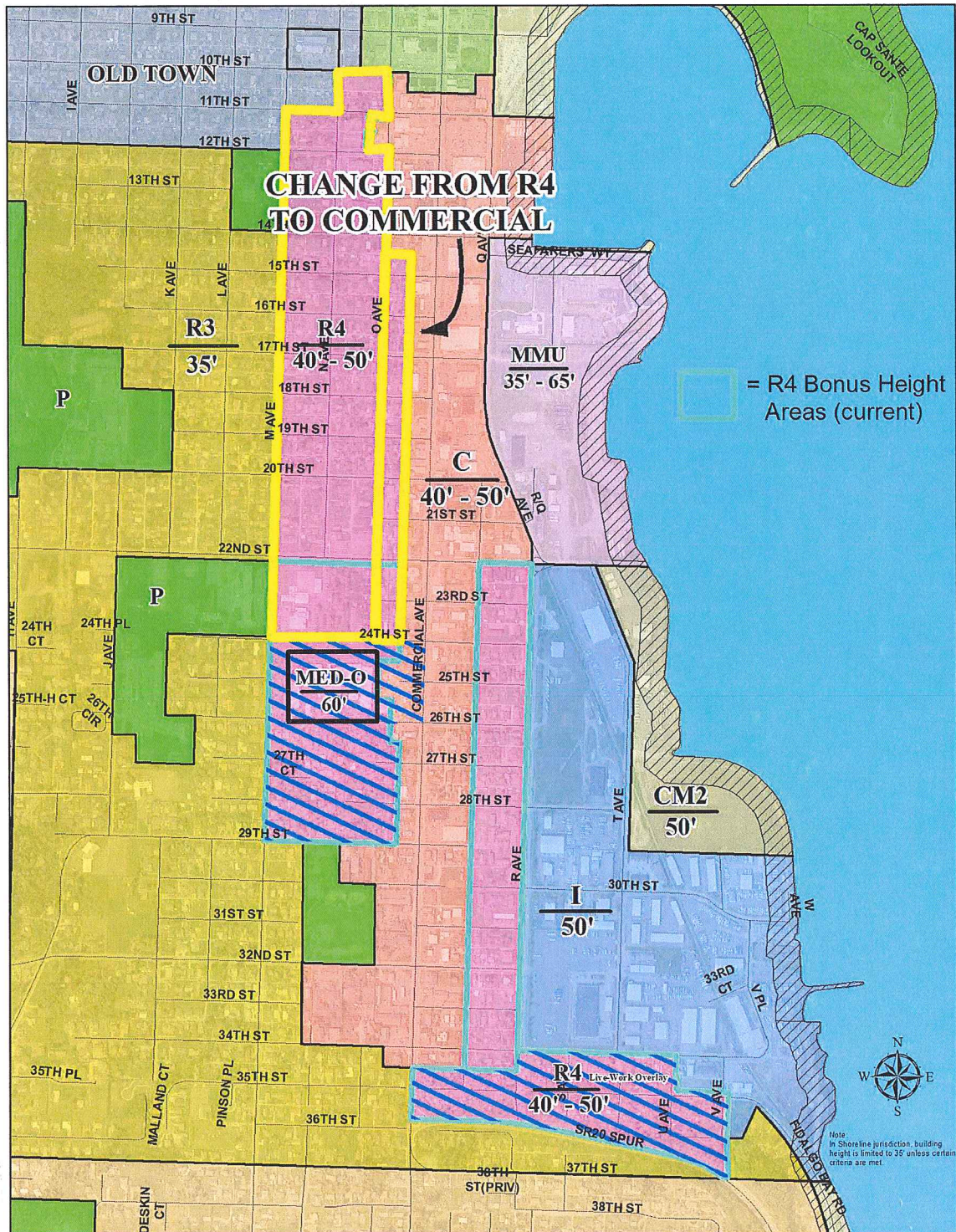
Concepts – For Discussion

	Concept	Advantages	Disadvantages / Challenges	Implementation
A	Rezone the ½ block between the Commercial zone and O Avenue from R4 to Commercial	- Commercial zone still allows single purpose multifamily - Increases development options for affected property owners - Makes some existing businesses conforming	- Makes existing SFRs/duplexes nonconforming - Extends potential for commercial development impacts closer to SFR neighborhoods - Does not address neighborhood's concerns about incompatibility, view blockages - Potential increase in commercial traffic on O Ave.	Requires comprehensive plan amendment (map at least) and rezoning
B	Modify applicability of the bonus height provisions to only apply to R4 study area east of O Ave.	Increases housing supply adjacent to, employment, services, and transit	Does not address neighborhood's concerns about larger structure incompatibility, view blockages	Development regulation amendment
C	Modify applicability of the bonus height provisions to terminate at the east side of N Avenue.	Increases housing supply adjacent to, employment, services, and transit	Does not address neighborhood's concerns about larger structure incompatibility, view blockages	
D	Eliminate bonus height provisions for entire R4 study area	Addresses neighbor concerns about height – maintains status quo	May adversely impact multifamily development feasibility and reduce availability of diverse housing types	Development regulation amendment
E	Tie bonus height to mandatory affordable housing/rent control units (no small unit option)	Produces long term affordable units; can target income levels based on need	Some developers expressed concern about long-term monitoring requirements	Development regulation amendment
F	Do not allow roof decks on buildings over a certain height	Results in more open space being provided on ground level, which may be more in keeping with surrounding neighborhood	Reduces developable area and may make feasibility more challenging	Development regulation amendment
G	Refine design standards to mitigate increased height impacts on streetscape and adjacent properties Consider upper story setbacks (all 4 sides or just street façade?)	May help lessen bulk/height impacts	Reduces number of units that can be developed	Development regulation amendment

Concept A

Description

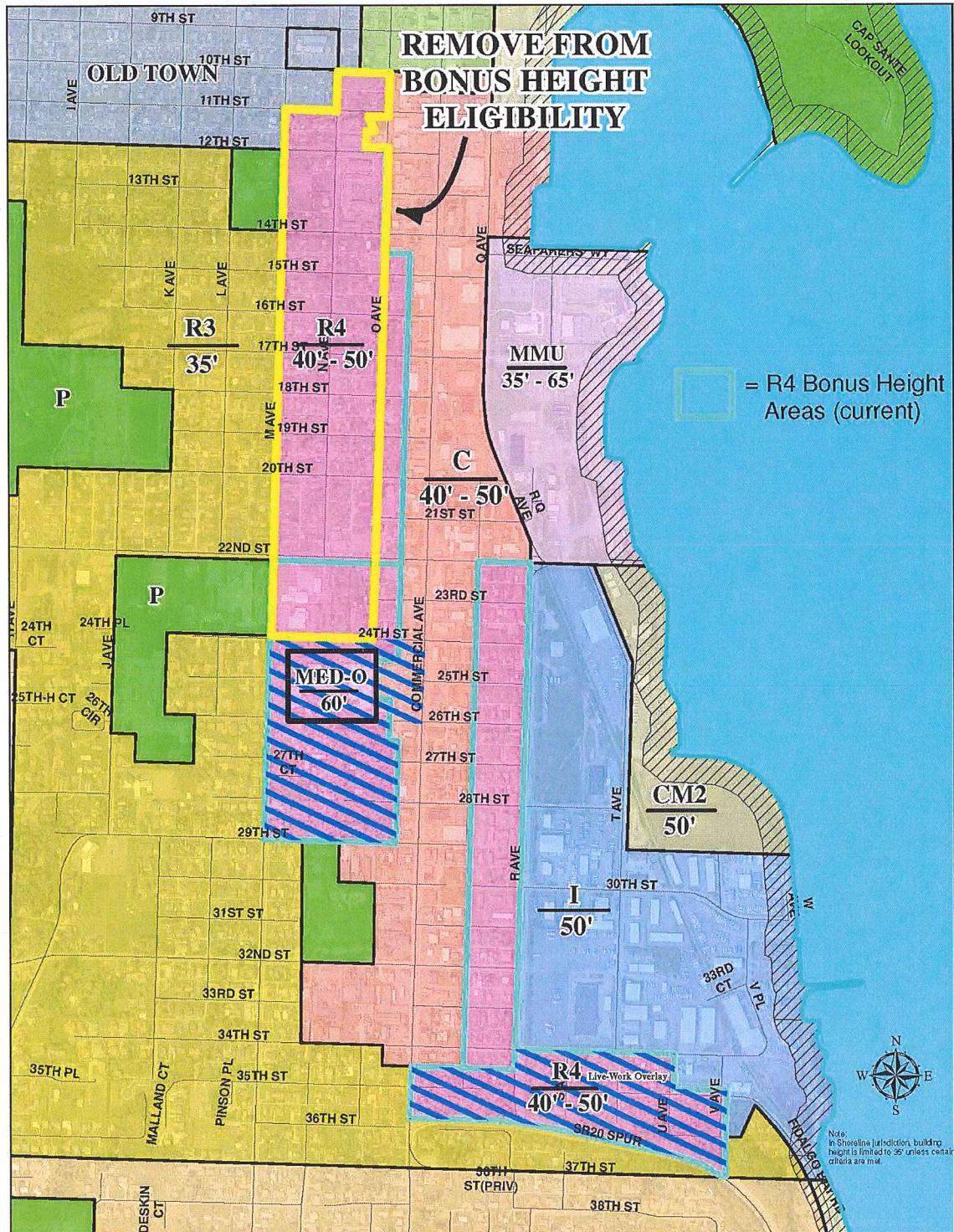
Rezone the 1/2 block between the Commercial zone and O Avenue from R4 to Commercial.



Concept B

Description

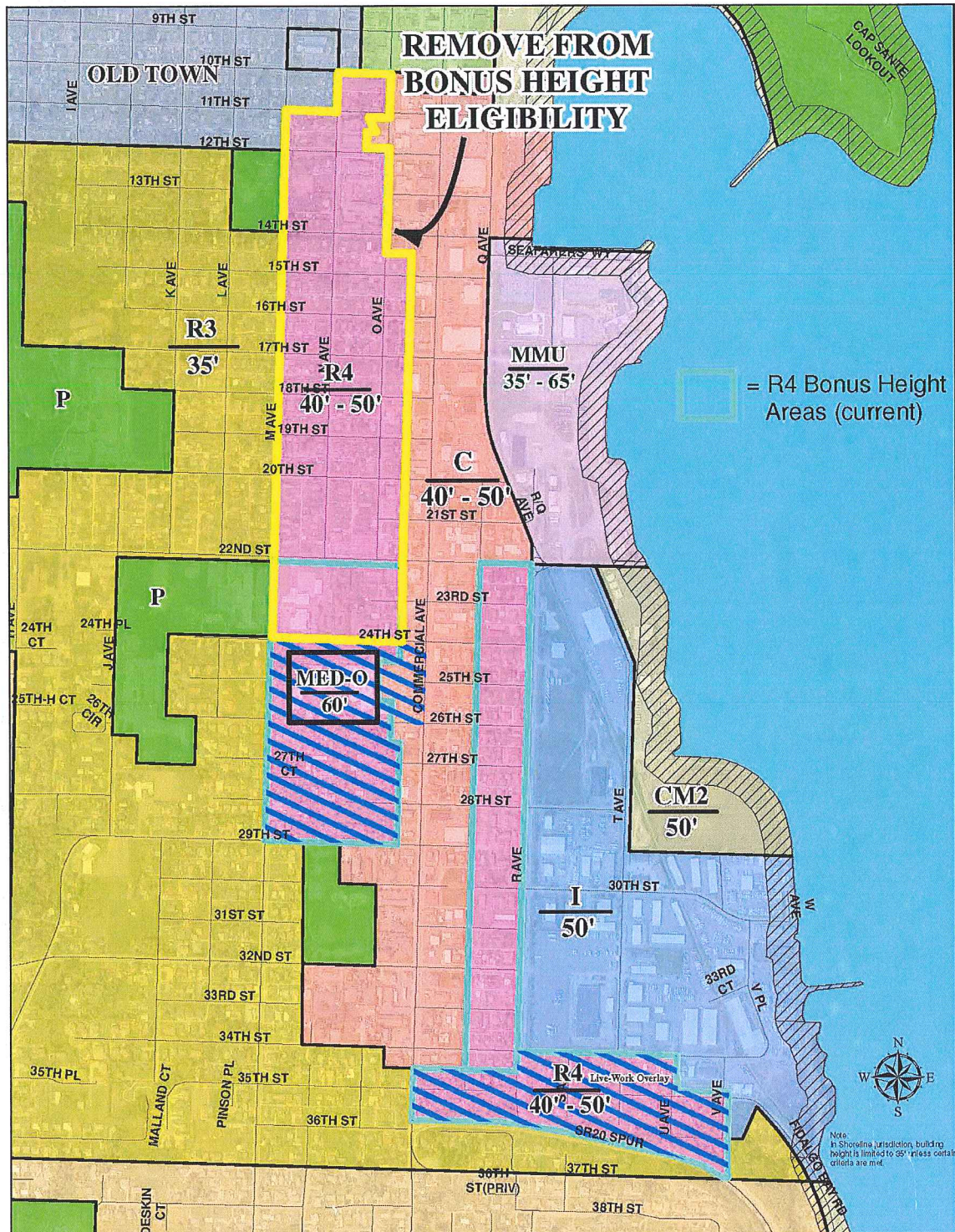
Modify the applicability of the bonus height provisions to only apply to R4 area east of O Avenue.



Concept D

Description

Eliminate the bonus height provisions for the entire R4 zone west of Commercial Avenue.



Concept E

Description

Tie bonus height to mandatory provision of affordable housing / rent control units (no small unit option).

What does "affordable" mean?

Per WAC 365-196-410:

- o In the case of dwelling units **for sale**, affordable housing has mortgages, amortization, taxes, insurance and condominium or association fees, if any, that consume no more than 30% of the owner's gross annual household income.
- o In the case of dwelling units **for rent**, affordable housing has rent and utility costs, as defined by the county or city, that cost no more than 30% of the tenant's gross annual household income.
- o Workforce housing is often defined as housing affordable to households earning between 80% to 120% of the median household income.



FY 2019 INCOME LIMITS DOCUMENTATION SYSTEM

[HUD.gov](#) [HUD User Home](#) [Data Sets](#) [Fair Market Rents](#) [Section 8 Income Limits](#) [MTSP Income Limits](#) [HUD LIHTC Database](#)

FY 2019 Income Limits Summary

Selecting any of the buttons labeled "Explanation" will display detailed calculation steps for each of the various parameters.

FY 2019 Income Limit Area	Median Family Income Explanation	FY 2019 Income Limit Category	Persons in Family							
			1	2	3	4	5	6	7	8
Mount Vernon-Anacortes, WA MSA	\$79,100	Very Low (50%)								
		Income Limits (\$)	26,600	30,400	34,200	38,000	41,050	44,100	47,150	50,200
		Explanation	\$665	\$760	\$855	\$950				
		Extremely Low								
		Income Limits (\$)*	16,000	18,250	21,330	25,750	30,170	34,590	39,010	43,430
		Explanation								
		Low (80%) Income								
		Limits (\$)	42,600	48,650	54,750	60,800	65,700	70,550	75,400	80,300
		Explanation	\$1,065	\$1,216	\$1,369	\$1,520				

The Mount Vernon-Anacortes, WA MSA contains the following areas: Skagit County, WA;

\$XXX = Monthly affordable housing cost - rental units

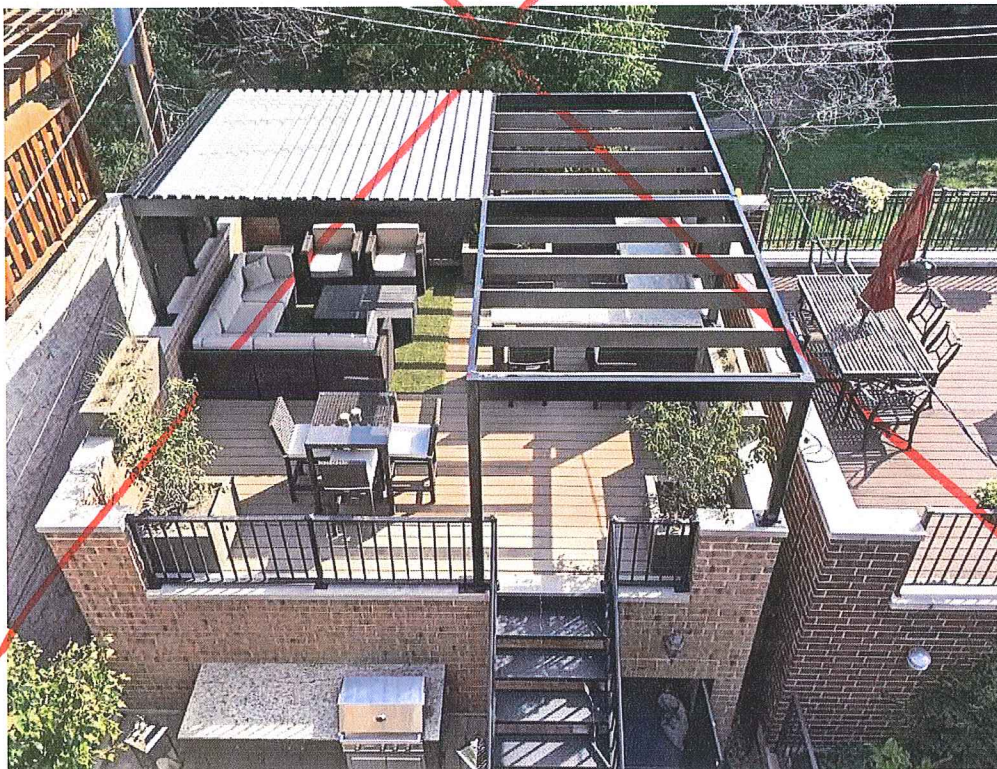
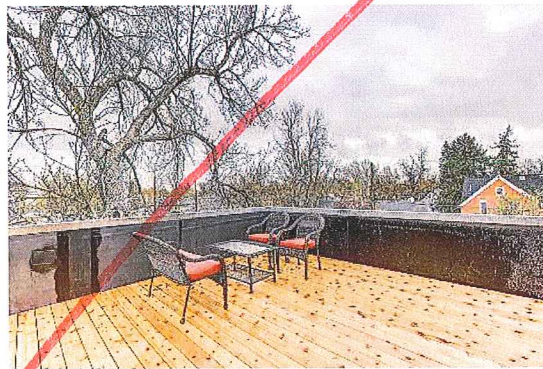
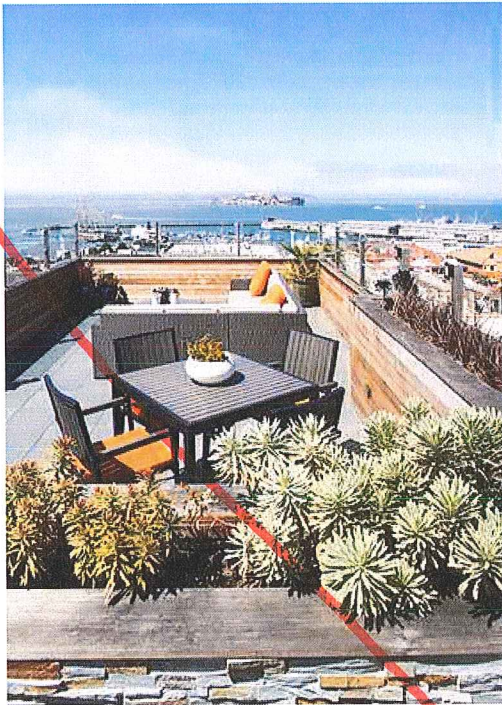
\$XXX = Monthly affordable housing cost - ownership units



Concept F

Description

Do not allow roof decks on buildings over a certain height.



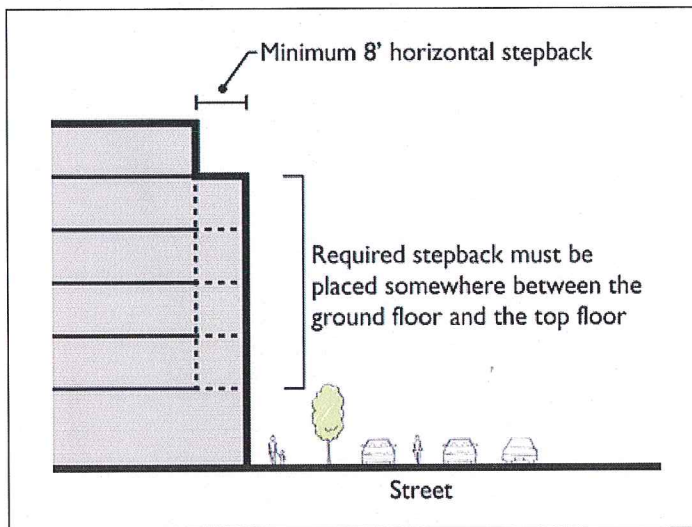
Concept G

Description

Refine design standards to mitigate increased height on streetscape and/or adjacent properties.

Examples of current standards in other zones that are applicable to taller buildings:

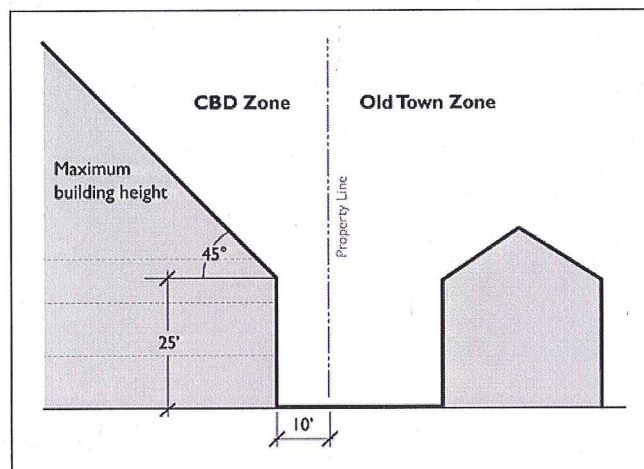
Illustration of required building setbacks for tall buildings.



Tall building setbacks currently apply to new buildings exceeding the base height in CBD and MMU zones.

Illustrating minimum interior side setbacks where CBD-zoned properties abut the OT zone.

Increased side setbacks, including an increase at a 45-degree angle inward up to the maximum height apply to CBD-zoned properties abutting Old Town.

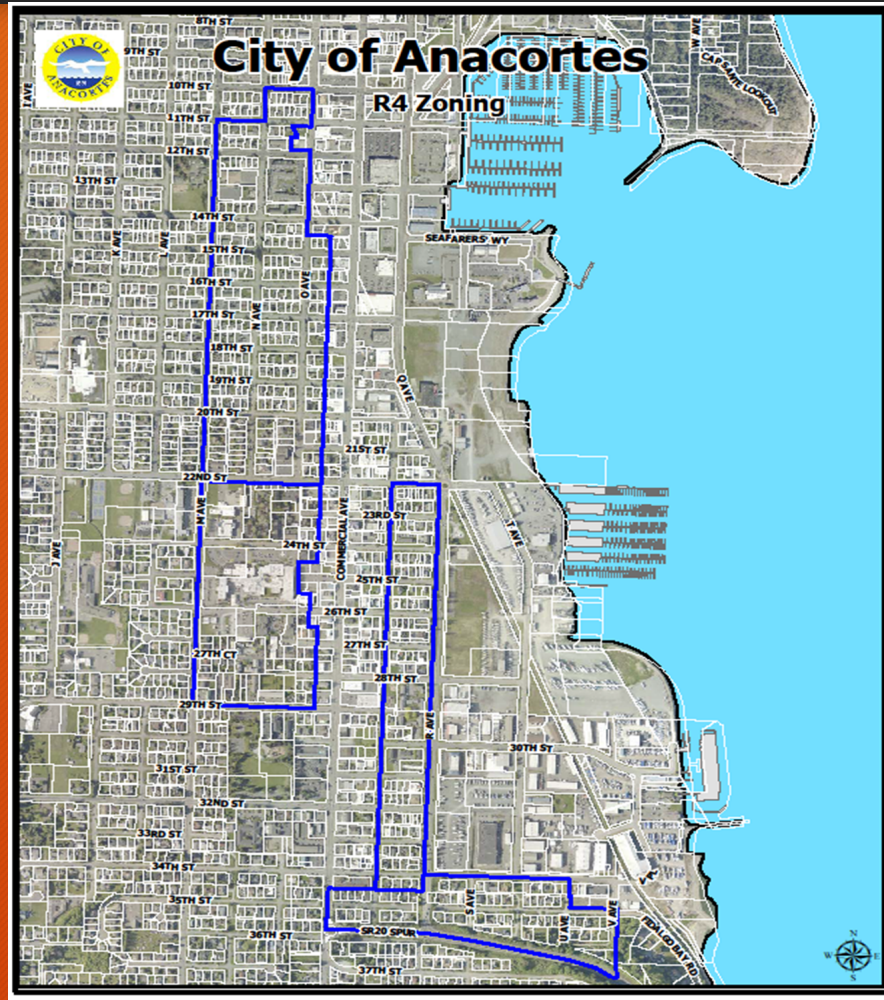


R4 Zone Building Height

City Council Discussion
September, 2021

Why Are We Here?

- **Ord. 3040** (Effective 8/5/19)
 - Major Code Rewrite
 - Adoption of height bonus option in several zones, including R4
- **Development application submitted**
 - 50' tall apartment building in R4 zone west of Commercial Zone, based on bonus height provisions of AMC 19.42.050.
- **Concerns expressed by community members**



AMC 19.42 Bonus Incentives

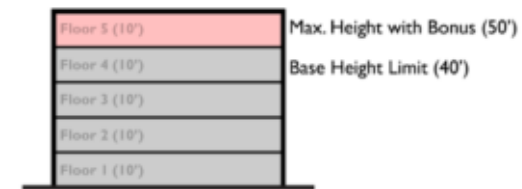
19.42.050 Bonus incentives in the R4, C, and CBD zones.

This section was recently added by Ordinance 3040, codified in November 2019.

- A. *Purpose.* To allow flexibility in building height in exchange for the integration of affordable dwelling units into the development.
- B. *Applicability.* Height bonuses are available to development in the R4, C, and CBD zones as established in this chapter, provided it complies with one of the affordable housing options in this section.
- C. *Option 1: Small Units.* Developments where at least 25 percent of the total dwelling units contain no more than 600 square feet of gross floor area qualify for the height bonus.
- D. *Option 2: Affordable Units.* Developments that integrate affordable dwelling units per the standards below qualify for the height bonus.
- For every three dwelling units occupying floor area above the base height limit, at least one affordable dwelling unit must be integrated into the development. Dwelling units larger than 1,400 square feet (leasable/living area, excluding common hallways) qualify as two standard dwelling units. Note: Applicable floor area over base height limit refers to any floor-to-ceiling space of applicable dwelling units or shared recreational or amenity space that exceeds the base height limit established in Tables 19.42.020 and 19.42.030. See Figure 19.42.050 for an example.
 - For every 2,000 square feet of shared recreational or amenity space that is integrated into floor area that occupies space above the base height limit, at least one affordable dwelling must be integrated into the development.

Figure 19.42.050

Height bonus example—How affordable housing requirements are measured.



The example building in the R4 zone contains one floor that exceeds the base height limit. The table below illustrates what is included on each floor and the number of required affordable units that are required to be integrated.

Floor	Floor statistics	Number of required affordable units (to be integrated on any floor in the building)
5	2 dwelling units (average 2,250 sq. ft.) + 3,000 sq. ft. shared recreation/amenity space	= 2 affordable units min.
4	8 dwelling units (average 938 sq. ft.)	None required
3	10 dwelling units (average 750 sq. ft.)	
2	10 dwelling units (average 750 sq. ft.)	
1	10 dwelling units (average 750 sq. ft.)	
Total		= 2 affordable units min.

Why Are We Here?

- **Ordinance 3054** (10/21/19)
 - Established a moratorium
- **Resolution 2068:**
 - Reaffirmed moratorium and adopted a Work Plan
 - Since pandemic the moratorium has been extended by Ordinance 3069, Ordinance 3076, Ordinance 3088, Expiring October 12 ,2021
 - Moratorium will need to be extended for an additional 6 months with a new work plan.

Ordinance No. 3054

An Interim Ordinance Declaring an Emergency and Adopting a Moratorium on the Acceptance of Certain Land Use Applications in the R4 Zone

Whereas the City of Anacortes recently adopted new development regulations (ordinance 3040) that, among other things, created new regulations governing the height limit in the R4 zone;

W/
he
co

RESOLUTION 2068

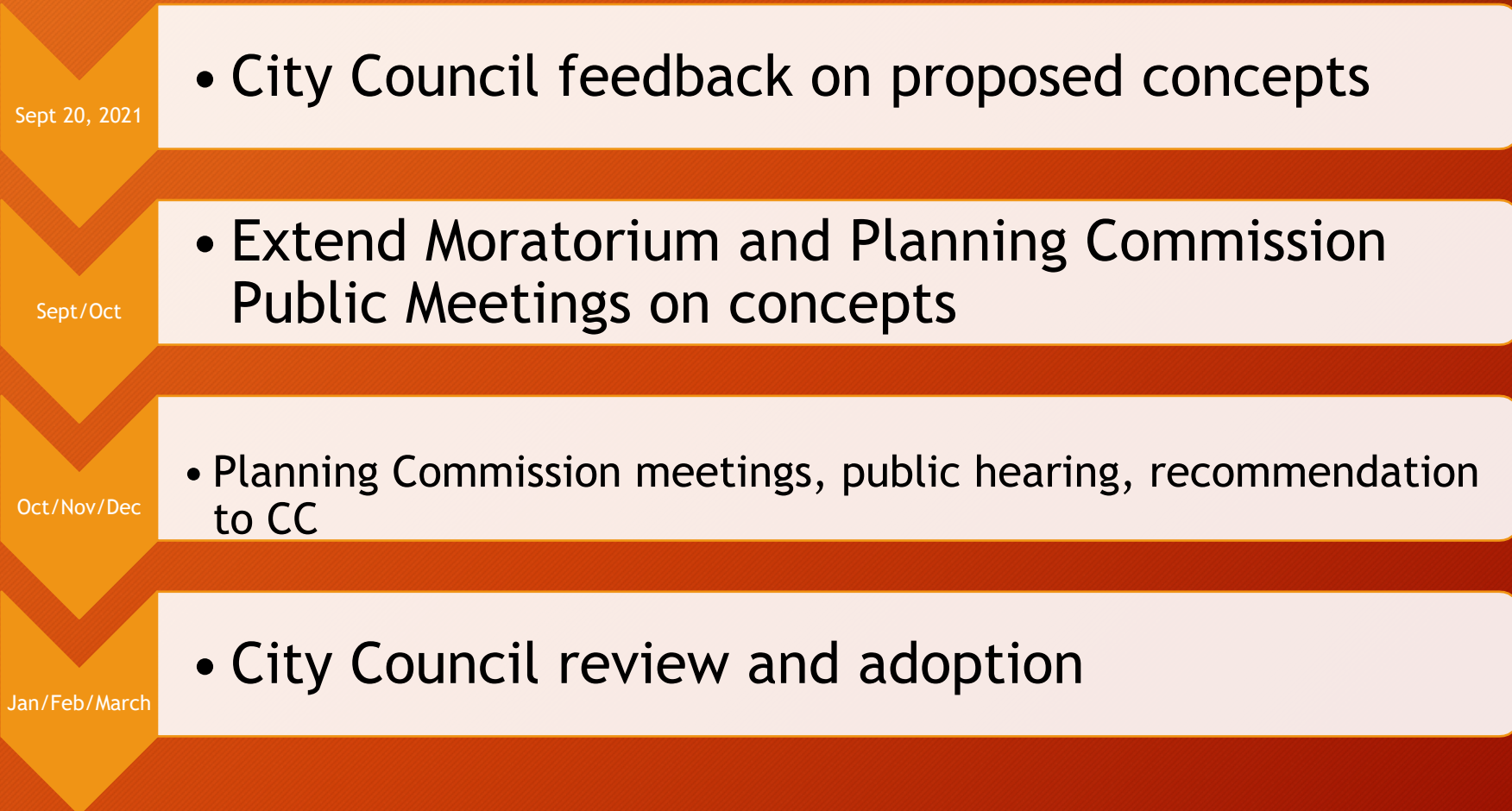
W/
W/
int

A RESOLUTION REAFFIRMING ORDINANCE 3054 AND CONFIRMING THE 6 MONTH DURATION OF THE MORATORIUM CONTAINED THEREIN CONCERNING THE ACCEPTANCE OF CERTAIN LAND USE APPLICATIONS IN THE R4 USE ZONE AND ADOPTING A WORK PLAN.

WHEREAS, the Anacortes City Council adopted Ordinance 3054 October 21, 2019 a Moratorium on accepting certain land use permits in the R4 Use Zone west of the Commercial Use Zone that proposes to utilize the bonus height provisions of AMC 19.42.050; and

WHEREAS, the City Council desires to review the maximum building height in the R4 Use Zone west of the Commercial Use Zone with public input;

Project Timeline



Background

How Did We Get Here?

Planning For the Future

Anacortes is planning for the future, consistent with the community's vision and values



Housing Issues in Anacortes



Population
Growth &
Increased
Demand

- Planning for 2,260 additional housing units
- Anacortes is a desirable place to live

Limited
Land &
Housing
Supply

- <1% rental vacancy rate
- 80% existing stock = SF detached
- Only 81 MF units built since 2010
- Island geography

2016 Comprehensive Plan Update

- Plan for accommodating anticipated growth within the city to protect surrounding forest and park lands, minimizing sprawl
- Promote housing densities and types in all price ranges to meet range of housing needs and respond to changing needs and preferences, No maximum density in R4, C, CBD
- Encourage infill on vacant or under-utilized land
- Provide for development of MF housing in areas close to shopping, employment and public transportation, R4, Com, CBD
- Evaluate barriers to achieving increased density in multifamily and mixed use zones and revise regulations, if appropriate



Diverse Housing Options



Barriers to MF construction

Since 2010, only 81 multifamily units were built city-wide, compared to 849 single family units, 55 townhomes, 41 ADUs

Possible Barriers

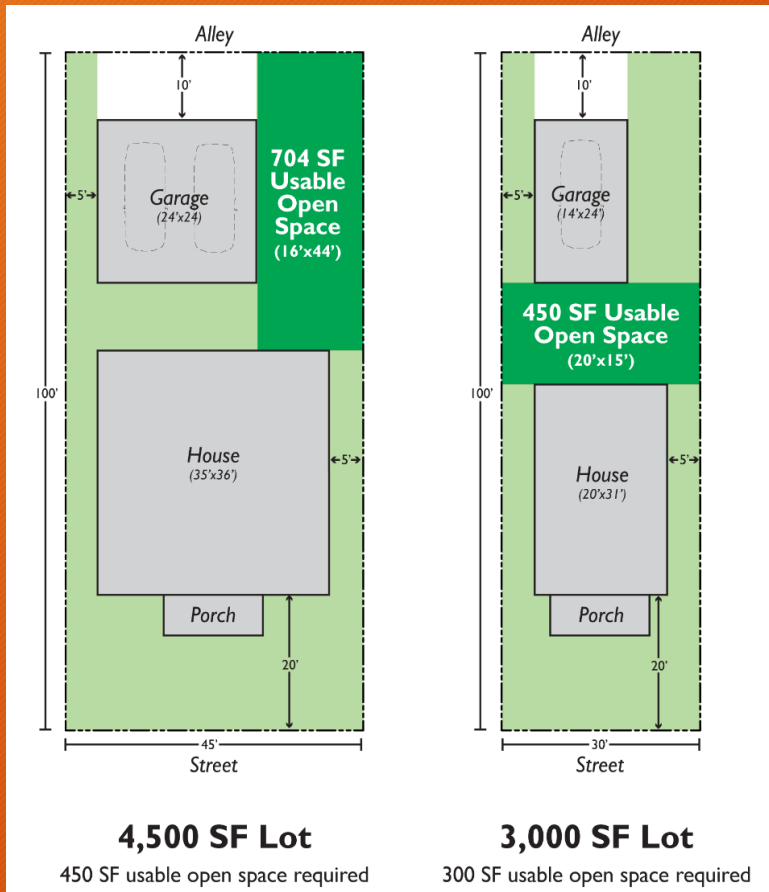
- Historic policies favoring SFR development
- Restrictive form/intensity standards
- Building costs, including parking
- Financing challenges
- Condo construction liability laws have changed as of 2021 and are less restrictive, may see more constructed
- Lack of incentive - “it doesn’t pencil”

2019 Development Regulations Update

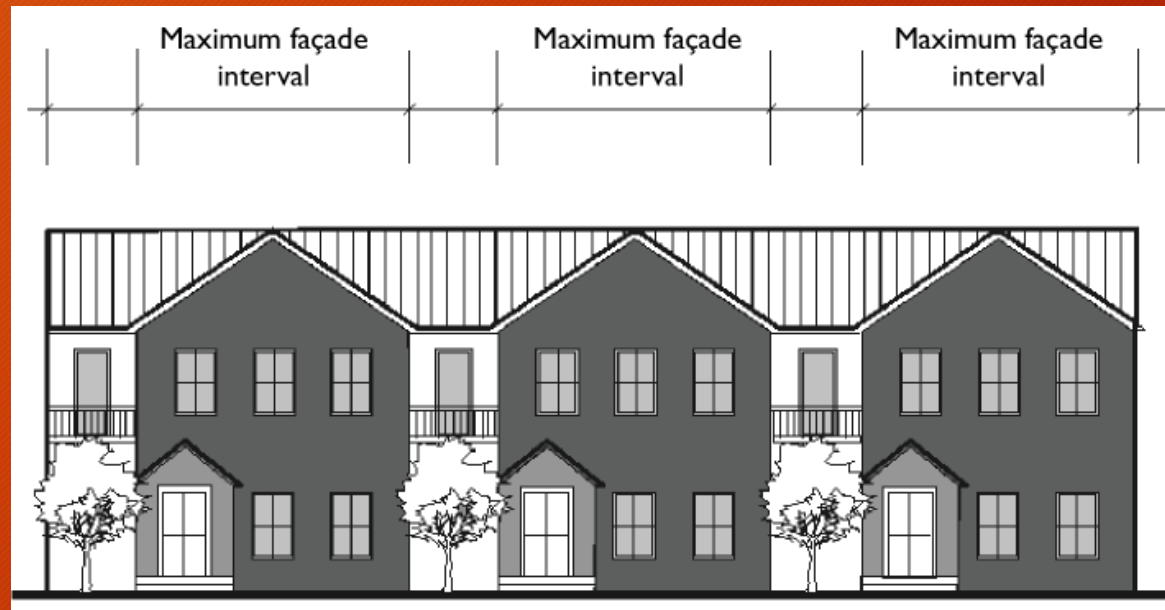
- Implementing key Comp. Plan land use and housing goals and policies
 - Changes to zone designations per the Comprehensive Plan
 - New standards for housing types, including small lot, accessory dwelling units, cottages, townhouses, apartments, condos
 - Expanded provisions for ADUs, including changes to height, parking, location standards
 - New site and building design standards
 - Parking code updates to bring requirements into alignment with actual parking demand needs
 - New affordable housing provisions and bonus incentives
 - E.g. Bonus height incentives

New Housing Type Standards

Small lot example - open space standards



Multifamily - Building massing standards



- Cottages
- Small lots
- Duplex
- Townhouses
- Triplex
- Apartments
- Single family

Expanded provisions for ADUs

Accessory Dwelling Units - Attached or detached (allowed since 2005)

Key standards:

- Maximum size, height, roof slope
(new design standards) 900 SF
- Retained on-site owner
occupancy requirement
(with new exceptions)
- Minimum parking requirements
(existing standards unchanged)
- Allowed in any zone on any lot with a
SFR



Parking Code Updates

Following a 2015 parking study:

- Reduce minimums for uses that often have under-utilized parking
- CBD zone: 50% less required
- Introduce maximums to avoid excess costs and wasted land
- Adjustments up or down allowed with a study and providing alternative transportation options
- New bike parking standards

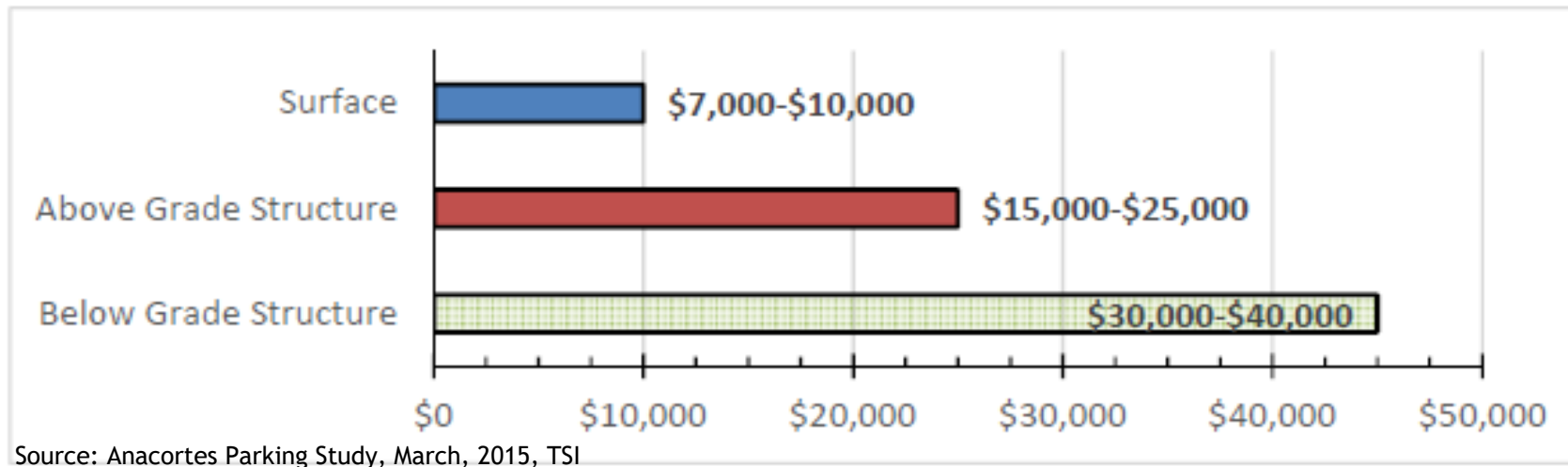


Multistory Building Construction Costs

Cost	Description
Land acquisition	Land acquisition costs
Public improvements	Street, alley, sidewalk, stormwater and other physical improvements can vary based on property location and context
Building construction	In general, multistory housing benefits from economics of scale (the bigger and taller the building, the cheaper it should be by the square foot). This is true up through about 3 floor. At four floors, additional factors increase dramatically (versus three), but only increase incrementally when a fifth level is added. 1. An elevator is required by code at 4 levels. (\$100,000 +) 2. Plumbing increases from residential to a commercial license, especially for mixed use 3. Electrical increases from residential to a commercial license, also with the addition of mixed use 4. Significant foundation and subsoil site work improvements may be needed to support additional point loads 5. Materials may no longer reach the upper levels even with larger mast-style forklifts and a material lift or crane must be installed and used. 6. All exterior work at upper levels (framing, windows, siding, painting, gutters, roofing, and vent trim) face both labor and material logistical challenges. These levels are now less - or inaccessible via a typical elevated work means. 7. A culmination of these factors also begin to change the size and capacity of subcontractors in the project, often increasing prices as a result.

Cost of Parking

Figure 5: Typical Parking Stall Construction Cost Ranges



Source: Anacortes Parking Study, March, 2015, TSI

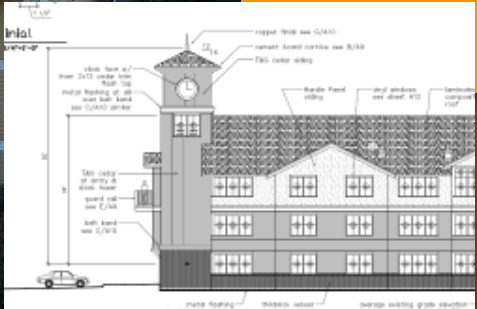
Examples of Existing Buildings



Anacortes Public Library - 40'



Chandler's Square - 50' to top of tower



Anacortes Family Center - 42' 7"

R4 Zone Context

What & Where is the R4 Zone?

Residential High Density

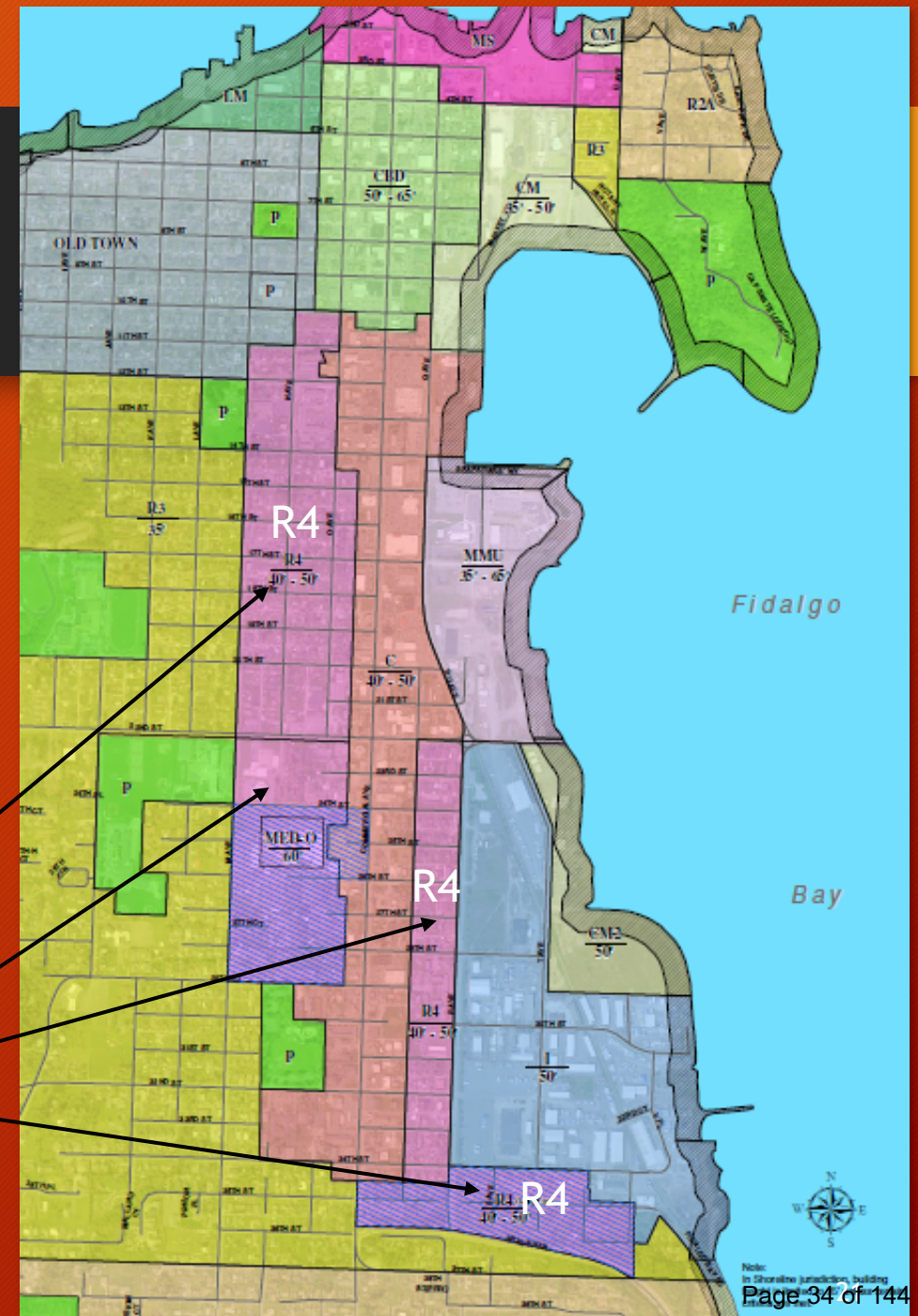
Purpose: This designation provides for urbanized areas with a mixture of multifamily dwelling units that are within walking distance of public transit and commercial/employment areas and/or community facilities. This designation creates a transition from high intensity uses, such as commercial or industrial development, to lower intensity residential areas.

Principal uses & density: A mixture of single and multifamily dwelling units. Some commercial uses may be permitted. There is no prescribed density limit, except in designated areas away from downtown and South Commercial Avenue (up to 18 dwelling units per gross acre).

Special topics to explore: Consider adopting density minimums for new development; and consider uses that provide neighborhood gathering places.

R4
R4a

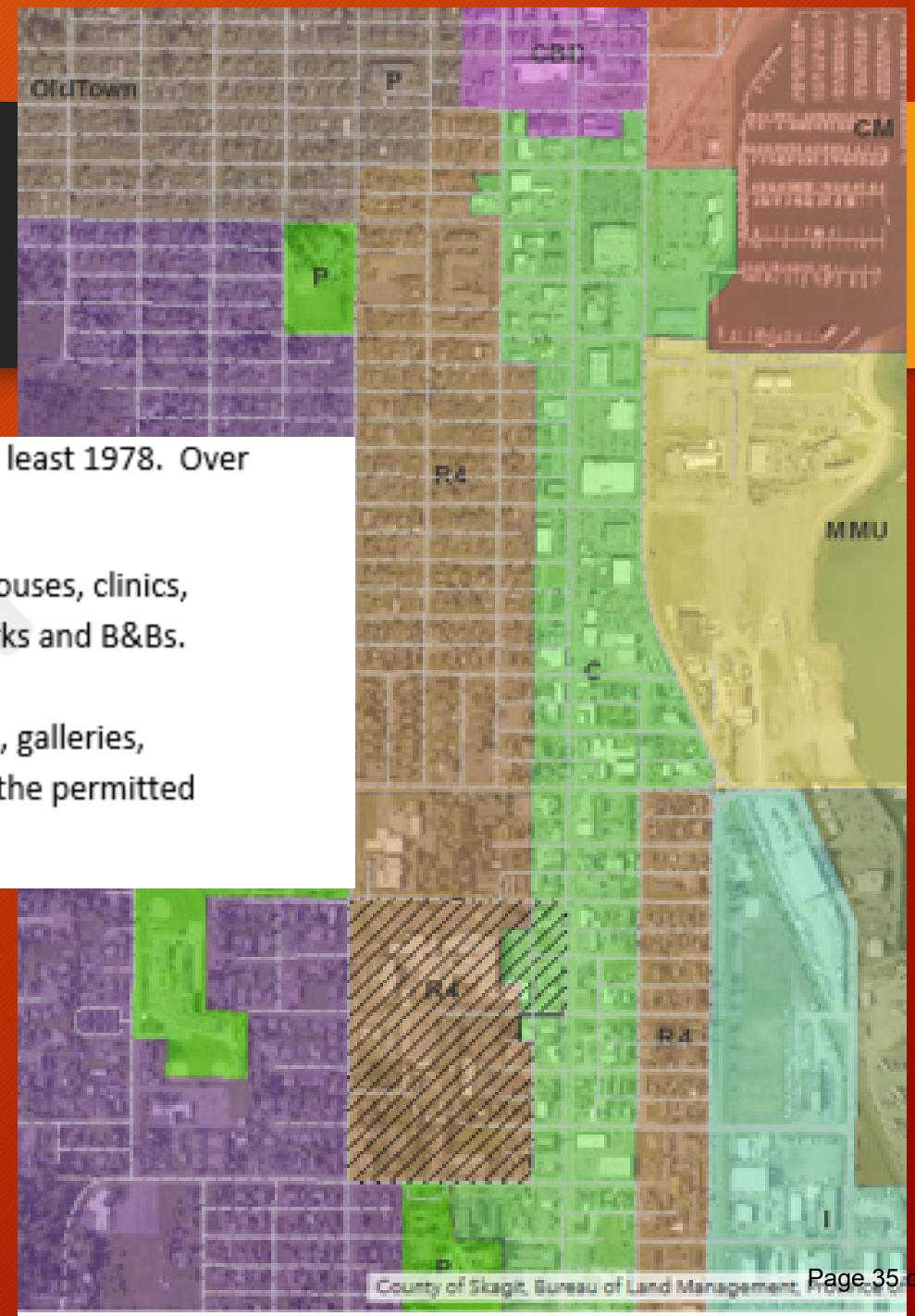
- R4 zone north of 22nd St. has been zoned R4 for several decades
- R4 zone south of 22nd Street are recently zoned R4 (changed from R3, R4A, R4B)



R4 Zone History

The area between 10th and 22nd has been designated Residential High Density (RH) since at least 1978. Over time, the form and intensity standards and permitted uses have been adjusted:

- In 1994 ([Ord. 2316](#)), permitted uses included SFRs, MRFs, boarding and rooming houses, clinics, beauty salons, hospitals, mortuaries, offices, galleries, schools, public facilities, parks and B&Bs. Maximum building height was 35', and 50' for "non-residential space".
- In 2008 ([Ord. 2794](#)), the use and height standards were changed to remove offices, galleries, congregate care and assisted living facilities, and group homes from the permitted uses. The maximum building height for all building types was changed to 40'.



Draft Concepts

Draft concepts were reviewed by the community at a public meeting February 25, 2020. Notes are included in the CC packet

Concepts

	Concept	Advantages	Disadvantages / Challenges	Implementation
A	Rezone the ½ block between the Commercial zone and O Avenue from R4 to Commercial	- Commercial zone still allows single purpose multifamily - Increases development options for affected property owners - Makes some existing businesses conforming	- Makes existing <u>SFRs</u>/duplexes nonconforming - Extends potential for commercial development impacts closer to SFR neighborhoods - Does not address neighborhood's concerns about incompatibility, view blockages - Potential increase in commercial traffic on O Ave.	Requires comprehensive plan amendment (map at least) and rezone
B	Modify applicability of the bonus height provisions to only apply to R4 study area east of O Ave.	Increases housing supply adjacent to, employment, services, and transit	Does not address neighborhood's concerns about larger structure incompatibility, view blockages	Development regulation amendment
C	Modify applicability of the bonus height provisions to terminate at the east side of N Avenue.	Increases housing supply adjacent to, employment, services, and transit	Does not address neighborhood's concerns about larger structure incompatibility, view blockages	
D	Eliminate bonus height provisions for entire R4 study area	Addresses neighbor concerns about height – maintains status quo	May adversely impact multifamily development feasibility and reduce availability of diverse housing types	Development regulation amendment
E	Tie bonus height to mandatory affordable housing/rent control units (no small unit option)	Produces long term affordable units; can target income levels based on need	Some developers expressed concern about long-term monitoring requirements	Development regulation amendment
F	Do not allow roof decks on buildings over a certain height	Results in more open space being provided on ground level, which may be more in keeping with surrounding neighborhood	Reduces developable area and may make feasibility more challenging	Development regulation amendment
G	Refine design standards to mitigate increased height impacts on streetscape and adjacent properties Consider upper story setbacks (all 4 sides or just street façade?)	May help lessen bulk/height impacts	Reduces number of units that can be developed	Development regulation amendment



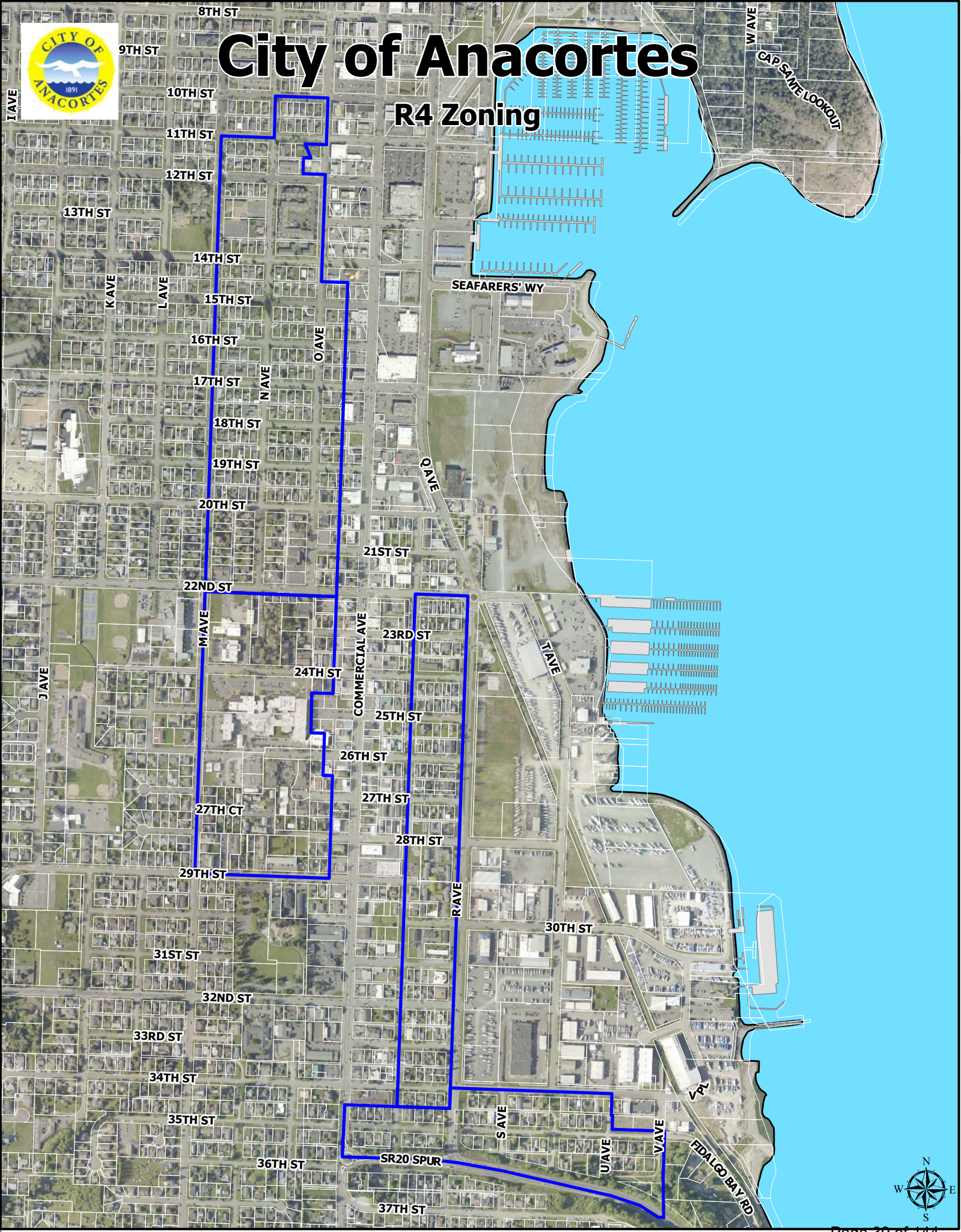
Thanks for Listening! Questions?

Don Measamer, Director
Planning, Community & Economic Development
360-299-1942
don@cityofanacortes.org



City of Anacortes

R4 Zoning



ANACORTES



R4 Zone Building Height Discussion

PUBLIC MEETING SUMMARY

Tuesday, February 25, 2020
5:30 PM – 7:30 PM

Agenda:

Introductions
Staff presentation
Guest speaker
Break
Public comment
Concepts Discussion

Attendance:

- Approximately 65 people signed in; staff counted more than 80 in attendance.
- Mayor Gere and City staff
- Ad Hoc Committee Members:
 - Councilmembers Cleland-McGrath, Moulton, and Walters
 - Planning Commissioners Graf and McKenzie
- Guest Speaker Bradford Augustine, Madrona Real Estate



Presentation

5:30 p.m. – 5:55 p.m.

City Staff opened the meeting with a presentation. Topics covered included:

- Project timeline
- Background and policy basis for the Anacortes Municipal Code bonus height provisions
- Housing challenges facing Anacortes
- Recent code update elements intended to promote development of more diverse and affordable housing options
- Challenges in multistory building construction
- Photo examples of existing local buildings 40' or greater in residential areas
- History of the R4 Zone
- Draft concepts for potential changes to the regulations governing taller buildings in the R4 zone

Questions from the audience were taken.

Guest Speaker

5:55 p.m. – 6:05 p.m.

Staff introduced guest speaker Bradford Augustine of Madrona Real Estate. Mr. Augustine discussed considerations in determining the feasibility of building new housing in Anacortes, including costs uniquely associated with 4 and 5 story buildings, impact fees and utility connection fees, and project rate of return.

Breakout

6:05 p.m. – 7:00 p.m.

Participants used sticky notes to provide feedback on concept boards and conversed with staff and committee members.

Public Input

7:00 p.m. – 7:30 p.m.

18 members of the public provided spoken comments:

Topics discussed are summarized below:

- Importance of maintaining the character of existing neighborhoods and preserving views.
- Accessory dwelling units and cottage housing should satisfy the needs of low income residents
- There should not be any buildings taller than 40' west of Commercial Avenue
- Roof decks should not be allowed
- High impact and utility connection fees are a deterrent to new construction
- Rates should be stepped to account for differences in system impacts between large and small units
- The Anacortes Family Center project planned on 26th Street within the moratorium area should be allowed to proceed as planned (>40').
- Anacortes should be a balanced community, not just an enclave for the wealthy
- Bonus height locations are appropriately placed in areas close to services
- The nature of a city has to change to accommodate sustainability and to be ready for the future
- The R4 area west of commercial building height should be dropped from 4 stories to 3 stories because of the lifestyle the neighborhood wants
- Employers paying living wages is also needed to address affordability problem.
- A live/work overlay should be added for the R4 area west of Commercial Ave.
- Questionable whether the Comprehensive Plan growth projections are realistic.
- Requests to put meeting information on the website.
- Concern about increased density around M Avenue leading to an increase in traffic /pedestrian conflicts and safety issue, especially around schools
- Housing for sale is at lowest inventory in many years – currently only 40 homes for sale
- Elderly clients want to move closer to services in downtown area, but there is nothing available
- Need to define what is “affordable” and differentiate between affordable and workforce
- There is a need for more condos, which can be entry-level options for new home owners that want to come back to Anacortes, but can't afford the high prices of detached SFr

- The 2016 Comprehensive Plan update process and outcome should be respected – that is where conversations about planning for projected growth occurred and community agreed on our direction
- R4 zone is seeing the biggest change as a result and that should be examined
- We must see an increase in density somewhere – if it doesn't occur in the areas already designated for it, where will we do it?
- Worried kids won't have a place to live when they come home from college
- R4 zone is the appropriate place for growth to occur for environmental, sustainability reasons
- Must focus on humanity and livability
- We don't owe it to other people to allow them to move here
- Industrial land should be converted to residential
- Taller buildings are destroying the character of the town
- Tall buildings are bad for people
- Request for City to do better at outreach and communication on these issues

Ad Hoc Committee Comments

7:30 p.m. – 7:50 p.m.

Each of the Committee members made comments.

The meeting was adjourned.

LARGE STICKY NOTE BOARD COMMENTS

1. All projects will be reviewed by the City Council, the elected officials of the city. No decision will be made by the Planning Commission without oversight. **CHANGE THE CODE.**
2. Please do not carve out 1/2 block west of Commercial for buildings over 4 stories (prefer 3 stories) in height.
3. Residents within 1/8th of a mile (not 300') to be made aware/notified of planned projects so that they will become "persons of record".
4. Thank you! 1.) No buildings south of 12th and west of Comm. Av. Over 40' because they destroy view and character. 2.) No roof top decks because they add height and destroy privacy.
5. The options you presented on the display boards is a good starting point. It would be most helpful to have these available on the city website with "comment areas" for each, so we can respond on-line.

STICKY NOTES ON BOARDS

Concept A

Description: Rezone the 1/2 block between the Commercial zone and O Ave. from R4 to Commercial.

1. Must allow 50' in Medical Zone.
2. Commercial should be restricted to Commercial district, not "O" Ave.
3. Only allow R4 bonus height in area east of Commercial.
4. Agree! (with the above comment) + Roof setbacks.
5. Any height limitation in Commercial
6. I think 4 or 5 story buildings should be limited to the Downtown area

Concept B

Description: Modify the applicability of the bonus height provisions to only apply to R4 area east of O Ave.

1. East side of "O" Street or East of "O" St.
2. 1.) No buildings west of Comm. Av. Over 40'. 2.) No roof decks.
3. Yes! Reduce "R4 zone" heights = 3 stories MAX.
4. Must keep bonus height in MED.
5. Yes – East of O and no roof top decks. Roof set-backs.

Concept C

Description: Modify the applicability of the bonus height provisions to terminate at the east side of N Avenue.

1. Bonus height concept is flawed unless story is subsidized..... (*not legible*)... will not be affordable.
2. Implement all features of D, E, F, G proposals.
3. Allow any 40+ foot bldgs. ONLY where neighboring bldgs. exist at same height
4. R4 must NOT go to M Ave. School kids at risk!
5. This plan impacts "working class" families already living, working and paying for their homes. Congestion, garbage, and lower property values.
6. Support this. Provides transition.

Concept D

Description: Eliminate the bonus height provisions for the entire R4 zone west of Commercial Avenue.

1. Definitely favor this concept in largely single family area – to keep neighborhood strong – need safe walkable sidewalks throughout.
2. When you take a picture, good etiquette would suggest short people in front and tall people in back. Building a tall building and blocking the views of major areas behind violate good etiquette but exemplifies selfish greed. There is a reason why 5 story buildings doesn't fit into the character of Anacortes.
3. Limit height to 40'. Look at live + work along Commercial to R.
4. With exception of Anacortes Family Center proposed building.
5. Support this one.
6. Grandfather the AFC that just passed.
7. I think the height limit should be 3 stories in residential.
8. Make ½ block east of O R4 (old) 40' and west of O 35' max.!
9. Yes!!! Tall buildings make people sick. "A Pattern Language" page 114-119, Alexander.
10. Remove the bonus height everywhere! Agree!
11. Restrict to 3 stories everywhere.
12. Remove from bonus height eligibility and restrict to 3 story maximum. Add work/live. Rene Janzen.
13. Restrict bonus height max. 3 stories. Parking underground a must.
14. Remove bonus height everywhere – Limit to 3 story no roof decks and possible consider building east of Commercial towards R Ave.
15. This option ok only if all units qualify as affordable per HUD definition.
16. Opposed – undermines density goal of Comp. Plan.
17. If this one what happens to the AFC project?

Concept E

Description: Tie bonus height to mandatory provision of affordable housing / rent control units (no small unit option).

1. Support affordable housing.
2. Concept E, with maybe Concept G, are only valid options to address concerns related to purpose of bonus height provision.
3. E plus G!! Affordable housing yes. Small units – NO!
4. E! Affordable housing is a need.
5. I agree that we need more workforce housing – how about going to Hwy 20.
6. No bonus height regardless!
7. No bonus height for any reason.
8. Must have this option.
9. As long as this allows all units to be affordable housing.
10. Agree! This is the option. We need truly affordable housing.
11. E – must have – solves part of the affordable issue – add concept G.
12. E + G. Bonus height only worthwhile if it also includes at least appx. 35% units which a person earning \$20,000-\$40,000 / year could afford (monthly housing costs \$500 - \$1000).

Concept F

Description: Do not allow roof decks on buildings over a certain height.

1. No roof top other than in Commercial zone! Need more ground level open space!

2. No roof decks in town.
3. Rooftops infringe on neighbors.
4. Definitely no roof decks (noisy, requires added height).
5. Agree – Good start.
6. Keep roof deck option with Concept C.

Concept G

Description: Refine design standards to mitigate increased height on streetscape and/or adjacent properties.

1. Still too tall.
2. Add E to make affordable.



Planning Commission Agenda Bill

Meeting Date: October 13, 2021 **Agenda Item:** D.2.

Subject: Public Hearing - SDP-2021-0008 - Delmar/Brownson Dock Replacement

Staff Contact: MORGAN EMILY

Approved for Submittal to Commission by

MORGAN EMILY

LIBBY GRAGE

Action Type

Public Hearing

Summary Statement: The applicant has requested a Shoreline Substantial Development Permit (SSDP) with SEPA Review for the replacement of a private residential dock on Flounders Bay.

Background: The project completed the mandatory pre-application meeting and neighborhood meeting.

Previous Action: N/A

Competing Viewpoints Considered: N/A

Recommended Motion: I move to approve SDP-2021-0008, subject to the staff recommended conditions of approval contained within the staff report.

Alternative Actions: Approval with modified conditions or denial

Attachments (listed in order presented):

1. Exhibit A - Staff Report
2. Exhibit B - Application Materials
3. Exhibit C - Pre-Application Materials
4. Exhibit D - Notices
5. Exhibit E - Issued DNS
6. SDP-2021-0008 - DRAFT PC Decision



Anacortes Planning, Community & Economic Development Department

904 6TH Street / P.O. Box 547, Anacortes, WA 98221

360.299-1984 - Office Hours: Mon-Fri 8:00 AM – 5:00 PM

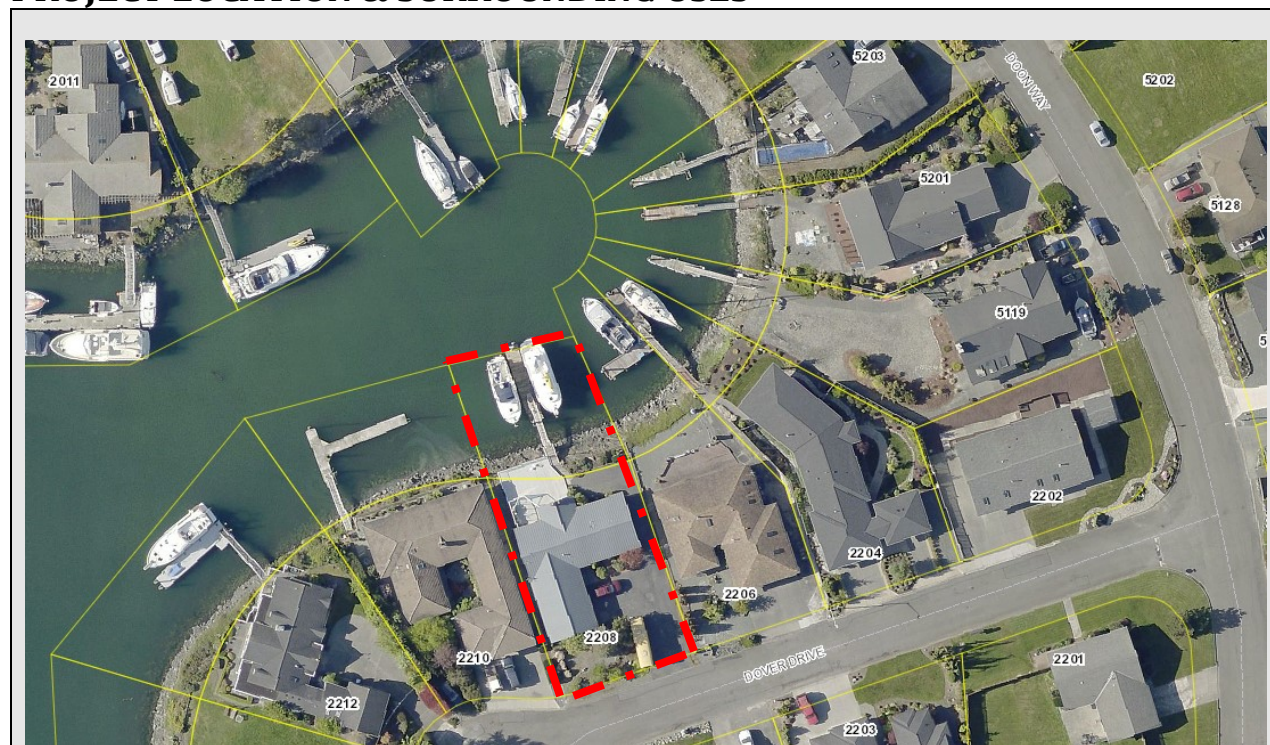
SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT: STAFF REPORT

File Number	SDP-2021-0008	Date of Report	October 6, 2021
Project Title	Delmar/Brownson Dock Replacement	Related File(s)	PRE-2021-0010
Project Location	2208 Dover Drive (P60037)		
Request	The applicant has requested a Shoreline Substantial Development Permit (SSDP) with SEPA Review for the replacement of a private residential dock on Flounders Bay. The project proposes to replace the existing 522 sq. ft. dock; the existing dock includes: a 6 ft. by 12 ft. timber pier, 3 ft. by 30 ft. ramp, 8 ft. by 45 ft. float, and (3) 12in. creosote pilings. The existing dock would be replaced with a 441 sq. ft. dock to include: 3 ft. by 36 ft. fiberglass grated ramp, 8 ft. by 45 ft. float with composite decking, and (4) 10in. steel piles with (2) mounted float stops. The proposed dock would be a reduction in overwater coverage from the existing 522 sq ft. dock to 441 sq. ft. The proposed grated decking is to total 62% of open area allowing for an increase in light penetration.		
Landowner	Monique Delmar & Jake Brownson – 3939 N Marine Dr, Portland, OR 97217		
Applicant	John Kavanaugh, Marine Floats Corp. – 313 East F St., Tacoma, WA 98421		

SITE INFORMATION

Zoning	Residential Low Density 2	Comprehensive Plan Designation	Residential Low Density 2
Present Use of Property	The subject property is residential.		
Critical Areas	Pursuant to Appendix “A” of the Shoreline Master Program (SMP) regulating critical areas, the subject development was reviewed for proximity to critical areas. The subject property is subject to the following: SMP A-3: Geologically Hazardous Areas Based on the City mapping system, the subject property is located in an identified area of tsunami hazard; however, the proposed dock is to be installed waterward/outside of the identified hazard area. Therefore, this section would not apply to the proposed dock project. SMP A-1: Frequently Flooded Areas Based on FEMA’s National Flood Hazard Mapping, the project is located within FIRM panels 5303170060A; this area is identified as Zone AE. Work to occur within Zone AE shall be subject to the applicable code provisions.		

PROJECT LOCATION & SURROUNDING USES



	Comprehensive Plan	Zoning
North	Residential Low Density 2	Residential Low Density 2
South	Residential Low Density 2	Residential Low Density 2
West	Residential Low Density 2	Residential Low Density 2
East	Residential Low Density 2	Residential Low Density 2

PROCEDURAL

1. **Type of Review.** According to AMC 19.20.030(1) and 18.16.100(B), shoreline substantial development permit applications for projects valued less than \$1 million are considered a Type 3 review. For Type 3 reviews, the Planning Commission holds the public hearing and provides the final decision regarding the proposed shoreline substantial development permit.
2. **Project History.** A mandatory preapplication meeting was held on March 23, 2021. A neighborhood meeting was held on June 22, 2021.
3. **Environmental Review.** A SEPA threshold Determination of Non-significance (DNS) was issued for this project on September 10, 2021, under WAC 197-11-340(2), after using the Optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.
4. **Public notice and reviewing departments/agencies.** A notice of application with a 30-day public was published in the Anacortes American, posted on the project site and mailed to property owners within 300 ft.

Application Submitted	May 21, 2021
Determination of Completeness Issued	July 30, 2021
Notice of Application with Optional SEPA DNS Published	August 4, 2021
Notice of Hearing Published	September 22, 2021
Open Record Public Hearing (Planning Commission)	October 13, 2021

5. **Reviewing departments/agencies.** The project application was routed for review to applicable agencies and City departments.

REVIEWING DEPARTMENTS & AGENCIES:				
City of Anacortes	Local Agencies & Districts	State & Federal	Skagit County	Other
☒ Building ☒ Fire Dept. ☒ Parks ☒ Planning ☒ Police ☒ Public Works ☒ Operations	☐ Skagit Transit ☐ Anacortes School District 103 ☒ Port of Anacortes	☒ DOE ☒ WDFW ☐ WSDOT ☒ DNR ☒ DAHP	☐ Health District ☐ Planning ☐ Public Works	☒ Swinomish Tribe ☒ Samish Tribe ☒ Upper Skagit Tribe
X = Request for review/comments sent to department or agency.				

6. **Consideration of written comments and applicant responses.** The notice of application public comment period ended on September 3, 2021. In making its recommendation, the Department considered timely received written comments and the applicant's responses, if any, as required in AMC 19.20.130(C).

6.1. No agency or public comments were received for the proposed dock replacement.

DEPARTMENT REVIEW – FINDINGS OF FACT

- The application was submitted by Marine Floats Corp. on behalf of the property owners, Monique Delmar & Jake Brownson, for the replacement of an existing dock on Flounders Bay.
- The project proposes to replace the existing 522 sq. ft. dock; the existing dock includes: a 6 ft. by 12 ft. timber pier, 3 ft. by 30 ft. ramp, 8 ft. by 45 ft. float, and (3) 12in. creosote pilings.
 - The existing dock would be replaced with a 441 sq. ft. dock to include: 3 ft. by 36 ft. fiberglass grated ramp, 8 ft. by 45 ft. float with grated composite decking, and (4) 10in. steel piles with (2) mounted float stops.
 - The proposed dock would be a reduction in overwater coverage from the existing 522 sq ft. dock to 441 sq. ft. The proposed grated decking is to total 62% of open area allowing for an increase in light penetration.
 - The subject property is located within the Shoreline Residential shoreline environment designation with majority of the work occurring within the Aquatic shoreline environment designation.
- With application, a Habitat Assessment dated May 18, 2021, prepared by Marine Surveys & Assessments, was submitted. The report concluded that the proposed dock replacement would not result in a loss of ecological function and would not result in adverse impacts to the habitat area as the

short term impacts from the demolition and construction would be minimized through avoidance and minimization measures.

4. According to Table 5.1 of the SMP, private docks/piers are permitted within this reach of the Shoreline Residential shoreline environment designation.
 - 4.1. Permitted, when meeting requirements for that use and shoreline area, may be subject to Shoreline Substantial Development Permit or shoreline exemption requirements.
 - 4.2. Being as the scope of work proposes repair via replacement of decking and deck substructure (floats) along with the replacement of more than 50% of the existing pilings, the project does not qualify for a Shoreline Exemption; pursuant to SMP DR-9.5.14, the proposal is to be reviewed as a new dock and therefore, a Shoreline Substantial Development Permit is required.
5. The placement of a private dock/pier is subject to the policies and development regulations of SMP 9.5, specifically the following:
 - 5.1. Per SMP DR-9.5.2, prior to granting a permit for a pier, dock, or float, the effects of the structure upon adjacent shoreline shall be determined, and disposition of the permit by the City shall reflect such determination.

The proposed dock is to replace an existing. The proposed dock is to be smaller in size and is to be grated, with a 62% light permeability; the existing dock is larger with solid wood decking, therefore limiting light penetration. As conditioned, staff does not anticipate the proposed dock to result in an adverse impact to the shoreline.
 - 5.2. Per SMP DR-9.5.3, design and construction of all piers and docks (and floats) are required to mitigate for impacts to ecological processes and functions.

The proposed dock is self-mitigating as it would result in the removal of creosote pilings, remove the old wood decking, be a reduction in size, and would allow for light penetration; therefore, satisfying the restoration goals and objectives of SMP B-3 and this section.
 - 5.3. Per SMP DR-9.5.4, the proposed design, location, and construction of the dock as well as the subsequent use and operation of the dock should: minimize adverse effects to ecological function and health, be capable of withstanding expected environmental conditions, minimize hazards of users, and minimize interference with adjacent water uses and navigation.

Based on the application materials, the proposed dock would be designed, located, and constructed to satisfy this provision being as it is to be located in the same footprint as the existing; therefore, no new impacts are anticipated.
 - 5.4. Per SMP DR-9.5.5, all docks, piers, and floats must adhere to the required design standards of this section.

As conditioned, the proposed dock would meet the required design standards of this section.
 - 5.5. Per SMP DR-9.5.11, pier and dock construction shall be restricted to the minimum size necessary to meet the needs of the proposed water-dependent use.

As indicated in the application materials, the proposed dock would total 441 sq. ft. which includes a 3 ft. by 36 ft. ramp, an 8 ft. by 45 ft. float, and (4) steel pilings. The existing dock totals 522 sq. ft. and includes a 6 ft. by 12 ft. timber pier, a 3 ft. by 30 ft. ramp, an 8 ft. by 45 ft. float, and (3) creosote pilings. An email received from the project agent, John Kavanaugh with Marine Floats Corp. on October 6, 2021, stated that the reasoning for the design of this dock project is to accommodate the needed water depths for vessels to navigate as well as to accommodate effectively mooring vessels.

As required by SMP DR-9.5.13, floats are to be limited to 8 ft. by 30 ft. However, the existing float is 45 ft. in order to meet the necessary water depth to navigate and moor motor vessels safely.

Therefore, the minimum length necessary to meet the needs of the proposed water-dependent use (i.e. private boat mooring) is a 45 ft. long float.

CONCLUSIONS OF LAW

1. Pursuant to AMC 19.20.030, the Planning Commission has authority to make a decision on the proposal after conducting a pre-decision open record public hearing. The proposal requires a shoreline substantial development permit.
2. Property notice for the public hearing has been provided. Notice was posted on the property and published in the Anacortes American newspaper on September 22, 2021, more than 15 days prior to the date of the hearing.

SHORELINE MANAGEMENT ACT (RCW 90.58):

3. Proposed development lies within 200 ft. of a shoreline of statewide significance (RCW 90.58.030(2)(f)) and is therefore subject to conformance with the City of Anacortes' Shoreline Master Program (SMP).
4. The subject property is located within the Shoreline Residential shoreline environment designation with majority of the work occurring within the Aquatic shoreline environment designation.
5. The purpose of the Shoreline Residential designation is to accommodate residential development and associated structures that are consistent with the Shoreline Management Act, this Master Program, and the protection and restoration of ecological functions. An additional purpose is to provide appropriate public access and recreational uses.
6. The purpose of the Aquatic designation is to protect, restore and manage the unique characteristics and resources of marine waters, including habitat, ecology, navigation and public enjoyment.
7. The subject proposal is not exempt from obtaining an approved Shoreline Substantial Development Permit (SSDP) per WAC 173-27-040. Accordingly, on May 21, 2021, the City of Anacortes' Department of Planning, Community, & Economic Development received the subject application from the applicant.
8. According to AMC 19.20.030(1) and 18.16.100(B), shoreline substantial development permit applications for projects valued less than \$1 million are considered a Type 3 type of review. For Type 3 reviews, the Planning Commission holds the public hearing and provides the final decision regarding the proposed shoreline substantial development permit.
9. Based on the existing site conditions and the provided Habitat Assessment Report, the proposed development would not result in a net loss of ecological function of the shoreline.
10. The subject shoreline permit was reviewed for conformance with all applicable Shoreline Master Program regulations, including but not limited to, Section 5.6, Aquatic; Section 5.9, Shoreline Residential; Chapter 6, Environmental Protection General Regulations; Chapter 8, Specific Use Policies and Development Regulations; and Section 9.5 that regulates the docks, piers, and floats.
11. The subject proposal is consistent with the Washington State's Shoreline Management Act, City of Anacortes' 2010 Shoreline Master Program and development regulations listed therein for developments within the "Shoreline Residential" and "Aquatic" shoreline environment designations.
12. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.
13. Staff reserves the right to supplement the record of the case to respond to matters and information raised subsequent to the writing of this report.

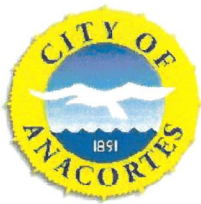
RECOMMENDATION

Based upon the application, Findings of Fact, and Conclusions of the staff report, staff recommends that the Planning Commission approve the shoreline substantial development permit subject to the following conditions of approval:

1. The scope of the project shall not exceed that as set out in the shoreline permit application shall be valid for the activities described within the JARPA and shown on the site plan of record (Exhibit D), except as modified by this decision or other jurisdictional agencies.
2. All applicable permits (local, state, & federal) shall be secured before any construction activities begin onsite and copies provided to the City of Anacortes' PCED.
 - 2.1. With the submittal of the building permit, the applicant shall obtain a Floodplain Development Permit, as issued by the City of Anacortes Building Dept.
3. The proposed development shall adhere to the recommendations and conclusion provided in the Habitat Assessment Report prepared by Marine Surveys & Assessments, dated May 18, 2021,
4. Hours of construction/work are limited to 7:00 AM to 10:00 PM, (7) days a week. If work must occur outside these hours, a noise variance shall be first obtained.
5. Noise levels shall not to exceed those standards as established by the state pursuant to Chapter 70.107 RCW and contained in Chapter 173.60 WAC.
6. The applicant /landowner shall comply with federal statutes including but not limited to: Endangered Species Act, Clean Water Act, Marine Mammal Protection Act, and other federal statutes.
7. 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; Chapter 8, Specific Use Policies and Development Regulations; and Chapter 9, Specific Shoreline Modification Policies and Development Regulations.
8. The project shall comply with SMP Section 9.5 regulating development requirements for the placement of private use docks as follows:
 - 8.1. The design, location, and construction of docks, floats, and piers, as well as their subsequent use and operation, shall: a. Minimize adverse effects on fish, shellfish, wildlife, water quality, and geohydraulic processes. Methods include but are not limited to: a. limiting the footprint of the structure to that which is necessary to serve the intended water-dependent use and minimizing the use of materials hazardous to the environment. b. Be capable of withstanding expected environmental conditions. c. Minimize hazards to users. d. Minimize interference with adjacent water uses and navigation.
 - 8.2. All docks, piers and floats shall adhere to the following design standards: a. Railings, if provided, shall be of clear or open framework design and conform to the Building Code where required. b. Utility service on docks and piers shall be placed on or under the deck. Overhead utility service is prohibited. Floodlighting shall be shielded to prevent unnecessary glare. Page 152 c. Appropriate marking shall be provided as necessary to avoid hazardous conditions for water surface users. d. Piers, docks and floats shall be constructed of materials that comply with requirements of federal and state regulations.
 - 8.3. New piers and docks shall be allowed only for water-dependent uses or public access.
 - 8.4. Docks, piers, and floats shall not extend beyond the inner harbor line, unless approved by WDNR.
9. Development shall comply with AMC 18.16.130 regulating the time limit for shoreline permits as follows:
 - A. Construction, or substantial progress toward completion, must begin within two (2) years after approval of the permit. Substantial progress toward construction shall include, but not limited to, the letting of bids, making of contracts, purchasing of materials involved in development, but shall

not include development or uses which are inconsistent with the Shoreline Management Act or the city's master program. In determining the running two-year period hereof, there shall not be included the time during which development was not actually pursued by construction and the pendency of litigation reasonably related thereto made it reasonable not to so pursue; provided, that the city may, in its discretion, extend the two-year time period for a reasonable time based on factors, including the inability to expeditiously obtain other governmental permits which are required prior to the commencement of construction.

- B. 5-Year Permit Authorization: If construction has not been completed within five years of approval by the City of Anacortes, the city will review the permit, with prior notice to parties of record, and, upon showing of good cause, either extend the permit for one additional year, or terminate the permit. Prior to the city authorizing any permit extensions, it shall notify any parties of record and the Department of Ecology. Note: Only one single extension is permitted.



PLANNING, COMMUNITY, & ECONOMIC DEVELOPMENT DEPARTMENT
Mailing Address: P.O. Box 547, Anacortes, WA 98221
Office Location: 904 6th Street, Anacortes WA 98821
Phone: (360) 299-1984

Master Land Use Permit Application

TYPE OF APPLICATION (check all that apply):		
☐ Administrative Interpretation ☐ Annexation Request ☐ Binding Site Plan (Preliminary) ☐ Boundary Line Adjustment (BLA) ☐ Comprehensive Plan/ Map Amendment Request ☐ Conditional Use Permit (CUP) per AMC 19.36 ☐ Conditional/Special Use Permit (CUP) per AMC 17.70 ☐ Cottage Housing Development ☐ Development Agreement ☐ Essential Public Facility	☒ Floodplain Development Permit ☐ Home Occupation Permit ☐ Long Subdivision (Preliminary) ☐ Lot Certification ☐ Minor Permit Revision ☐ Plat Amendment /Modification ☒ SEPA Environmental Review ☐ Shoreline Conditional Use Permit ☐ Shoreline Exemption ☒ Shoreline Substantial Development Permit ☐ Shoreline Variance	☐ Short Subdivision (Preliminary) ☐ Site Plan Review – Type 1 ☐ Site Plan Review – Type 2 ☐ Stormwater Management Manual Adjustments & Exceptions ☐ Variance (Level 1) ☐ Variance (Level 2) ☐ Wireless Conditional Use Permit (WCUP) ☐ Wireless Service Facility (WSF) Permit ☐ Zoning Code/ Map Amendment Request (Rezone)
PROJECT & SITE INFORMATION:		
SITE ADDRESS: 2208 Dover Dr. Anacortes, WA 98221		PROJECT NAME: Delmar-Brownson Dock Replacement
PARCEL NUMBER(S): P60037		SECTION, TOWNSHIP, & RANGE S: 27 T: 35 R: 01
LOT SQUARE FOOTAGE & ACREAGE: .35 Acres --- 15,246 Sq Ft		PROJECT VALUATION: \$88,800
LEGAL DESCRIPTION:		PRESENT ZONING: R2: Residential low density 2
PRESENT USE OF PROPERTY: Single family residential		CUT & FILL (CY) PROPOSED: None
PRE-APPLICATION CONFERENCE HELD?: ☒ Yes, the City file # is <u>PRE-2021-0010</u> ☐ No		WATER SOURCE: ☒ City of Anacortes ☐ Private Well ☐ Community Well
SEWAGE DISPOSAL: ☒ City of Anacortes ☐ Septic		ROAD ACCESS: ☒ City Road ☐ State Highway ☐ Private Road

CRITICAL AREAS OR BUFFERS ON SITE OR WITHIN 300 FEET: ☒ Yes / Type <u>Marine Waters</u> ☐ No		WATER BODIES WITHIN 200 FEET: ☒ Yes / Name: <u>Flounder Bay</u> ☐ No	
FLOODPLAIN: Flood Zone: <u>AE</u> FIRM Panel # <u>5303170060A</u> Date of Panel: <u>9/17/03</u>			
LOT COVERAGE AREA CALCULATIONS: Existing Square Footage: <u>522</u> Proposed Square Footage: <u>468</u>			
IMPERVIOUS SURFACE AREA CALCULATIONS: Existing Impervious Square Footage: <u>None</u> New Impervious Surface: <u>None</u>			
DESCRIPTION OF SUBJECT PROPOSAL: ☐ Additional pages attached			
PROPOSED WORK: This project proposes to replace the existing: 6' X 12' timber pier, 3' X 30' ramp, 8' X 45' float, and (3) 12" creosote treated wood piling; with the installation of: (1) 3' X 36' 100% fiberglass ADA compliant grated aluminum ramp, (1) 8' X 45' float with 50% composite decking and 50% ADA compliant grating with 3/4" X 4" rectangles and 62% open space, (4) 10" galvanized steel piles, and (2) mounted float stops.			
PROPERTY OWNER INFORMATION: ☐ Multiple owners attached			
NAME: Monique Delmar & Jake Brownson		MAILING ADDRESS: 3939 N Marine Drive	
CITY, STATE, ZIP: Portland, OR 97217		PHONE #: 631-839-5433	
FAX #:		EMAIL ADDRESS: Monique.delmar@gmail.com	
APPLICANT INFORMATION: ☒ Same as property owner			
NAME:		MAILING ADDRESS:	
CITY, STATE, ZIP:		PHONE #:	
FAX #:		EMAIL ADDRESS:	
CONTACT PERSON: ☐ Same as property owner ☐ Same as applicant			
NAME: Tabitha Simonetti		MAILING ADDRESS: 313 East F Street	
CITY, STATE, ZIP: Tacoma, WA 98421		PHONE #: 253-383-2740	
FAX #:		EMAIL ADDRESS: tabitha@marinefloats.com	

ACKNOWLEDGEMENTS & SIGNATURE X

Read and initial each of the following statements prior to signing this application:

JB	I understand that land use and/or planning permits do not authorize earth disturbing activities, the removal of vegetation, or the construction of buildings. I understand that additional permits will be required after my land use and/or planning permitting process is completed. I understand that no earth disturbing activities (including the removal of vegetation) may take place until after my land use and/or planning process is complete, and only after I have received additional permits such as Fill & Grade, Building Permit, or Right-of-Way permit(s).
JB	I understand that if critical areas (wetlands, streams, steep slopes, etc.) are found on or near my property I am not authorized to impact these areas in any way and will be required to leave an undisturbed buffer area around the critical area, as determined according the City's critical areas regulations.
JB	I understand that depending on the size and scope of my project, I may be required to provide maintenance and/or performance bonds for items such as landscaping, critical areas, public roads and/or public utilities that I construct or install.
JB	I understand that I am solely responsible for providing complete and accurate information to the City. I understand that if my application is missing information or if inaccurate materials are submitted, my permits will be delayed. I understand that depending on how inaccurate and how incomplete my application is or becomes, the Department may require an entirely new application be submitted. I understand that when and if conditions change from that which my application originally represented, I am responsible for letting the City staff person assigned to my project know.
JB	I understand that I am applying for permits from the City of Anacortes only; and that additional permits from other Federal, State, and Local agencies could be required. I understand that the City of Anacortes cannot advise me of permits that are required from other agencies, and that I must contact these agencies to make sure I comply with their requirements. These agencies include (but are not limited to): Corps of Engineers, Department of Natural Resources, Department of Fish & Wildlife, Department of Ecology, and Northwest Clean Air Agency.
JB	I understand that I will be responsible for paying consultants that the City may deem necessary to review certain aspects of my application. I understand that these consultant reviews could include special inspections, traffic concurrency, critical areas, landscaping, stormwater, etc.

Signature required on next page.

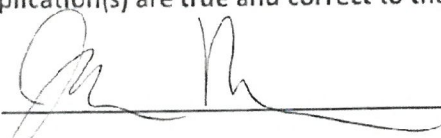
X

By affixing my signature hereto, I certify that I am the owner, or am acting as the Owner's authorized agent, and that the application and documents contained with this submittal are complete and accurate to the best of my knowledge and abilities. If your title report lists a company, partnership or other owners, you must submit evidence that you are authorized to sign on behalf of the entity or others that are listed.

If you are an authorized representative you must submit an Agent Authorization Form.

Please attach additional signature sheets if there is more than one owner.

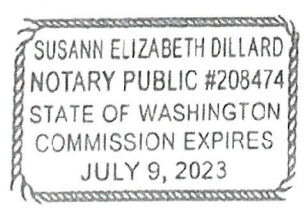
Under penalty of perjury, I certify that the information, statements, answers above regarding the subject application(s) are true and correct to the best of my knowledge and belief.

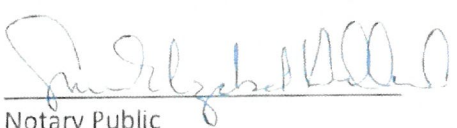
Signature:  Date: 2/3/21
Printed Name: Jake Brownson

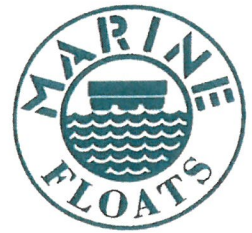
STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT

I certify that I know or have satisfactory evidence that Jake Brownson is the person who appeared before me, and said person acknowledged that he/she signed this instrument, and acknowledged it as the free and voluntary act for the uses and purposes mentioned in this instrument.

Given under my hand and official seal this 3rd day of February, 2021




Notary Public
Residing at 1115 Commercial Ave
Donacato WA 98221
My appointment expires July 9, 2023



December 17, 2020

Monique Delmar & Jake Brownson
3939 N Marine Dr
Portland, OR 97217

Subject: Dock Permitting at 2208 Dover Drive Anacortes, WA 98221

Dear Monique. & Jake,

In order to submit documents to the regulating agencies and act on your behalf for the necessary process of submitting applications, documents, studies and/or reports, the following statement needs to be signed and returned for permission to submit various applications.

PROPERTY OWNER(S)/ APPLICANT AGREEMENT

The undersigned is the property owner of record of the property identified by parcel number: 3827-000-024-0007 located at 2208 Dover Drive Anacortes, WA 98221.

The undersigned gives consent and approval to Marine Floats Corporation to act on their behalf as their agent to proceed with various applications regarding the property referenced herein for their dock project.

X Jake Brownson

2/3/2021

Property Owner (s)

Date

X

Property Owner (s)

Date



Z

WASHINGTON STATE

Joint Aquatic Resources Permit
Application (JARPA) Form^{1,2} [\[help\]](#)

USE BLACK OR BLUE INK TO ENTER ANSWERS IN THE WHITE SPACES BELOW.

US Army Corps
of Engineers
Seattle District

AGENCY USE ONLY

Date received:

Agency reference #: _____

Tax Parcel #(s): _____

Part 1—Project Identification

1. Project Name (A name for your project that you create. Examples: Smith's Dock or Seabrook Lane Development) [\[help\]](#)

Delmar-Brownson Dock Replacement

Part 2—Applicant

The person and/or organization responsible for the project. [\[help\]](#)

2a. Name (Last, First, Middle)

Brownson, Jake & Delmar, Monique

2b. Organization (If applicable)

2c. Mailing Address (Street or PO Box)

3939 N Marine Drive

2d. City, State, Zip

Portland, OR, 97217

2e. Phone (1)

2f. Phone (2)

2g. Fax

2h. E-mail

631-839-5433

Monique.delmar@gmail.com

¹Additional forms may be required for the following permits:

- If your project may qualify for Department of the Army authorization through a Regional General Permit (RGP), contact the U.S. Army Corps of Engineers for application information (206) 764-3495.
- Not all cities and counties accept the JARPA for their local Shoreline permits. If you need a Shoreline permit, contact the appropriate city or county government to make sure they accept the JARPA.

²To access an online JARPA form with [\[help\]](#) screens, go tohttp://www.epermitting.wa.gov/site/alias_resourcecenter/jarpa_jarpa_form/9984/jarpa_form.aspx.For other help, contact the Governor's Office for Regulatory Innovation and Assistance at (800) 917-0043 or help@oria.wa.gov.

Part 3—Authorized Agent or Contact

Person authorized to represent the applicant about the project. (Note: Authorized agent(s) must sign 11b of this application.) [\[help\]](#)

3a. Name (Last, First, Middle)			
Simonetti, Tabitha			
3b. Organization (If applicable)			
Marine Floats Corporation			
3c. Mailing Address (Street or PO Box)			
313 East F St			
3d. City, State, Zip			
Tacoma, WA 98421			
3e. Phone (1)	3f. Phone (2)	3g. Fax	3h. E-mail
253-383-2740			tabitha@marinefloats.com

Part 4—Property Owner(s)

Contact information for people or organizations owning the property(ies) where the project will occur. Consider both **upland and aquatic** ownership because the upland owners may not own the adjacent aquatic land. [\[help\]](#)

- ☒ Same as applicant. (Skip to Part 5.)
- ☐ Repair or maintenance activities on existing rights-of-way or easements. (Skip to Part 5.)
- ☐ There are multiple upland property owners. Complete the section below and fill out [JARPA Attachment A](#) for each additional property owner.
- ☐ Your project is on Department of Natural Resources (DNR)-managed aquatic lands. If you don't know, contact the DNR at (360) 902-1100 to determine aquatic land ownership. If yes, complete [JARPA Attachment E](#) to apply for the Aquatic Use Authorization.

4a. Name (Last, First, Middle)			
4b. Organization (If applicable)			
4c. Mailing Address (Street or PO Box)			
4d. City, State, Zip			
4e. Phone (1)	4f. Phone (2)	4g. Fax	4h. E-mail

Part 5–Project Location(s)

Identifying information about the property or properties where the project will occur. [\[help\]](#)

- ☐ There are multiple project locations (e.g. linear projects). Complete the section below and use [JARPA Attachment B](#) for each additional project location.

5a. Indicate the type of ownership of the property. (Check all that apply.) [help]			
☒ Private			
☐ Federal			
☐ Publicly owned (state, county, city, special districts like schools, ports, etc.)			
☐ Tribal			
☐ Department of Natural Resources (DNR) – managed aquatic lands (Complete JARPA Attachment E)			
5b. Street Address (Cannot be a PO Box. If there is no address, provide other location information in 5p.) [help]			
2208 Dover Drive			
5c. City, State, Zip (If the project is not in a city or town, provide the name of the nearest city or town.) [help]			
Anacortes WA, 98221			
5d. County [help]			
Skagit			
5e. Provide the section, township, and range for the project location. [help]			
¼ Section	Section	Township	Range
NW	27	35	01
5f. Provide the latitude and longitude of the project location. [help]			
Example: 47.03922 N lat. / -122.89142 W long. (Use decimal degrees - NAD 83)			
48.49257 // -122.67688			
5g. List the tax parcel number(s) for the project location. [help]			
The local county assessor's office can provide this information.			
P60037 -- 3827-000-024-0007			
5h. Contact information for all adjoining property owners. (If you need more space, use JARPA Attachment C.) [help]			
Name	Mailing Address	Tax Parcel # (if known)	
Soskey, Joshua & Anne	PO Box 412	P60038	
	Westwood, MA 02090	3827-000-025-0006	
Tompson, Norman	2520 Oakes Ave	P60036	
	Anacortes, WA 98221	3827-000-023-0008	
5i. List all wetlands on or adjacent to the project location. [help]			
Estuarine and marine Deepwater – as classified by the NWI from USFWS			

5j. List all waterbodies (other than wetlands) on or adjacent to the project location. [help]
Flounder Bay; Burrows Bay; Puget Sound
5k. Is any part of the project area within a 100-year floodplain? [help]
☒ Yes ☐ No ☐ Don't know Zone AE EL-7, Map No. 5303170060A, Effective 09/17/2003
5l. Briefly describe the vegetation and habitat conditions on the property. [help]
The property is surrounded by residential and commercial marinas. The project will be constructed overwater. The uplands consist of a single-family residential home and grass and some ornamental shrubs and trees.
5m. Describe how the property is currently used. [help]
The property is used as a single-family residence with a dock for recreation.
5n. Describe how the adjacent properties are currently used. [help]
The adjacent properties are also single-family residence homes with docks for recreation.
5o. Describe the structures (above and below ground) on the property, including their purpose(s) and current condition. [help]
There is a home and dock for living and recreational enjoyment.
5p. Provide driving directions from the closest highway to the project location, and attach a map. [help]
From WA-20 West: Take Maine Dr to Dover Dr in Anacortes Use the left two lanes to turn left on WA-20 W Turn right onto Campbell Lake Rd Slight right onto Heart Lake Rd Slight left onto Rosario Rd Slight Right onto Marine Dr Turn Left to stay on Marine Dr Turn Left onto Doon Way Turn Left onto Dover Dr The destination will be on the left

Part 6—Project Description

6a. Briefly summarize the overall project. You can provide more detail in 6b. [help]
This project proposes to replace the existing: 6' X 12' timber pier, 3' X 30' ramp, 8' X 45' float, and (3) 12" creosote treated wood piling; with the installation of: (1) 3' X 36' 100% fiberglass ADA compliant grated aluminum ramp, (1) 8' X 45' float with 50% composite decking and 50% ADA compliant grating with 3/4" X 4" rectangles and 62% open space, (4) 10" galvanized steel piles, and (2) mounted float stops.

6b. Describe the purpose of the project and why you want or need to perform it. [\[help\]](#)

This project will improve the marine environment by removing chemicals like creosote and increasing light penetration through replacement of a solid decked structure with a grated one. In addition, it will also decrease the overwater footprint from 522 Sq. Ft. to 441 Sq. Ft. this is an 81 Sq. Ft. reduction in overwater coverage.

6c. Indicate the project category. (Check all that apply) [\[help\]](#)

- ☐ Commercial ☒ Residential ☐ Institutional ☐ Transportation ☐ Recreational
☐ Maintenance ☐ Environmental Enhancement

6d. Indicate the major elements of your project. (Check all that apply) [\[help\]](#)

- | | | | |
|---|---|--|--|
| ☐ Aquaculture | ☐ Culvert | ☐ Float | ☐ Retaining Wall (upland) |
| ☐ Bank Stabilization | ☐ Dam / Weir | ☐ Floating Home | ☐ Road |
| ☐ Boat House | ☐ Dike / Levee / Jetty | ☐ Geotechnical Survey | ☐ Scientific Measurement Device |
| ☐ Boat Launch | ☐ Ditch | ☐ Land Clearing | ☐ Stairs |
| ☐ Boat Lift | ☒ Dock / Pier | ☐ Marina / Moorage | ☐ Stormwater facility |
| ☐ Bridge | ☐ Dredging | ☐ Mining | ☐ Swimming Pool |
| ☐ Bulkhead | ☐ Fence | ☐ Outfall Structure | ☐ Utility Line |
| ☐ Buoy | ☐ Ferry Terminal | ☒ Piling/Dolphin | |
| ☐ Channel Modification | ☐ Fishway | ☐ Raft | |

☐ Other:

6e. Describe how you plan to construct each project element checked in 6d. Include specific construction methods and equipment to be used. [\[help\]](#)

- Identify where each element will occur in relation to the nearest waterbody.
- Indicate which activities are within the 100-year floodplain.

Construction sequence of the pier, ramp, floats and piling will be:

1. **Demolition:** Removal, demolition, and disposal of the existing dock at an approved upland facility includes the following: Using a tugboat, barge, crane, pile driver, and associated work boats/skiffs, disconnect the existing docks and place these on a barge using a barge-mounted crane. Removal of the creosote piling will be accomplished using a tugboat and barge equipped with a pile driver and extractor. The extracted creosote piling will be placed on a deck barge with a containment system to prevent loss of treated wood chemicals and debris to the water column and sediments. Any shavings, sawdust, woody debris (splintered wood, fragments, loose piling) on the water or sediment surface will be retrieved and placed in the containment area. Likewise, any pile-associated sediment and adhered organisms will be collected daily, contained on-site, and ultimately disposed at an approved upland disposal site along with the extracted piling.
2. The existing pier and ramp will be removed by utilizing a crane and lifted onto the construction barge. They will be disposed of at an approved upland facility.
3. **Installation of new galvanized steel piling:** The new steel piling will be barged to the site location from the manufacturer's yard. These will be installed with an impact hammer. A bubble curtain will be deployed and a wooden block for sound attenuation will be utilized (Longmuir and Lively 2001).

4. Installation of floating marina system: Once the piling is in place and secure, the floating marina system will be installed. The new float system and ramp will be prefabricated at Marine Floats Corporation facility in Tacoma and towed to Flounder Bay in Anacortes for installation. Marine Floats Corporation will barge all construction debris to an approved upland disposal site.
6f. What are the anticipated start and end dates for project construction? (Month/Year) [help] If the project will be constructed in phases or stages, use JARPA Attachment D to list the start and end dates of each phase or stage.
Start Date: <u>July 2021</u> End Date: <u>February 2026</u> ☐ See JARPA Attachment D
6g. Fair market value of the project, including materials, labor, machine rentals, etc. [help]
\$88,800
6h. Will any portion of the project receive federal funding? [help] If yes, list each agency providing funds.
☐ Yes ☒ No ☐ Don't know

Part 7–Wetlands: Impacts and Mitigation

- ☐ Check here if there are wetlands or wetland buffers on or adjacent to the project area.
(If there are none, skip to Part 8.) [\[help\]](#)

7a. Describe how the project has been designed to avoid and minimize adverse impacts to wetlands. [help]
☒ Not applicable
There are no wetlands down slope of the bulkhead area, nor would there be any impact to jurisdictional wetland area or associated buffer area due to the project occurring over marine waters.
7b. Will the project impact wetlands? [help]
☐ Yes ☒ No ☐ Don't know
7c. Will the project impact wetland buffers? [help]
☐ Yes ☒ No ☐ Don't know
7d. Has a wetland delineation report been prepared? [help] If Yes, submit the report, including data sheets, with the JARPA package.
☐ Yes ☒ No
7e. Have the wetlands been rated using the Western Washington or Eastern Washington Wetland Rating System? [help] If Yes, submit the wetland rating forms and figures with the JARPA package.
☐ Yes ☒ No ☐ Don't know
7f. Have you prepared a mitigation plan to compensate for any adverse impacts to wetlands? [help] - If Yes, submit the plan with the JARPA package and answer 7g. - If No, or Not applicable, explain below why a mitigation plan should not be required.
☐ Yes ☒ No ☐ Don't know

N/A																																										
7g. Summarize what the mitigation plan is meant to accomplish, and describe how a watershed approach was used to design the plan. [help]																																										
N/A																																										
7h. Use the table below to list the type and rating of each wetland impacted, the extent and duration of the impact, and the type and amount of mitigation proposed. Or if you are submitting a mitigation plan with a similar table, you can state (below) where we can find this information in the plan. [help]																																										
<table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr> <th style="width: 16.6%;">Activity (fill, drain, excavate, flood, etc.)</th> <th style="width: 16.6%;">Wetland Name¹</th> <th style="width: 16.6%;">Wetland type and rating category²</th> <th style="width: 16.6%;">Impact area (sq. ft. or Acres)</th> <th style="width: 16.6%;">Duration of impact³</th> <th style="width: 16.6%;">Proposed mitigation type⁴</th> <th style="width: 16.6%;">Wetland mitigation area (sq. ft. or acres)</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	Activity (fill, drain, excavate, flood, etc.)	Wetland Name ¹	Wetland type and rating category ²	Impact area (sq. ft. or Acres)	Duration of impact ³	Proposed mitigation type ⁴	Wetland mitigation area (sq. ft. or acres)																																			
Activity (fill, drain, excavate, flood, etc.)	Wetland Name ¹	Wetland type and rating category ²	Impact area (sq. ft. or Acres)	Duration of impact ³	Proposed mitigation type ⁴	Wetland mitigation area (sq. ft. or acres)																																				
¹ If no official name for the wetland exists, create a unique name (such as "Wetland 1"). The name should be consistent with other project documents, such as a wetland delineation report. ² Ecology wetland category based on current Western Washington or Eastern Washington Wetland Rating System. Provide the wetland rating forms with the JARPA package. ³ Indicate the days, months or years the wetland will be measurably impacted by the activity. Enter "permanent" if applicable. ⁴ Creation (C), Re-establishment/Rehabilitation (R), Enhancement (E), Preservation (P), Mitigation Bank/In-lieu fee (B)																																										
Page number(s) for similar information in the mitigation plan, if available: _____																																										
7i. For all filling activities identified in 7h, describe the source and nature of the fill material, the amount in cubic yards that will be used, and how and where it will be placed into the wetland. [help]																																										
N/A																																										
7j. For all excavating activities identified in 7h, describe the excavation method, type and amount of material in cubic yards you will remove, and where the material will be disposed. [help]																																										
N/A																																										

Part 8–Waterbodies (other than wetlands): Impacts and Mitigation

In Part 8, "waterbodies" refers to non-wetland waterbodies. (See Part 7 for information related to wetlands.) [\[help\]](#)

☒ Check here if there are waterbodies on or adjacent to the project area. (If there are none, skip to Part 9.)

8a. Describe how the project is designed to avoid and minimize adverse impacts to the aquatic environment. [help]
☐ Not applicable

1. The overall project complies with regulatory agency requirements to avoid and minimize environmental impacts;
2. The grating on the ramp and float allows for deeper light penetration that is beneficial for many fish species;
3. The flotation tub is permanently encapsulated;
4. The pilings are galvanized steel;
5. The floating construction barge will not ground out;
6. Care will be taken to contain all construction debris;
7. Best Management Practices (BMPs) will be exercised throughout the project duration;
8. Regulatory in-water work windows will be observed.

8b. Will your project impact a waterbody or the area around a waterbody? [\[help\]](#)

☒ Yes ☐ No

8c. Have you prepared a mitigation plan to compensate for the project's adverse impacts to non-wetland waterbodies? [\[help\]](#)

- If Yes, submit the plan with the JARPA package and answer 8d.
- If No, or Not applicable, explain below why a mitigation plan should not be required.

☐ Yes ☒ No ☐ Don't know

This is a replacement project in the existing footprint. Ultimately this project will reduce the footprint of overwater coverage, increase light penetration through adding grated surfaces, and remove creosote treated wood from the marine environment.

8d. Summarize what the mitigation plan is meant to accomplish. Describe how a watershed approach was used to design the plan.

- If you already completed 7g you do not need to restate your answer here. [\[help\]](#)

8e. Summarize impact(s) to each waterbody in the table below. [\[help\]](#)

Activity (clear, dredge, fill, pile drive, etc.)	Waterbody name ¹	Impact location ²	Duration of impact ³	Amount of material (cubic yards) to be placed in or removed from waterbody	Area (sq. ft. or linear ft.) of waterbody directly affected
Remove Solid Wood Pier	Flounder Bay	Overwater	Permanent	6' X 12'	72
Remove Solid Wood Float	Flounder Bay	Overwater	Permanent	8' X 45'	360
Remove Solid Wood Ramp	Flounder Bay	Overwater	Permanent	3' X 30'	90
Remove (3) 12" Creosote Treated Wood Piles	Flounder Bay	In Water	Permanent	12" = .79 Sq. Ft.	2.37
Install (4) 10" galvanized steel piles	Flounder Bay	In Water	Permanent	10" = .55 Sq. Ft.	2.2
Install 100% grated aluminum ramp	Flounder Bay	Overwater	Permanent	3' X 36'	108
Install 50% fiberglass grating 50% composite decking float	Flounder Bay	Overwater	Permanent	8' X 45'	360

¹ If no official name for the waterbody exists, create a unique name (such as "Stream 1") The name should be consistent with other documents provided.

² Indicate whether the impact will occur in or adjacent to the waterbody. If adjacent, provide the distance between the impact and the waterbody and indicate whether the impact will occur within the 100-year flood plain.

³ Indicate the days, months or years the waterbody will be measurably impacted by the work. Enter "permanent" if applicable.

8f. For all activities identified in 8e, describe the source and nature of the fill material, amount (in cubic yards) you will use, and how and where it will be placed into the waterbody. [\[help\]](#)

None

8g. For all excavating or dredging activities identified in 8e, describe the method for excavating or dredging, type and amount of material you will remove, and where the material will be disposed. [\[help\]](#)

None

Part 9—Additional Information

Any additional information you can provide helps the reviewer(s) understand your project. Complete as much of this section as you can. It is ok if you cannot answer a question.

9a. If you have already worked with any government agencies on this project, list them below. [\[help\]](#)

Agency Name	Contact Name	Phone	Most Recent Date of Contact
City of Anacortes			
USACE			
WDFW			

9b. Are any of the wetlands or waterbodies identified in Part 7 or Part 8 of this JARPA on the Washington Department of Ecology's 303(d) List? [\[help\]](#)

- If Yes, list the parameter(s) below.
- If you don't know, use Washington Department of Ecology's Water Quality Assessment tools at: <https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-improvement/Assessment-of-state-waters-303d>.

☐ Yes ☒ No

9c. What U.S. Geological Survey Hydrological Unit Code (HUC) is the project in? [\[help\]](#)

- Go to <http://cfpub.epa.gov/surf/locate/index.cfm> to help identify the HUC.

Puget Sound Basin - 17110019

9d. What Water Resource Inventory Area Number (WRIA #) is the project in? [\[help\]](#)

- Go to <https://ecology.wa.gov/Water-Shorelines/Water-supply/Water-availability/Watershed-look-up> to find the WRIA #.

WRIA 3- Lower Skagit-Samish

9e. Will the in-water construction work comply with the State of Washington water quality standards for turbidity? [\[help\]](#)

- Go to <https://ecology.wa.gov/Water-Shorelines/Water-quality/Freshwater/Surface-water-quality-standards/Criteria> for the standards.

☒ Yes ☐ No ☐ Not applicable

9f. If the project is within the jurisdiction of the Shoreline Management Act, what is the local shoreline environment designation? [help] - If you don't know, contact the local planning department. - For more information, go to: https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Shoreline-coastal-planning/Shoreline-laws-rules-and-cases.
☐ Urban ☐ Natural ☒ Aquatic ☐ Conservancy ☐ Other: _____
9g. What is the Washington Department of Natural Resources Water Type? [help] Go to http://www.dnr.wa.gov/forest-practices-water-typing for the Forest Practices Water Typing System.
☒ Shoreline ☒ Fish ☐ Non-Fish Perennial ☐ Non-Fish Seasonal
9h. Will this project be designed to meet the Washington Department of Ecology's most current stormwater manual? [help] If No, provide the name of the manual your project is designed to meet.
☐ Yes ☒ No
Name of manual: <u>Not Applicable</u>
9i. Does the project site have known contaminated sediment? [help] If Yes, please describe below.
☐ Yes ☒ No
9j. If you know what the property was used for in the past, describe below. [help]
Unknown
9k. Has a cultural resource (archaeological) survey been performed on the project area? [help] If Yes, attach it to your JARPA package.
☐ Yes ☒ No
9l. Name each species listed under the federal Endangered Species Act that occurs in the vicinity of the project area or might be affected by the proposed work. [help] Puget Sound Chinook Salmon (<i>Oncorhynchus tshawytscha</i>), Puget Sound Steelhead (<i>Oncorhynchus mykiss</i>), Puget Sound Coho Salmon (<i>Oncorhynchus kisutch</i>), Southern Resident Killer Whale (<i>Orcinus orca</i>), Marbled Murrelet (<i>Brachyramphus marmoratus</i>), Leatherback Sea Turtle (<i>Dermochelys coriacea</i>), Western Snowy Plover (<i>Charadrius nivosus</i>), and Puget Sound Bocaccio (<i>Sebastes paucispinis</i>)
9m. Name each species or habitat on the Washington Department of Fish and Wildlife's Priority Habitats and Species List that might be affected by the proposed work. [help] Estuarine and Marine Wetlands (NWI-Aquatic Habitat), Estuarine Zone (PHS Region), Dungeness Crab (Presence), Geoduck (Presence)

Part 10–SEPA Compliance and Permits

Use the resources and checklist below to identify the permits you are applying for.

- Online Project Questionnaire at <http://apps.oria.wa.gov/opas/>.
- Governor's Office for Regulatory Innovation and Assistance at (800) 917-0043 or help@oria.wa.gov.
- For a list of addresses to send your JARPA to, click on [agency addresses for completed JARPA](#).

10a. Compliance with the State Environmental Policy Act (SEPA). (Check all that apply.) [\[help\]](#)

- For more information about SEPA, go to <https://ecology.wa.gov/regulations-permits/SEPA-environmental-review>.

- ☐ A copy of the SEPA determination or letter of exemption is included with this application.
- ☐ A SEPA determination is pending with _____ (lead agency). The expected decision date is _____.
- ☐ I am applying for a Fish Habitat Enhancement Exemption. (Check the box below in 10b.) [\[help\]](#)
- ☒ This project is exempt (choose type of exemption below).
- ☒ Categorical Exemption. Under what section of the SEPA administrative code (WAC) is it exempt?
WAC 197-11-800-(3)- Repair, remodeling and maintenance activities
- ☐ Other: _____
- ☐ SEPA is pre-empted by federal law.

10b. Indicate the permits you are applying for. (Check all that apply.) [\[help\]](#)

LOCAL GOVERNMENT

Local Government Shoreline permits:

- ☒ Substantial Development ☐ Conditional Use ☐ Variance

- ☒ Shoreline Exemption Type (explain): Normal repair, remodeling and maintenance activities with a reduction in overall overwater coverage

Other City/County permits:

- ☐ Floodplain Development Permit ☐ Critical Areas Ordinance

STATE GOVERNMENT

Washington Department of Fish and Wildlife:

- ☒ Hydraulic Project Approval (HPA) ☐ Fish Habitat Enhancement Exemption – [Attach Exemption Form](#)

Washington Department of Natural Resources:

- ☐ Aquatic Use Authorization

Complete [JARPA Attachment E](#) and submit a check for \$25 payable to the Washington Department of Natural Resources.

Do not send cash.

Washington Department of Ecology:

- ☒ Section 401 Water Quality Certification ☐ Non-Federally Regulated Waters

FEDERAL AND TRIBAL GOVERNMENT

United States Department of the Army (U.S. Army Corps of Engineers):

- ☐ Section 404 (discharges into waters of the U.S.) ☒ Section 10 (work in navigable waters)

United States Coast Guard:

For projects or bridges over waters of the United States, contact the U.S. Coast Guard at: d13-pf-d13bridges@uscg.mil

☐ Bridge Permit

☐ Private Aids to Navigation (or other non-bridge permits)

United States Environmental Protection Agency:

☒ Section 401 Water Quality Certification (discharges into waters of the U.S.) on tribal lands where tribes do not have treatment as a state (TAS)

Tribal Permits: (Check with the tribe to see if there are other tribal permits, e.g., Tribal Environmental Protection Act, Shoreline Permits, Hydraulic Project Permits, or other in addition to CWA Section 401 WQC)

☒ Section 401 Water Quality Certification (discharges into waters of the U.S.) where the tribe has treatment as a state (TAS).

Part 11—Authorizing Signatures

Signatures are required before submitting the JARPA package. The JARPA package includes the JARPA form, project plans, photos, etc. [\[help\]](#)

11a. Applicant Signature (required) [\[help\]](#)

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities, and I agree to start work only after I have received all necessary permits.

I hereby authorize the agent named in Part 3 of this application to act on my behalf in matters related to this application. ☒ DB (initial)

By initialing here, I state that I have the authority to grant access to the property. I also give my consent to the permitting agencies entering the property where the project is located to inspect the project site or any work related to the project. ☒ DB (initial)

☒ <u>Dake Brownson</u>	<u>Dake Brownson</u>	2/3/2021
Applicant Printed Name	Applicant Signature	Date

11b. Authorized Agent Signature [\[help\]](#)

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities and I agree to start work only after all necessary permits have been issued.

<u>Tabitha Simonetti</u>	<u>Tabitha Simonetti</u>	2-11-2021
Authorized Agent Printed Name	Authorized Agent Signature	Date

11c. Property Owner Signature (if not applicant) [\[help\]](#)

Not required if project is on existing rights-of-way or easements (provide copy of easement with JARPA).

I consent to the permitting agencies entering the property where the project is located to inspect the project site or any work. These inspections shall occur at reasonable times and, if practical, with prior notice to the landowner.

☒ <u>Dake Brownson</u>	<u>Dake Brownson</u>	2/3/2021
Property Owner Printed Name	Property Owner Signature	Date

18 U.S.C §1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years or both.

If you require this document in another format, contact the Governor's Office for Regulatory Innovation and Assistance (ORIA) at (800) 917-0043. People with hearing loss can call 711 for Washington Relay Service. People with a speech disability can call (877) 833-6341. ORIA publication number: ORIA-16-011 rev. 09/2018

SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. Background [\[HELP\]](#)

1. Name of proposed project, if applicable:
 - a. Delmar-Brownson Dock Replacement
2. Name of applicant:

- a. Brownson, Jake & Delmar, Monique
- 3. **Address and phone number of applicant and contact person:**
 - a. Applicant: 3939 N Marine Dr. Portland, OR 97217---(681)839-5433
 - b. Contact Person: Simonetti, Tabitha Marine Floats Corporation--- 313 East F Street Tacoma, WA 98421--- (253)383-2740
- 4. **Date checklist prepared:**
 - a. March 25, 2021
- 5. **Agency requesting checklist:**
 - a. City of Anacortes
- 6. **Proposed timing or schedule (including phasing, if applicable):**
 - a. July 2021- February 2026
- 7. **Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.**
 - a. No
- 8. **List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.**
 - a. Habitat Assessment
 - b. HPA Permit Applications
 - c. USACE Permit Applications
- 9. **Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.**
 - a. No
- 10. **List any government approvals or permits that will be needed for your proposal, if known.**
 - a. WDFW- HPA Permit
 - b. USACE- Approval Permit
 - c. City of Anacortes- Shoreline Substantial Development Permit
 - d. City of Anacortes- Building Permit
- 11. **Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)**
 - a. This project will improve the marine environment by removing chemicals like creosote and increasing light penetration through replacement of a solid decked structure with a grated one. In addition, it will also decrease the overwater footprint from 522 Sq. Ft. to 441 Sq. Ft. this is an 81 Sq. Ft. reduction in overwater coverage. This project proposes to replace the existing: 6' X 12' timber

pier, 3' X 30' ramp, 8' X 45' float, and (3) 12" creosote treated wood piling; with the installation of: (1) 3' X 36' 100% fiberglass ADA compliant grated aluminum ramp, (1) 8' X 45' float with 50% composite decking and 50% ADA compliant grating with 3/4" X 4" rectangles and 62% open space, (4) 10" galvanized steel piles, and (2) mounted float stops.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

- a. 2208 Dover Drive Anacortes, WA 98221
- b. S: 27 T: 35 R:01
- c. 48.49257 // -122.67688
- d. Site plan attached

B. Environmental Elements [\[HELP\]](#)

1. Earth [\[help\]](#)

General description of the site:

- a. (circle one): Flat, rolling, hilly, steep slopes, mountainous, other _____
- b. What is the steepest slope on the site (approximate percent slope)?
 - i. 0-5% slopes
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.
 - i. Seasonally wet soils, laomy/sandy gravel
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.
 - i. No- none known
- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.
 - i. No fill, excavation, or grading to take place on the property as a result of this project.
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.
 - i. No erosion to occur as a result of this project.
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?
 - i. 0%- this is a replacement of an existing project that will reduce the overwater coverage footprint.

- ii.
- h. **Proposed measures to reduce or control erosion, or other impacts to the earth, if any:**
 - i. None- N/A

2. Air [\[help\]](#)

- a. **What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.**
 - i. No emissions expected. Construction equipment includes possible boat exhaust.
- b. **Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.**
 - i. None known
- c. **Proposed measures to reduce or control emissions or other impacts to air, if any:**
 - i. All equipment is kept in good working condition.

3. Water [\[help\]](#)

a. Surface Water: [\[help\]](#)

- 1) **Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.**
 - a. Yes- Flounder Bay- Burrows Bay- Puget Sound
- 2) **Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.**
 - a. Yes- all work will occur over/in water
 - b. Plans attached
- 3) **Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.**
 - a. No fill or dredge material will be placed in or removed from water.
- 4) **Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.**
 - a. No
- 5) **Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.**
 - a. Yes- Zone AE
- 6) **Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.**
 - a. No

b. Ground Water: [\[help\]](#)

- 1) **Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.**
 - a. No- N/A

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

a. None

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

a. None- N/A

2) Could waste materials enter ground or surface waters? If so, generally describe.

a. No

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

a. No

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

None--- N/A

4. Plants [\[help\]](#)

A. Check the types of vegetation found on the site:

☒ deciduous tree: alder, maple, aspen, other

☒ evergreen tree: fir, cedar, pine, other

☒ shrubs

☒ grass

☐ pasture

☐ crop or grain

☐ Orchards, vineyards or other permanent crops.

☒ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other

☒ water plants: water lily, eelgrass, milfoil, other

☒ other types of vegetation

B. What kind and amount of vegetation will be removed or altered?

1. None

C. List threatened and endangered species known to be on or near the site.

1. None known

D. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

1. None- N/A

E. List all noxious weeds and invasive species known to be on or near the site.

1. None known

5. Animals [\[help\]](#)

- A. **List any birds and other animals which have been observed on or near the site or are known to be on or near the site.**

Examples include:

birds: hawk, heron, eagle, songbirds, **other:** Shore birds

mammals: deer, **bear, elk, beaver, other:** Seals, Sea lions, rodents etc.

fish: bass, salmon, trout, herring, shellfish, **other** _____

- B. **List any threatened and endangered species known to be on or near the site.**

- a. Puget Sound Chinook Salmon (*Oncorhynchus tshawytscha*), Puget Sound Steelhead (*Oncorhynchus mykiss*), Puget Sound Coho Salmon (*Oncorhynchus kisutch*), Southern Resident Killer Whale (*Orcinus orca*), Marbled Murrelet (*Brachyramphus marmoratus*), Leatherback Sea Turtle (*Dermochelys coriacea*), Western Snowy Plover (*Charadrius nivosus*), and Puget Sound Bocaccio (*Sebastes paucispinis*)

- C. **Is the site part of a migration route? If so, explain.**

- a. No

- D. **Proposed measures to preserve or enhance wildlife, if any:**

- a. The overall project will comply with all regulatory agencies to minimize environmental impact
b. The grating being added to the float, as well as, reduced overwater coverage will be optimal for wildlife
c. Floation tubs will be permanently encapsulated
d. Construction equipment will not ground out
e. Regulatory in-water work windows will be observed
f. All best management practices will be implemented

- E. **List any invasive animal species known to be on or near the site.**

- a. None known

6. Energy and Natural Resources [\[help\]](#)

- A. **What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.**

- a. None- N/A

- B. **Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.**

- a. No

- C. **What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:**

- a. None-N/A

7. Environmental Health [\[help\]](#)

- A. **Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.**

- a. No

- 1) Describe any known or possible contamination at the site from present or past uses.
 - a. None known
- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.
 - a. None known
- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.
 - a. None- gasoline to power boats
- 4) Describe special emergency services that might be required.
 - a. In the event of a spill- authorities will be notified and all cleanup procedures will be followed.
- 5) Proposed measures to reduce or control environmental health hazards, if any:
 - a. None-N/A

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?
 - a. None- known
- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.
 - a. Short term construction noise during regular construction hours
- 3) Proposed measures to reduce or control noise impacts, if any:
 - a. None-N/A

8. Land and Shoreline Use [\[help\]](#)

- A. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.
 - a. Residential shoreline- No change
- B. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?
 - a. None known
1. Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:
 - a. No
- C. Describe any structures on the site.
 - a. Residential home- pier, ramp, float, and piling
- D. Will any structures be demolished? If so, what?
 - a. Yes the existing pier, ramp, float, and piling will be removed and demolished offsite and disposed of at an approved upland facility.

- E. What is the current zoning classification of the site?
 - a. Marine Mixed Use
- F. What is the current comprehensive plan designation of the site?
 - a. Burrows Bay- Residential
- G. If applicable, what is the current shoreline master program designation of the site?
 - a. R2- Residential low density
- H. Has any part of the site been classified as a critical area by the city or county? If so, specify.
 - a. None known
- I. Approximately how many people would reside or work in the completed project?
 - a. N/A
- J. Approximately how many people would the completed project displace?
 - a. None- N/A
- K. Proposed measures to avoid or reduce displacement impacts, if any:
 - a. None- N/A
- L. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
 - a. All proper permits will be obtained before any work begins
- M. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:
 - a. None-N/A

9. Housing [\[help\]](#)

- A. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
 - a. None-N/A
- B. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.
 - a. None-N/A
- C. Proposed measures to reduce or control housing impacts, if any:
 - a. None-N/A

10. Aesthetics [\[help\]](#)

- A. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?
 - a. Same as existing
- B. What views in the immediate vicinity would be altered or obstructed?
 - a. No views will be changed
- C. Proposed measures to reduce or control aesthetic impacts, if any:
 - a. None- N/A

11. Light and Glare [\[help\]](#)

- A. What type of light or glare will the proposal produce? What time of day would it mainly occur?
 - a. None
- B. Could light or glare from the finished project be a safety hazard or interfere with views?
 - a. No
- C. What existing off-site sources of light or glare may affect your proposal?
 - a. None

- D. Proposed measures to reduce or control light and glare impacts, if any:**
a. None- N/A

12. Recreation [\[help\]](#)

- A. What designated and informal recreational opportunities are in the immediate vicinity?**
a. Residential marine environment- swimming, fishing, boating etc.
- B. Would the proposed project displace any existing recreational uses? If so, describe.**
a. No it will extend the life of the current opportunities from the existing dock.
- C. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:**
a. None- N/A

13. Historic and cultural preservation [\[help\]](#)

- A. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers ? If so, specifically describe.**
a. None known
- B. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.**
a. None known --- Should archaeological materials (e.g. bones, shell, stone tools, beads, ceramics, old bottles, hearths, etc.) or human remains be observed during project activities, all work in the immediate vicinity should stop. The State Department of Archaeology and Historic Preservation (360-586-3065), the County planning office, the affected Tribe(s) and county coroner (if applicable) should be contacted immediately in order to help assess the situation and determine how to preserve the resource(s). Compliance with all applicable laws pertaining to archaeological resources (RCW 27.53, 27.44 and WAC 25-48) is required. Failure to comply with this requirement could constitute a Class C Felony.
- C. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.**
a. None at this time--- all permits will be received before any work is to commence
- D. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.**
a. None- N/A

14. Transportation [\[help\]](#)

- A. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.**
a. The site will be accessed via a construction barge- directly from the water.

- B. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?
 - a. Skagit Transit- nearest stop is about one mile away.
- C. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?
 - a. None- N/A
- D. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private)
 - a. No.
- E. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.
 - a. Yes- project will occur in water
- F. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?
 - a. None
- G. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.
 - a. No
- H. Proposed measures to reduce or control transportation impacts, if any:
 - a. None- N/A

15. Public Services [\[help\]](#)

- A. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.
 - a. No
- B. Proposed measures to reduce or control direct impacts on public services, if any.
 - a. None- N/A

16. Utilities [\[help\]](#)

- A. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other _____
- B. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.
 - a. No Changes proposed

C. Signature [\[HELP\]](#)

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: _____

Name of signee _____

Position and Agency/Organization _____

Date Submitted: _____

Tabitha Simonetti
Tabitha Simonetti
Environmental Planner - Marine Floats
5-21-21

PROJECT NAME: DELMAR-BROWNSON DOCK REPLACEMENT

OWNER NAME: JAKE BROWNSON & MONIQUE DELMAR
PROJECT ADDRESS: 2208 DOVER DR. ANACORTES, WA 98221
MAILING ADDRESS: 3939 N MARINE DR. PORTLAND, OR 9217
PHONE NUMBER: (631)839-5433

AGENT: MARINE FLOATS CORPORATION
PHONE NUMBER: (253)383-2740
ADDRESS: 313 EAST F ST. TACOMA. WA 98421

ZONING DESIGNATION: R2- RESIDENTIAL LOW DENSITY 2

SHORELINE DESIGNATION: SHORELINE RESIDENTIAL

LOT SIZE: .35 ACRES OR 15,246 SQ FT

TYPE OF CONSTRUCTION: 5b

PROPOSED USE: SINGLE- FAMILY RESIDENTIAL- RECREATION

OCCUPANCY CLASSIFICATION: SINGLE FAMILY

PERCENT LOT COVERAGE: 2.89%
PERCENT IMPERVIOUS SURFACES: 0% NO CHANGE FROM EXISTING



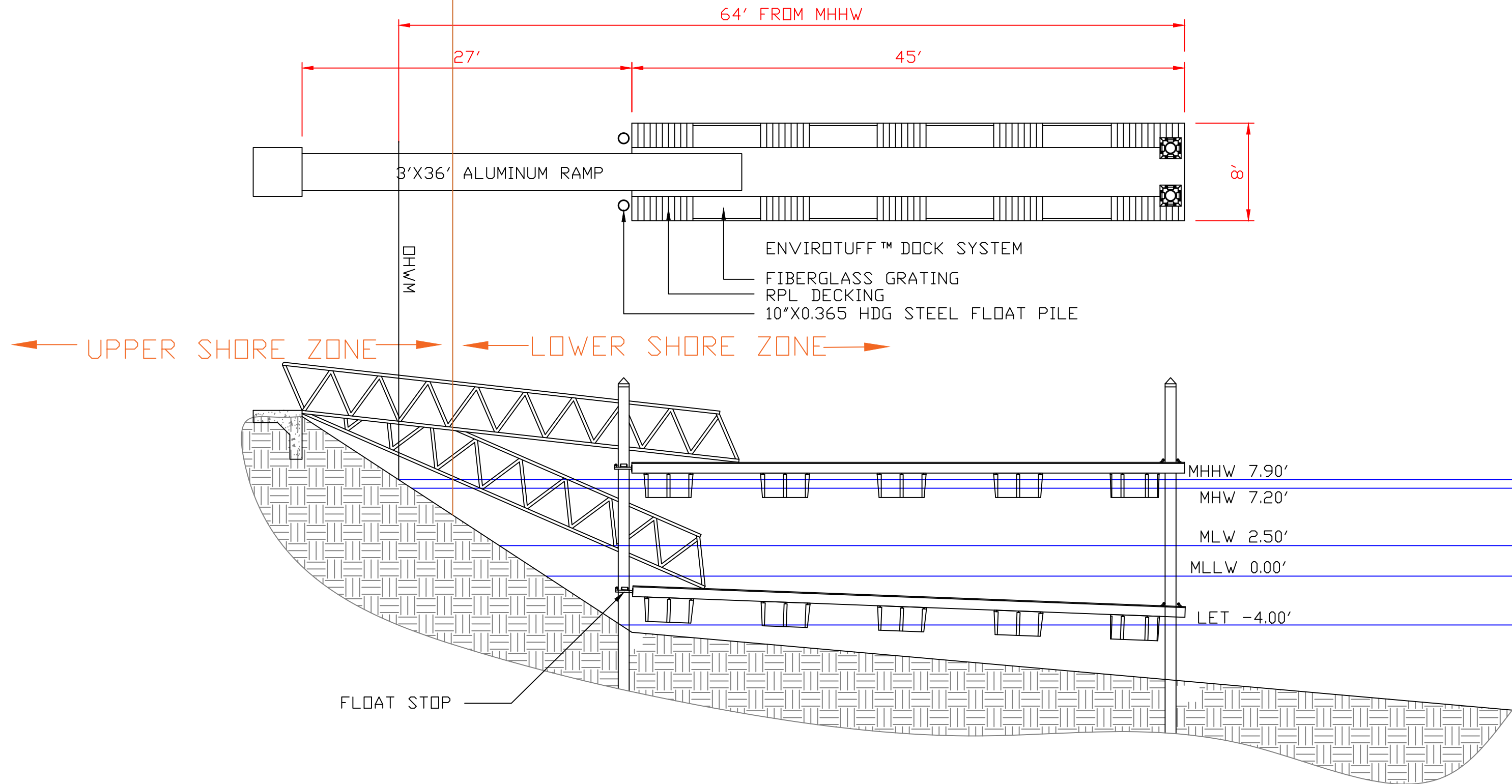
PAGE 1: COVER SHEET
PAGE 2: PROPOSED PIER RAMP AND FLOAT
PAGE 3: EXISTING PIER RAMP AND FLOAT
PAGE 4: EXISTING SITE PLAN
PAGE 5: PROPOSED SITE PLAN





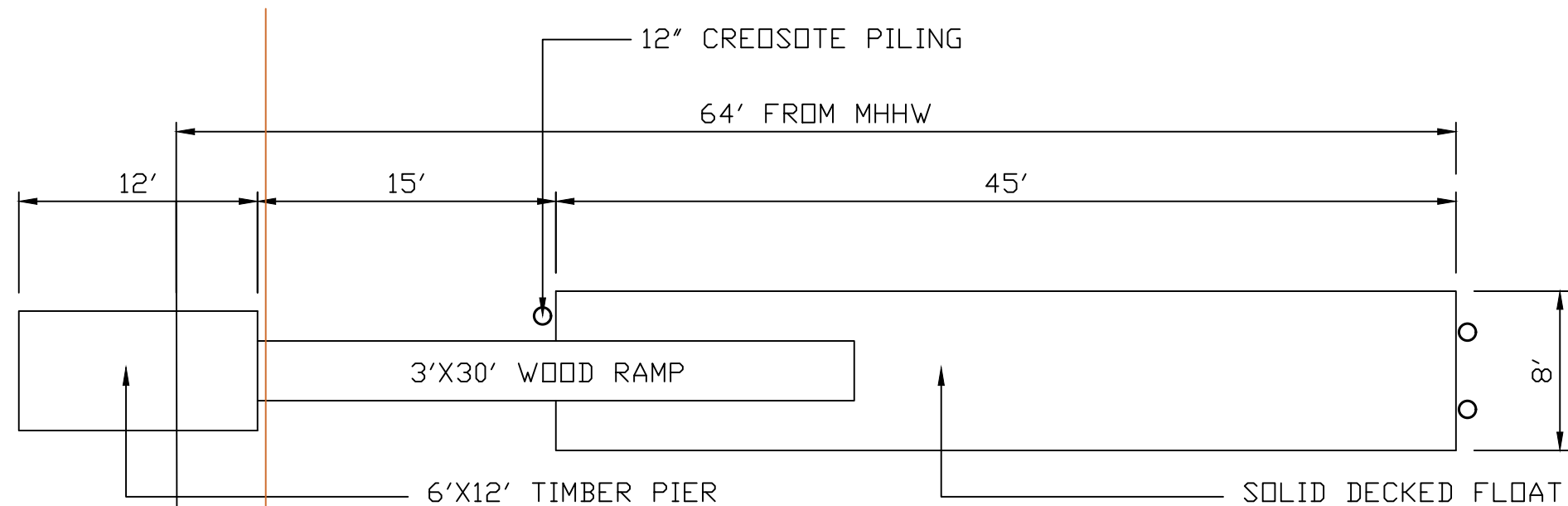
**MARINE
FLOATS**
PROPRIETARY PROPERTY
MARINE FLOATS CORPORATION
This document is the proprietary property of
Marine Floats Corporation and shall not be used in part or whole
for any other project without
THE WRITTEN PERMISSION OF MARINE FLOATS
CORPORATION

Marine Floats		
313 East F St - Tacoma - WA 98421 - 253-383-2740		
SCALE: NTS	APPROVED BY:	DRAWN BY
DATE: 2/9/21		REVISION #
COVER PAGE		
DELMAR - BROWNSON FLOUNDER BAY		DRAWING NUMBER
PAGE 1		

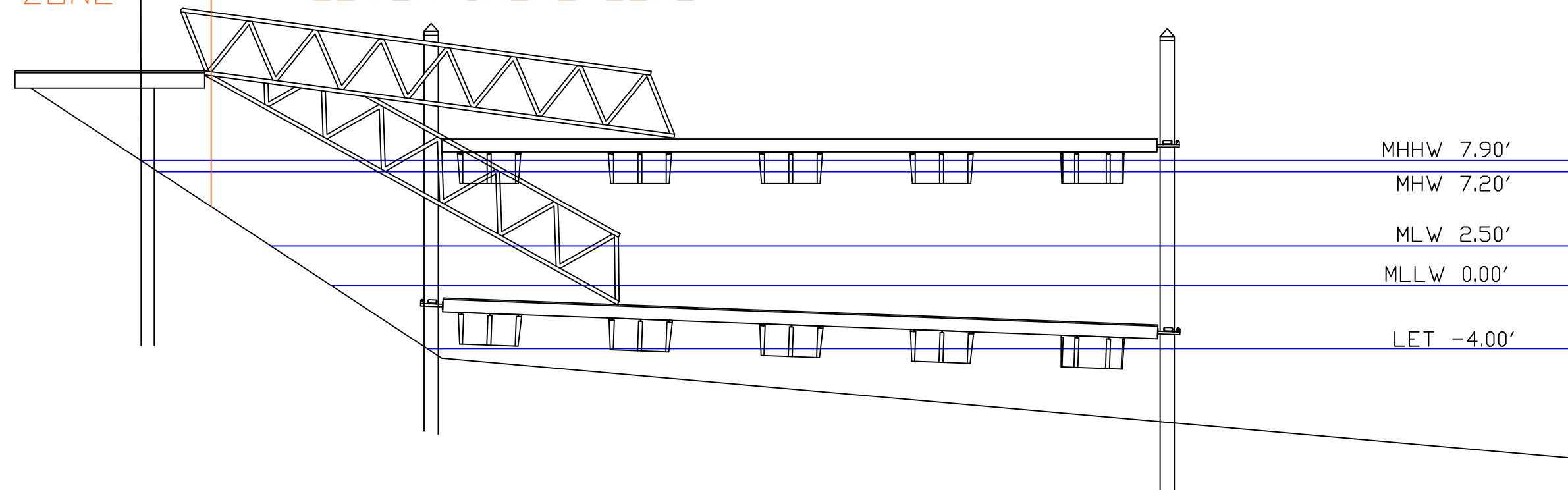


 **MARINE
FLOATS**
PROPRIETARY PROPERTY
MARINE FLOATS CORPORATION
This document is the proprietary property of
Marine Floats Corporation and shall not be used in part or whole
for any other project without
THE WRITTEN PERMISSION OF MARINE FLOATS
CORPORATION

Marine Floats		
313 East F St - Tacoma - WA 98421 - 253-383-2740		
SCALE: 1/8"=1'-0"	APPROVED BY:	DRAWN BY
DATE: 2/9/21		REVISION #
PROPOSED PIER RAMP AND FLOAT		
MONIQUE DELMAR FLOUNDER BAY		DRAWING NUMBER
PAGE 2		

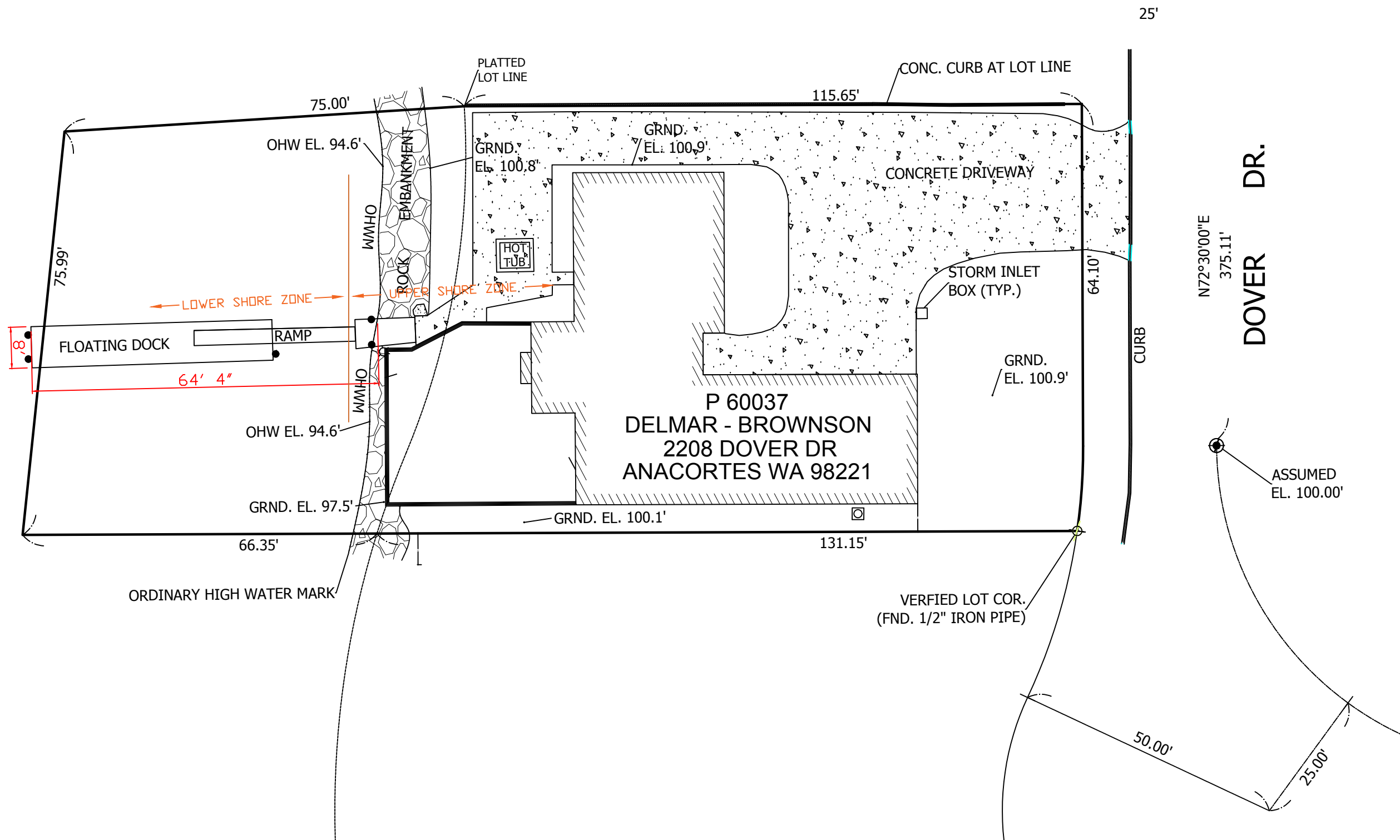
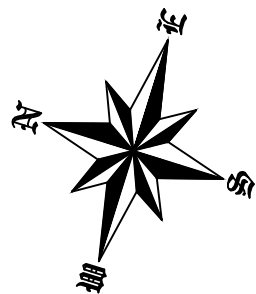


UPPER SHORE ZONE ← → LOWER SHORE ZONE →



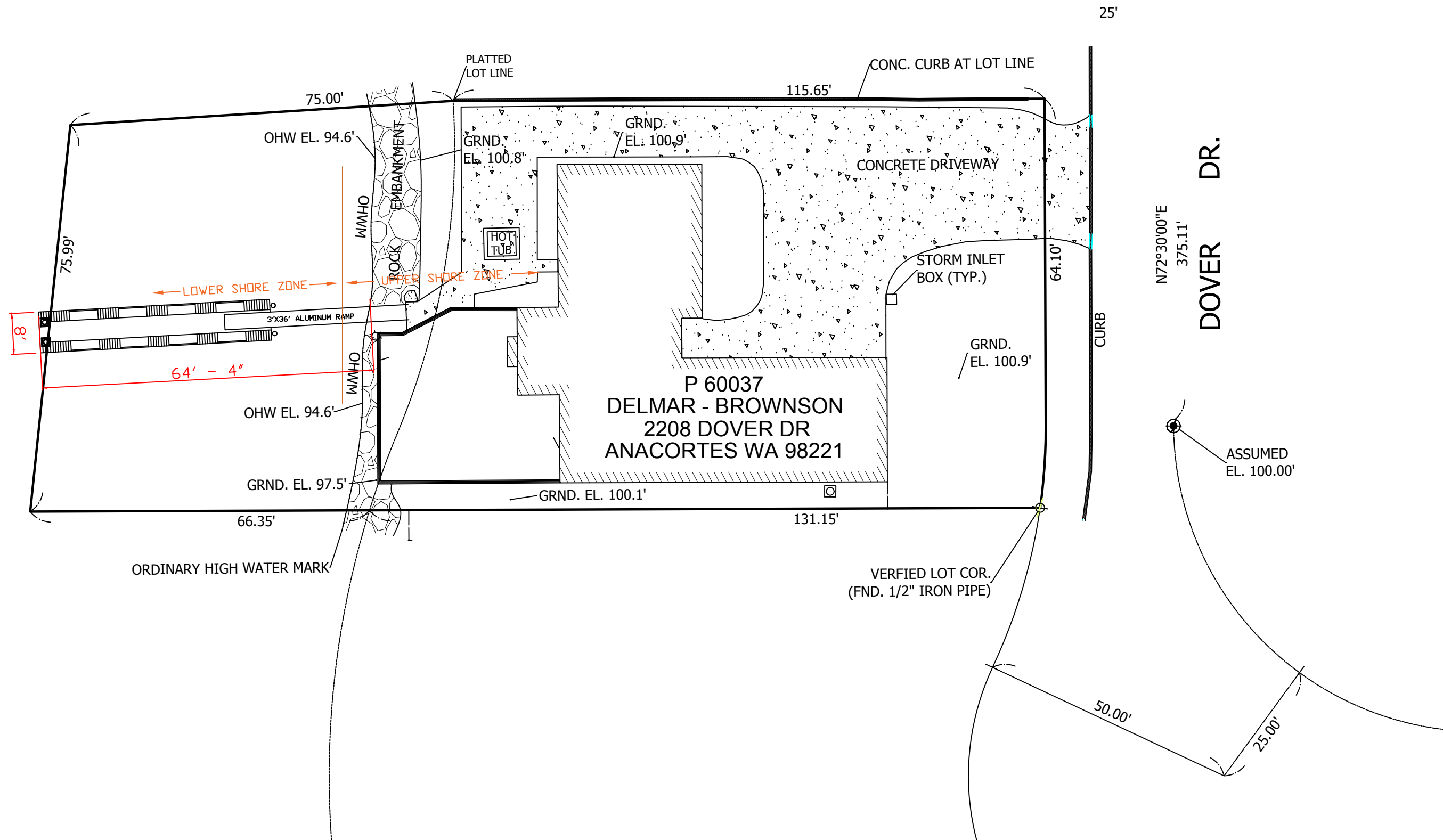
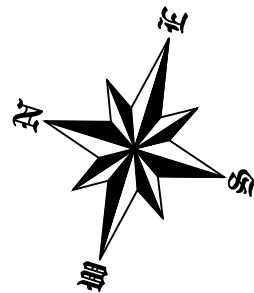

MARINE FLOATS
 PROPRIETARY PROPERTY
 MARINE FLOATS CORPORATION
 This document is the proprietary property of
 Marine Floats Corporation and shall not be used in part or whole
 for any other project without
 THE WRITTEN PERMISSION OF MARINE FLOATS
 CORPORATION

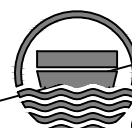
Marine Floats		
313 East F St - Tacoma - WA 98421 - 253-383-2740		
SCALE: 1/8"=1'-0"	APPROVED BY:	DRAWN BY
DATE: 2/9/21		REVISION #
EXISTING PIER RAMP AND FLOAT		
MONIQUE DELMAR FLOUNDER BAY		DRAWING NUMBER
PAGE 3		



PROPRIETARY PROPERTY
MARINE FLOATS CORPORATION
This document is the proprietary property of
Marine Floats Corporation and shall not be used in part or whole
for any other project without
THE WRITTEN PERMISSION OF MARINE FLOATS
CORPORATION

Marine Floats		
313 East F St - Tacoma - WA 98421 - 253-383-2740		
SCALE: 1" = 20'	APPROVED BY:	DRAWN BY
DATE: 2/9/21		REVISION #
EXISTING SITE PLAN		
MONIQUE DELMAR FLOUNDER BAY		DRAWING NUMBER
PAGE 4		





**MARINE
FLOATS**
PROPRIETARY PROPERTY
MARINE FLOATS CORPORATION
This document is the proprietary property of
Marine Floats Corporation and shall not be used in part or whole
for any other project without
THE WRITTEN PERMISSION OF MARINE FLOATS
CORPORATION

Marine Floats		
313 East F St - Tacoma - WA 98421 - 253-383-2740		
SCALE: 1" = 20'	APPROVED BY:	DRAWN BY
DATE: 2/9/21		REVISION #
PROPOSED SITE PLAN		
MONIQUE DELMAR FLOUNDER BAY		DRAWING NUMBER
PAGE 5		

Delmar-Brownson Dock Replacement

Habitat Assessment

May 18, 2021

**For: Jake Brownson & Monique Delmar
3939 N. Marine Drive
Portland, OR 97217**

**Site Address:
2208 Dover Drive
Anacortes, WA 98221**



**MARINE SURVEYS & ASSESSMENTS
380 Jefferson Street
Port Townsend WA 98368
360-385-4073
msa@marinesurveysandassessments.com**

Table of Contents

1	Project Overview.....	1
1.1	Purpose.....	1
1.2	Applicant Information.....	1
1.3	Project Location.....	1
1.4	Project Description.....	2
1.5	Action Area	4
2	Site Specific Habitat Information.....	5
3	Fish & Wildlife Habitat Conservation Areas (FWHCAs)	6
3.1	State Priority Habitat & Species	6
3.1.1	Forage Fish.....	6
3.2	Federal ESA-Listed Species & Critical Habitat.....	7
3.2.1	Puget Sound Chinook.....	8
3.2.2	Hood Canal Summer-run Chum.....	9
3.2.3	Bull Trout	9
3.2.4	Puget Sound Steelhead.....	10
3.2.5	Rockfish	10
3.2.6	Marbled Murrelet	11
3.2.7	Humpback whale.....	11
3.2.8	Leatherback Sea Turtle.....	12
3.2.9	Southern Resident Killer Whale.....	12
3.2.10	Green Sturgeon	12
4	Effects of the Proposed Action.....	13
4.1	Direct Effects	13
4.1.1	Water Quality	13
4.1.2	Pile Driving Noise.....	15
4.2	Indirect Effects.....	15
4.2.1	Salmonid Migratory Pathway Alteration	16
4.2.2	Increased Predation	16
4.2.3	Shading Impacts.....	17
4.2.4	Boating Impacts	17
4.2.5	Sediment Scour	18

4.3	Cumulative Effects.....	18
4.4	Interrelated/Interdependent Effects	18
5	Conservation Measures to Avoid & Minimize Impacts	18
6	Take Analysis	20
7	Conclusion.....	20
7.1	No Net Loss	20
7.2	Determination of Effect	20
	References.....	22
	Attachment 1. Essential Fish Habitat Assessment	27
	Attachment 2. Assessment of Impacts to Critical Habitat.....	29
	for Puget Sound Chinook.....	29
	Attachment 3. Assessment of Impacts to Critical Habitat for Nearshore Rockfish	31

List of Tables

Table 1. National Marine Fisheries Service (NMFS) & U.S. Fish & Wildlife Service (USFWS)	
Designated Critical Habitat.....	7

List of Figures

Figure 1. Vicinity map	2
Figure 2. Existing site plan	3
Figure 3. Proposed pier, ramp, and float.....	3
Figure 4. Department of Ecology Water Quality Atlas Map.....	5
Figure 5. WDFW Documented Forage Fish Spawning	7
Figure 6. Photo of existing pier, ramp, and float.....	26
Figure 7. Photo showing existing pier and ramp and shoreline conditions.....	26

1 Project Overview

1.1 Purpose

This Habitat Assessment (HA) is being submitted for a proposed residential dock replacement to meet the requirements of the City of Anacortes municipal code (AMC) and the Shoreline Master Program (SMP). The project is within a part of Burrows Bay that lies within a FEMA Flood Hazard Area (Zone AE), Fish and Wildlife Habitat Conservation Areas (FWHCAs), and is designated as Shoreline Residential under the City of Anacortes' SMP.

The purpose of this HA is to demonstrate that the proposed project meets the criteria under AMC 17.70 Article II and to evaluate the potential effects of the proposed project on the adjoining FEMA floodplain and ESA-listed and priority wildlife, fish, and plant species and designated or proposed critical habitats that are likely to occur in the vicinity of the project.

1.2 Applicant Information

Name: Jake Brownson & Monique Delmar

Mailing Address: 3939 N. Marine Drive, Portland, OR 97217

1.3 Project Location

Section 27, Township 35, Range 01

Site Address: 2208 Dover Drive, Anacortes, WA

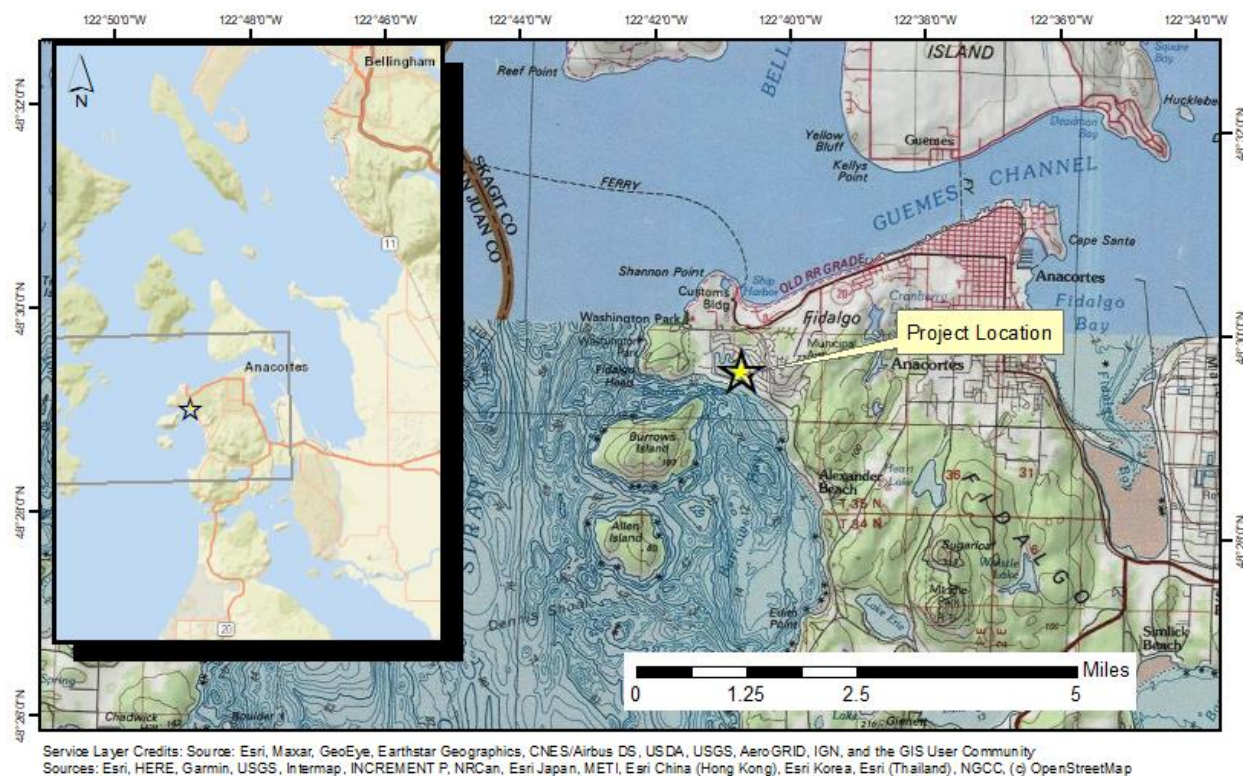
Parcel: P60037 in Skagit County

Latitude: 48.49257, Longitude: -122.67688

Waterbody: Flounder Bay, Burrows Bay in Puget Sound

The project location is seen in Figure 1.

Figure 1. Vicinity map



1.4 Project Description

It is proposed to remove the existing dock which consists of:

- 6' x 12' ungrated timber pier,
- 3' x 30' partially grated ramp,
- 8' x 45' ungrated float, and
- (3) 12-inch creosote-treated wood piles (Figure 2);

and, in the same footprint, replace it with a new dock consisting of:

- 3' x 36' 100% fiberglass ADA compliant grated aluminum ramp,
- 8' x 45' float with 50% composite decking and 50% ADA compliant grating with 3/4" x 4" rectangles and 62% open space,
- (4) 10-inch galvanized steel piles with mounted float stops (Figure 3).

Photos of the existing dock can be seen at the end of this report in Figures 6-7.

Figure 2. Existing site plan

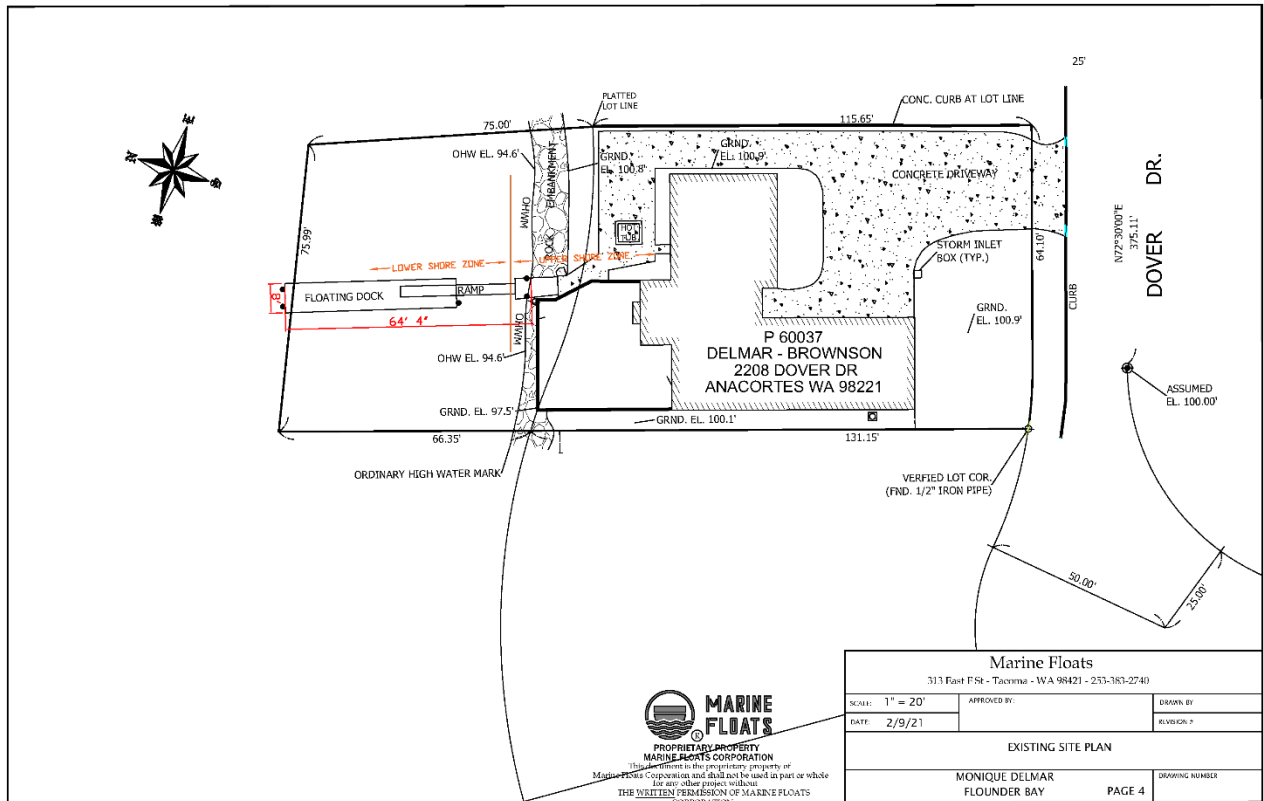
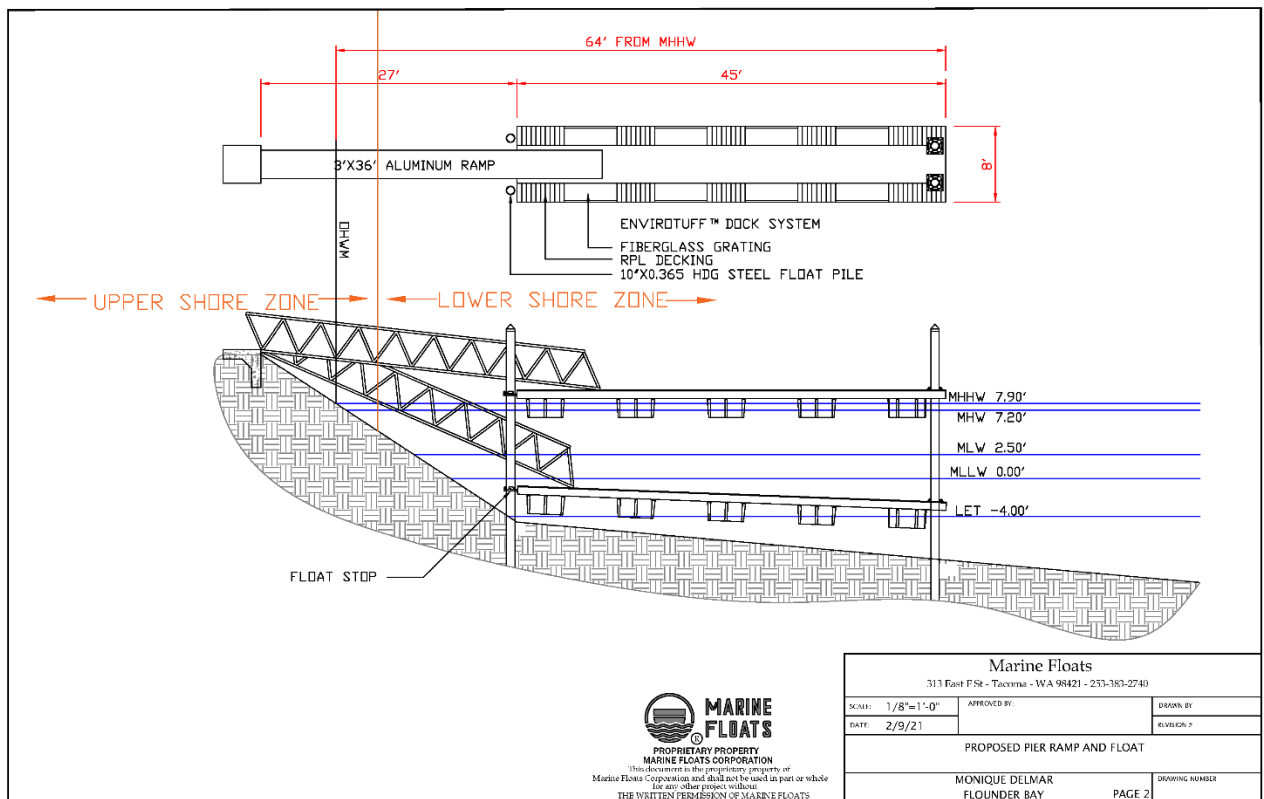


Figure 3. Proposed pier, ramp, and float



A tugboat will tow a barge, crane, pile driver, and associated work boats/skiffs to the site. First, the crew will disconnect the existing dock components and place these on a barge using a barge-mounted crane. Removal of the creosote piles will be accomplished using a barge equipped with a pile driver and extractor. The extracted creosote piles will be placed on the barge's deck within a containment system to prevent any debris from entering the water. Any shavings, sawdust, woody debris (splintered wood, fragments, etc.) on the water or sediment surface will be retrieved and placed in the containment area. Likewise, any pile-associated sediment and adhered organisms will be collected daily, contained on-site, and ultimately disposed at an approved upland disposal site along with the extracted piles. The removed pier, ramp, float, and piles will be disposed of at an approved upland facility.

The new steel piles will be barged to the site location from the manufacturer's yard. These will be installed with an impact hammer. A bubble curtain will be deployed and a wooden block will be utilized for sound attenuation.

Once the piles are installed and secure, the float will be floated in and connected with hand tools. The ramp will be lifted into place with the crane and connected to the float with hand tools. The new float system and ramp will be prefabricated at the Marine Floats Corporation facility in Tacoma and towed to Flounder Bay in Anacortes for installation. Marine Floats Corporation will barge all construction debris to an approved upland disposal site.

1.5 Action Area

The "project area" is the area within the dock's footprint. The project area also includes areas used for staging materials and equipment and accessing the site. The "action area" includes any areas with potential ecological effects from short-term construction activities or long-term habitat modifications.

For impact assessments during potential fish migration, the distance at which underwater pile driving noise attenuates to ambient sound levels is generally considered the project action area, even though the radius of potential injury is a much smaller area (CalTrans 2015). The NMFS prescribed acoustic thresholds are:

- 160 dB_{RMS} threshold for marine mammals behavioral impacts for impulsive noise (impact pile driving)
- 150 dB_{RMS} threshold for fish behavioral impacts

For this project, the in-water noise from pile driving activities should stay confined within Flounder Bay as the work is occurring in one of the "fingers" where land will block the majority of the in-water noise. There is not an unobstructed line from the project site to the bay's entrance so in-water noise is not likely to extend into Burrows Bay. This action area also includes

2 Site Specific Habitat Information

A SCUBA survey has not been done at this site to verify habitat conditions under the dock and Flounder Bay has not been surveyed by the Department of Natural Resources (DNR) as part of their Submerged Vegetation Monitoring Program. The Skagit County Intertidal Habitat Inventory shows only green algae in Flounder Bay (DNR 1999). The Washington State ShoreZone Inventory indicates only patchy areas of eelgrass in Flounder Bay (DNR 2001). A dive survey completed by MSA in 2015 in Skyline Marina (in the southwest corner of Flounder Bay) did not show any eelgrass to be present. The area was mainly barren with a few stipes of *Saccharina latissima* observed growing on some of the piles; substrate was mainly mud and silt.

Figure 4. Department of Ecology Water Quality Atlas Map



3 Fish & Wildlife Habitat Conservation Areas (FWHCAs)

The following are designated FWHCAs as defined under AMC 17.70.540 that were identified within the action area and will be discussed in the following sections:

- State designated endangered, threatened, and sensitive species with current listing status maintained by the Washington Department of Fish & Wildlife (WDFW).
- State priority habitats and species as identified by WDFW.
- Areas that contain habitats and species of local importance.
- Species and their associated critical habitat designated by federal agencies as endangered or threatened.

3.1 State Priority Habitat & Species

The Washington Department of Fish & Wildlife (WDFW) Priority Habitat and Species (PHS) mapper does not specifically document any species or habitat all of Flounder Bay. Pinto abalone (*Haliotis kamtschatkana*) and Yuma myotis (*Myotis yumanensis*) were the only listed occurrences and their data is only displayed at the township level.

According to queries of the Salmonid Stock Inventory (SaSI) (WDFW), there are no streams with documented salmonid use that connect to Flounder Bay. SaSI data shows the nearest stream used by salmonids to be approximately one mile southeast of the project site.

3.1.1 Forage Fish

Migrating salmon utilize baitfish such as Pacific herring (*Clupea harengus pallasii*), sand lance (*Ammodytes hexapterus*), and surf smelt (*Hypomesus pretiosus*) as prey resources. These forage fish form a very important trophic link between plankton resources and a wide variety of predatory marine organisms as well as providing food for marbled murrelets and bald eagles. Sand lance and surf smelt do not have federal or state concerned, threatened, or endangered status, while Pacific herring are a Federal Species of Concern and a State Candidate species.

WDFW has not conducted any forage fish surveys in Flounder Bay (Figure 5). The proposed project will occur along a stretch of beach with medium-sized rock and lacking in pea gravel or sand that would be suitable for surf smelt or sand lance spawning. Because any turbidity or noise effects from construction at the project site are unlikely to leave the bay, this project is not anticipated to adversely affect these species.

Figure 5. WDFW Documented Forage Fish Spawning

Forage Fish Spawning Map - Washington State



This map displays sand lance, smelt, herring spawning areas, herring pre-spawner holding areas, and the forage fish spawning survey beaches in Washington State.

Maxar | Washington Department of Natural Resources Aquatics Division | These data were collected by WDFW staff with contributions from the North Olympic Salmon Coalition and the Friends of the San Juans. | Washington Department of Fish and Wildlife | County of Skagit, Esri, HERE, Garmin, iPC, NRCAN

3.2 Federal ESA-Listed Species & Critical Habitat

For each listed species with the *potential to be in the project action area*, the listing status, distribution of species, and relevant life history traits are presented in the sections below. For species with critical habitat within the action area, a detailed Assessment of Impacts to Critical Habitat is included with this report as an attachment (see Attachments 2 - 3).

Table 1. National Marine Fisheries Service (NMFS) & U.S. Fish & Wildlife Service (USFWS) Designated Critical Habitat

NMFS/USFWS Critical Habitat	Project Footprint	Action Area
Final Nearshore Rockfish Critical Habitat (NMFS, 2014)	Y	Y
Final Deepwater Rockfish Critical Habitat (NMFS, 2014)	N	N
Chum Salmon Critical Habitat (NMFS, 2005)	N	N
Marine Critical Habitat for Puget Sound Chinook Salmon (NMFS, 2005)	Y	Y
Freshwater Puget Sound Chinook Salmon Critical Habitat (NMFS, 2005)	N	N

Critical Habitat for Puget Sound Steelhead (NOAA, 2016)	N	N
Marine Critical Habitat Hood Canal Summer-run Chum Salmon (NMFS, 2005)	N	N
Southern Resident Killer Whale Critical Habitat (NMFS, 2006)	N	N
Steelhead Trout Critical Habitat (NMFS, 2005)	N	N
Bull Trout Final Critical Habitat (USFWS, 2010)	N	N
Marbled Murrelet (USFWS, 2016)	N	N
Leatherback Sea Turtle Critical Habitat (NMFS, 2012)	N	N
Green Sturgeon Critical Habitat (NMFS, 2009)	N	N
Southern Eulachon (NMFS, 2011)	N	N
Proposed Humpback Whale Critical Habitat (NMFS, 2019)	N	N

3.2.1 Puget Sound Chinook

Puget Sound Chinook (*Oncorhynchus tshawytscha*), also called the king salmon, are distinguished from all other Pacific salmon by their large size. Most Chinook in the Puget Sound are “ocean-type” and migrate to the marine environment during their first year (Myers et al. 1998). They may enter estuaries immediately after emergence as fry from March to May at a length of 40 mm or they may enter the estuaries as fingerling smolts during May and June of their first year at a length of 60-80 mm (Healey 1982). Chinook fry in Washington estuaries feed on emergent insects and epibenthic crustaceans (gammarid amphipods, mysids, and cumaceans). As they grow and move into neritic habitats, they feed on decapod larvae, larval and juvenile fish, drift insects, and euphausiids (Simenstad et al. 1982). These ocean-type Chinook use estuaries as rearing areas and are the most dependent of all salmon species on estuaries for survival.

The Puget Sound Chinook is listed under the Endangered Species Act (ESA) as threatened according to the National Marine Fisheries Service (NMFS) (70 FR 37160; June 28, 2005). In addition, NMFS has designated critical habitat for 12 Evolutionarily Significant Units (ESUs) of West Coast salmon, including the Puget Sound Chinook Salmon ESU. The portion of the project footprint and action area below the line of extreme high water is in an area designated as critical habitat for the Puget Sound Chinook ESU (70 FR 52685; September 2, 2005).

The project site and action area are within Puget Sound Chinook marine critical habitat. According to queries of the SaSI data (WDFW), the closest fall Chinook riverine presence is outside the action area, in a stream approximately one mile southeast of the project site. It is possible that juvenile Chinook may utilize the nearshore habitat within Flounder Bay.

An “Assessment of Impacts to Critical Habitat for Puget Sound Chinook” is provided in Attachment 2.

3.2.2 Hood Canal Summer-run Chum

In Puget Sound, chum spawning grounds are situated near coastal rivers and lowland streams. Puget Sound chum typically spawn from September to March (WSCC 2003). Chum (along with ocean-type Chinook) spend more time in the estuarine environment than other species of salmon (Healey 1982). Residence time in the Hood Canal ranges from 4 to 32 days with an average residence of 24 days (Simenstad et al. 1982). Juvenile chum consume benthic organisms found in and around eelgrass beds (harpacticoid copepods, gammarid amphipods, and isopods), but change their diet to drift insects and plankton such as calanoid copepods, larvaceans, and hyperiid amphipods as their size increases to 50 - 60 mm (Simenstad, Fresh, & Salo 1982). Chum move offshore and switch diets when presented with a lack of food supply (Simenstad et al. 1982).

NMFS has listed the Hood Canal summer run chum ESU (*Oncorhynchus keta*) as threatened under the ESA (70 FR 37160; June 28, 2005). NMFS designated critical habitat for the Hood Canal summer-run chum ESU shortly after (70 FR 52739; September 2, 2005) and it includes the entire Hood Canal and contiguous shoreline north/northwest, ending past Dungeness Bay near Sequim.

Hood Canal Summer-run Chum critical habitat is not within the action area and there are no streams that connect to Flounder Bay with documented summer chum presence (SaSI, WDFW). It is unlikely this species would be found near the project site.

3.2.3 Bull Trout

In the United States, Coastal-Puget Sound bull trout (*Salvelinus confluentus*) used to range from northern California (now extinct in California) to Alaska. In the salmon family, they are members of the char subgroup. Spawning occurs typically from August to November in streams and migration to the open sea (for anadromous populations) takes place in the spring. Very cold water is required for the survival of eggs and juveniles. Temperatures in excess of about 15 degrees C are thought to limit bull trout distribution (Rieman & McIntyre, 1993). They live both in fresh and marine waters. Some migrate to larger rivers (fluvial), lakes (adfluvial), or saltwater (anadromous) before returning to smaller streams to spawn. Others (resident bull trout) complete all of their life in the streams where they were reared. Habitat degradation, dams and diversions, and predation by non-native fish threaten the Coastal Puget Sound population (64 FR 58910; November 1, 1999).

All populations of bull trout including the Coastal-Puget Sound populations, were listed as threatened by the United States Fish and Wildlife Service (USFWS) in 1999 (64 FR 58910; November 1, 1999). USFWS designated critical habitat for bull trout in 2010 (75 FR 63898; October 18, 2010).

USFWS has designated critical habitat for bull trout in the Puget Sound watershed but no critical habitat for bull trout is within Flounder Bay; the nearest is along the eastern shore of Anacortes. There are no streams that connect to Flounder Bay with documented bull trout presence (SaSI, WDFW). It is unlikely this species would be found near the project site.

3.2.4 Puget Sound Steelhead

Steelhead is the name given to the anadromous form of the species *Oncorhynchus mykiss*. The freshwater residents are called rainbow trout. Steelhead can return to the ocean after spawning and migrate to freshwater to spawn again, unlike Pacific salmon. Steelhead fry can spend one to two years in freshwater before heading to the open ocean, where they may stay for two to four years before returning to Washington streams. Steelhead migrate quickly through Puget Sound and into the open sea as individuals or in small groups (PSEMP 2012). Unlike Chinook, steelhead do not have a long term feeding and growth period in Puget Sound nearshore areas (PSEMP 2012).

NMFS has listed the Puget Sound steelhead (*O. mykiss*) as a threatened species under the ESA (72 FR 26722; May 11, 2007). Critical habitat has been finalized for the Puget Sound steelhead distinct population segment (81 FR 9252; February 24, 2016).

There is no designated critical habitat for steelhead in the action area. According to queries of WDFW's SaSI data, there is documented presence of winter steelhead in a stream approximately one mile southeast of the project site. It is possible that juvenile steelhead may utilize the nearshore habitat within Flounder Bay.

3.2.5 Rockfish

Bocaccio (*Sebastes paucispinis*) and yelloweye (*Sebastes ruberrimus*) rockfish remain in the upper part of the water column as larvae and pelagic juveniles. Around 3 to 6 months old, bocaccio rockfish settle into intertidal, nearshore habitat; they prefer to settle in rocky reefs, kelp beds, low rock, and cobble areas (Love et al. 2002). Juvenile yelloweye rockfish are usually found in the upper extent of the adult depth range instead of in intertidal habitat (Studebaker et al. 2009). As both species grow larger, they move into deeper waters. Adults are found around rocky reefs and coarse habitats. Marine habitats high in complexity are associated with higher numbers of rockfish species (Young et al. 2010). Adult yelloweye and bocaccio rockfish generally inhabit depths from approximately 90 ft to 1,400 ft (Love et al. 2002). Both species are opportunistic feeders, with their prey dependent on their life stage. Predators of adult rockfish include marine mammals, salmon, other rockfish, lingcod, and sharks.

NOAA has listed the distinct population segments (DPSs) of yelloweye (*Sebastes ruberrimus*) as threatened species under the ESA and listed the Georgia Basin DPS of bocaccio rockfish (*Sebastes paucispinis*) as endangered (75 FR 22276; April 28, 2010). The Georgia Basin refers to

all of Puget Sound, including the area around the San Juan Islands, and the Strait of Georgia, north to the mouth of the Campbell River in British Columbia. The western boundary of the Georgia Basin runs from east of Port Angeles to Victoria in the Strait of Juan de Fuca. Critical habitat for both species was designated in 2014 (79 FR 68042; November 13, 2014).

The proposed project is within Nearshore Rockfish critical habitat. Adult rockfish and juvenile yelloweye rockfish are commonly found in deeper water than exists at the project site. Shallow, intertidal, nearshore waters in rocky, cobble, and sand substrates (with or without kelp) can provide suitable substrate for juvenile (3-6 month old) bocaccio rockfish. However, the highest densities of juvenile rockfish are found in areas with floating or submerged kelp species, which does not likely exist at this site. Although these species have the potential to be present within the action area, it is unlikely they would be affected by this project in the long term.

An “Assessment of Impacts to Critical Habitat for Rockfish” can be found in Attachment 3.

3.2.6 Marbled Murrelet

Marbled murrelets (*Brachyramphus marmoratus*) are small marine birds in the Alcidae family. They spend most of their time at sea and only use old growth areas for nesting. In the critical nesting areas, fragmentation and loss of old growth forest has a significant impact on the survival and conservation of the species (WDW 1993). Adult birds are found within or adjacent to the marine environment where they dive for sand lance, sea perch, Pacific herring, surf smelt, other small schooling fish and invertebrates.

Marbled murrelets have been listed as threatened by the USFWS since 1992 (57 FR 45328; October 1, 1992). Critical habitat was designated by USFWS in 1996, revised in 2011, and reviewed again in 2016 to determine if the ESA definition of critical habitat was being met (81 FR 51348, August 4, 2016).

There is no critical habitat within close range of the project and there are no nests close to the project site (WDFW, USFWS). Results from the Puget Sound Seabird Survey (PSSS) (managed by Seattle Audubon) group that monitors sites at Rolling Bay Walk, WA (the closest sites to the project site) have shown the last marbled murrelet sighting as 10/01/2016 with a high count of 2, average count of 1 and frequency of 5.13% (PSSS 2020). Due to the highly developed nature of the area and the amount of boat traffic in Flounder Bay, it is unlikely marbled murrelets would be present in the action area.

3.2.7 Humpback whale

NMFS has listed the humpback whale (*Megaptera novaeangliae*) as an endangered species that may occur in Puget Sound (81 FR 62260; September 8, 2016). Critical habitat was proposed by NMFS in 2019, but does not include Flounder Bay (84 FR 54354; October 9, 2019).

According to queries of the Orca Network's sightings archives, no humpback whales have been documented in Flounder Bay in recent history. The shallow nature of the site and high levels of boat traffic in Flounder bay coupled with the low likelihood of pile driving sound leaving Flounder Bay makes it unlikely that any humpback whales would be impacted by this project.

3.2.8 Leatherback Sea Turtle

NMFS has listed the Pacific leatherback turtle (*Dermochelys coriacea*) as an endangered species that may occur in Puget Sound (35 FR 8491; June 2, 1970). There is no designated critical habitat for Pacific leatherback turtles in Puget Sound at this time; it is designated along the outer coast of Washington state (77 FR 4170; January 26, 2012).

Breeding habitat for leatherback sea turtles in Washington does not exist, even though they are occasionally seen along the coast (Bowlby et al. 1994). Leatherback sea turtles are rarely seen in Puget Sound. It is highly unlikely leatherback turtles would be found near the project site.

3.2.9 Southern Resident Killer Whale

The Southern Resident population consists of three pods: J, K and L. According to Wiles (2004), "While in inland waters during warmer months, all of the pods concentrate their activity in Haro Strait, Boundary Passage, the Southern Gulf Islands, the eastern end of the Strait of Juan de Fuca and several localities in the southern Georgia Strait." During early autumn, these pods, especially J pod, extend their movements into Puget Sound to take advantage of the chum and Chinook salmon runs. Southern resident killer whales (SRKW) spend more time in deeper water and only occasionally enter water less than 5 meters deep (Baird 2001).

On November 15, 2005 NMFS listed the Southern Resident killer whale (*Orcinus orca*) as endangered under the ESA (70 FR 69903; November 18, 2005). NOAA Fisheries has designated critical habitat for killer whales: "Critical habitat includes waters deeper than 20 ft relative to a contiguous shoreline delimited by the line of extreme high water." (71 FR 69054; November 29, 2006).

Flounder Bay is outside of critical habitat for SRKW. According to the Orca Network sightings archives, no recent sightings have been recorded in Flounder Bay. Due to the shallow nature of Flounder Bay (especially at the project site) and the amount of boat traffic that is present, this species is not expected to be found in Flounder Bay or be directly affected by the project.

3.2.10 Green Sturgeon

Southern DPS green sturgeon are mainly found in coastal bays and estuaries ranging from Monterey Bay, CA to Puget Sound, WA. Observations of green sturgeon in Puget Sound are much less common compared to the other estuaries in Washington State. Green sturgeon have a

complex anadromous reproductive cycle and do not reach reproductive age until 15 years old for males and 17 years old for females; female green sturgeon are thought to spawn every 5 years (Adams et al. 2002). Activities of concern in Puget Sound include dredging and capping, which could affect benthic habitats, alter water flow, and water quality.

On April 7, 2006, NMFS determined that the Southern Distinct Population Segment of North American green sturgeon (*Acipenser medirostris*; hereafter, “Southern DPS”) is at risk of extinction in the foreseeable future throughout all or a significant portion of its range and listed the species as threatened under the Endangered Species Act (71 FR 17757; April 7, 2006). Critical habitat for the threatened Southern DPS green sturgeon was subsequently designated by NMFS in 2009 (74 FR 52300; October 9, 2009).

There is no designated critical habitat for green sturgeon within Flounder Bay. There is critical habitat within Burrows Bay, but due to the location of the project site, any effects from construction (i.e. noise, turbidity, etc.) are not expected to leave Flounder Bay and extend into Burrows Bay. This species is unlikely to be found in Flounder Bay or be adversely affected by the project.

4 Effects of the Proposed Action

When reviewing all the data, the direct and indirect effects of the project on the listed species and their critical habitat should be considered. Impacts to ESA species and critical habitats are based on current baseline conditions versus historic pre-development conditions, where existing structures are considered an element of the environmental baseline at the time of a proposed action.

4.1 Direct Effects

When considering the direct effects of the proposed project, one must determine if the proposed project will immediately reduce or destroy the listed species and/or their habitat. The potential, direct impacts caused by the construction process include increased noise and impacts to water quality.

4.1.1 Water Quality

Increased turbidity caused by pile removal and pile driving could have adverse effects on salmon and bull trout. The impact level depends on duration of exposure, concentration of turbidity, the life stage during the increased exposure, and the options available for the fish to avoid the plumes. The effects can be discussed in terms of lethal, sublethal or behavioral (Nightingale and Simenstad 2001a).

Variations in suspended sediment concentration can also negatively impact species composition, biomass, algal growth and can affect secondary production as well (Newcombe and MacDonald

1991; Kahler et al. 2000). Filter feeders can have blockages in feeding structures which affects their feeding efficiency, in turn reducing growth rates, increasing stress or in some cases can result in death (Newcombe and MacDonald 1991). Suspended sediments can also impact salmonid fishes by increasing mortality rate, reducing growth rate and/or reducing resistance to disease, modifying natural movements, interfering with development, reducing prey abundance and fish catch methods (Newcombe and MacDonald 1991).

For this project, during pile installation, turbidity effects are expected to be localized and brief. The area where turbidity impacts may affect the listed fish has been defined by the Army Corps of Engineers (USACE) as a 25-ft radius around each pile. However, turbidity is much more localized with pile installation than it is with pile removal. To be more reserved in our analysis of turbidity from activity associated with pile work, we will discuss turbidity from pile removal as it tends to generate more turbidity than pile driving.

In terms of turbidity generated by vibratory pile removal, the following results were noted in “Jimmycomelately Piling Removal Monitoring Project” (Weston Solutions 2006):

“Based on TSS measurements from fixed OBS sensors, the primary source for sediment resuspension was prop wash from the tug boat as it maneuvered the barge to and from pile removal locations. This influence was increased by “live boating,” the use of the tug to continuously hold the barge on location, which was necessitated by the absence of operating spuds to hold the barge in position. TSS concentrations resulting from the tug’s prop wash often exceeded 50 to 100 mg/L. To provide some perspective, the Washington State Water Quality Limits for AA waters is 5 NTU (approximately 5 mg/L) above background. Generally, elevated TSS concentrations did not remain for more than five minutes; however, on one occasion, a turbidity plume was observed from the work station to the shore and near the mouth of Jimmycomelately Creek. It should be pointed out that the former log yard is located in very shallow waters and it is not uncommon to have elevated turbidity from wind waves in this area.

The extraction of the pile resulted in greater increases in TSS, with average concentrations of 40 mg/L near the pile and 26 mg/L at the sensor located 5 to 10 meters from the pile (approximately 30 and 16 mg/L above background, respectively). The turbidity plume during extraction, although larger than observed during activation of the vibratory hammer, did appear to be finite; however, it was difficult to determine how long the turbidity plume persisted, because the tug boat prop wash would overwhelm the signal from the pile removal soon after the pile was pulled.”

A positive effect on water quality would result from the removal of creosote piles. Creosote is a broad term encompassing coal tar creosote, coal tar, and coal tar pitch wood preservatives.

Concern with creosote-treated wood comes from the presence, leaching, and outgassing of polycyclic aromatic hydrocarbons (PAHs). Effects associated with organics like PAHs depend on a variety of factors including route of exposure, duration and concentration, chemical composition, organism sensitivity, life stage affected, organism potential for detoxification/excretion, and the organism's physical condition (Johnson et al. 2007, Vines et al. 2000). Nevertheless, compounds in creosote degrade in water extremely slowly since they can also cling to suspended particles and aggregate in sediments near the creosote piles, where organisms can then consume them (Johnson et al. 2007, Vines et al. 2000). Toxicity to organisms varies; however, many are considered carcinogens and endocrine disruptors for many species (Dickey and Huettel 2016).

4.1.2 Pile Driving Noise

Exposure to elevated in-water sound levels can lead to a variety of impacts to fish, including behavioral, stress and physiological responses, and injury to hearing organs (including temporary or permanent hearing loss), and structural and cellular damage (including barotrauma to organs and potentially lethal damage to gas-filled structures such as swim bladders) (Hastings and Popper 2005, Halvorsen et al. 2011). These effects are usually associated with impact pile driving and the associated high levels of sound pressure underwater. In this respect, vibratory pile driving is considered to be a better alternative to avoid in-water noise injury or lethal impacts to fish.

Feist et al. (1992) reported that salmonids could be expected to hear pile driving noise approximately 2,000 ft from the source. Based on the studies at the Everett Homeport, these researchers concluded that pile driving did alter the distribution and behavior of juvenile pink and chum salmon. It is also possible that noise from pile driving will mask the approach of predators.

Marine mammals, such as killer whales and humpback whales, can also be impacted by pile driving noise. Migration, resting, and foraging behaviors may be altered in response to noise effects from pile driving. As discussed in section 1.5 above, due to the location of the project site, noise from pile driving should stay confined within Flounder Bay. Due to the low likelihood of killer whales and humpback whales occurring in Flounder Bay, a marine mammal monitoring plan has not been prepared.

4.2 Indirect Effects

When considering the indirect effects of the proposed project on the listed species and their habitat, one must determine the effects that might occur later in time, after completion of the project.

4.2.1 Salmonid Migratory Pathway Alteration

It is generally accepted that overwater structures in the nearshore environment can alter migration behavior of juvenile salmon; though these effects may vary depending on the design and orientation of the structure, degree of shading, and the presence of artificial light (Simenstad et al. 1999). Simenstad et al. (1999) summarized the following observations from previous studies on fish migration behavior with regard to overwater structures:

- delays in their migration due to disorientation caused by lighting changes
- loss of schooling refugia due to fish school dispersal under light limitation
- a change in migratory route into deeper water, without refugia, to avoid the light change.

However, the significance of these effects is not clear. Nightingale and Simenstad (2001b) state, “Presently, although we know that under some conditions small juvenile salmon will delay or otherwise alter their shoreline movements when encountering an overwater structure, the conditions under which this behavioral modification is significant to the fishes’ fitness and survival is relatively unknown.”

A study by Williams et al. (2003) at the Mukilteo ferry terminal found that, “Salmon fry were observed in all nearshore habitats during each transect sampling period (day and night). The fry were observed under a wide range of PAR values ($0.0 \mu\text{mol m}^{-2} \text{s}^{-1}$ to $2370 \mu\text{mol m}^{-2} \text{s}^{-1}$). Fry were observed both outside the terminal and underneath the terminal at all times, and shadows produced by the 10-m-wide terminal structure did not appear to act as barriers to fry movement at this location.” Chum and pink salmon fry were the most abundant species at this study site.

Responses to overwater structure also seem to vary by species. After reviewing literature on juvenile salmon use of nearshore habitats, notable conclusions Weitkamp (2003) made were: all species of juvenile salmon avoided areas with substantial changes in light intensity, Chinook juveniles preferred widely spaced piles over densely spaced piles that create dark conditions, chum fry do not seem to alter their course to avoid piers, and coho responses to light varied by study.

Grating will be incorporated into the proposed float and ramp so the current baseline conditions will not be altered in a way that would cause additional pathway alteration to migrating salmonids. Float stops will also be added to the piles to prevent the float from ground out at low tide.

4.2.2 Increased Predation

Historically, there is little evidence of docks aggregating salmonid predators in the Puget Sound (Ratte and Salo 1985; Cardwell et al. 1980; Nightingale and Simenstad 2001b). Dock associated

structures, such as breakwaters, may serve as marine mammal haulout areas, but there is limited evidence that suggests these mammals are particularly targeting small out-migrating juveniles. It might be assumed that birds would be interested in small migrating juveniles, but there is no evidence that docks provide an aggregation site for predatory birds (Taylor and Willey 1997).

An additional concern about the impacts of overwater structures on migrating salmon is that they will be forced to move out into deeper water, where they will be consumed by predatory fish species. However, in the Williams study cited above, the authors noted:

“We found no evidence that avian, marine mammal, or fish predators consumed more juvenile salmon near WSF terminals than along shorelines without overwater structures. Few species appeared to be targeting abundant fry in nearshore habitats, and we observed only two occasions in which predators (one tern sp., one staghorn sculpin) had consumed juvenile salmon.”

The authors also state:

“Our analysis of fish diets at the Mukilteo ferry terminal provides one piece of conclusive evidence that juvenile salmon were not a major dietary component of predatory fish species during our study.”

4.2.3 Shading Impacts

Shading caused by overwater structures can reduce or eliminate eelgrass, macroalgae, and other epibenthic organisms resulting in reduced prey and refugia resources for salmonids (Simenstad et al. 1999; Nightingale and Simenstad 2001b). The proposed structure will have functional grating installed to minimize shading impacts. The existing pier, ramp, and float have mostly solid decking which is proposed to be removed. The minimum number of piles needed to secure the float will be used. All of these design parameters will minimize shading impacts.

4.2.4 Boating Impacts

Boating activity can cause damage to the aquatic habitat due to prop scour and increased turbidity. In several studies, aquatic vegetation and benthic organisms were found to be absent or greatly reduced in areas where boat traffic was high and the propellers were within one foot of the bottom (Chmura and Ross 1978). Lagler (1950) found that propellers within approximately 14 inches of the bottom removed all plants and silt within a swath approximately 5 ft wide. Conversely, boat use over deeper water can actually stimulate aquatic plant growth by increasing the dissolved carbon dioxide and increasing water circulation (Warrington 1999). It is assumed that most boating activity adjacent to the dock will be at slow speeds since it is located in a small area with docks to either side.

Pollution from exhaust can have indirect adverse effects on fish. Warrington (1999) concluded from his study of the literature that, “There is no significant effect of outboard exhaust on zooplankton, phytoplankton, periphyton or other aquatic invertebrates in the bulk water.” However, he also concluded that there are no acceptable studies on exhaust effects on salmonids.

4.2.5 Sediment Scour

As noted by Ratte and E. O. Solo (1985) and Penttila and Doty (1990), piles can impact the water flow around the piles, thereby altering the bathymetry in the adjacent area. Nightingale and Simenstad (2001b) also noted that piles can affect water direction and intensity, which could result in altered substrate distribution and associated detritus. Nightingale and Simenstad (2001b) observed that “...widely spaced piles allow currents to flow freely and sediment is essentially unaffected.” The piles for the proposed project are spaced apart as far as possible to minimize sediment scour and water circulation impacts.

4.3 Cumulative Effects

Cumulative effects from future state, local, or private are reasonably certain to occur in the action area are anticipated for this project. The action area includes shoreline properties and commercial marinas all around Flounder Bay. The proposed project would facilitate continued habitat alteration along the shoreline and may promote future activities, including fishing, swimming, and any other water dependent recreational activity. The influence of these activities cannot be quantified in this assessment, but with appropriate regulations in place, these activities are not anticipated to have an adverse effect on state and ESA-listed species and/or critical habitat.

4.4 Interrelated/Interdependent Effects

Completion of this project is not anticipated to promote future construction or other activities that would not otherwise occur without its completion. Flounder Bay includes multiple permitted docks and marinas. Therefore, no additional interrelated or interdependent actions that could affect species are anticipated to occur because of this project.

5 Conservation Measures to Avoid & Minimize Impacts

Conservation measures presented here include avoidance and minimization measures that are intended to address both City of Anacortes SMP criteria and FEMA requirements. The FEMA requirements pertain to marine critical habitat and ESA-listed species within the adjoining floodplain.

All shoreline development must be located, designed, constructed, and maintained in a manner that protects ecological functions and ecosystem-wide processes. This section describes the steps taken during project planning and implementation to find the least environmentally damaging practicable alternative to achieve the project goal.

The following mitigation sequencing steps, as described in WAC 173-26-201(2)(e), were considered during project development and site selection:

- **No action:** To avoid the adverse impact altogether by not taking a certain action or parts of an action.
 - The project purpose and need are described in more detail in the Project Description section. “No Action” would not achieve the project goal. The current dock is ungrated and needs to be updated.
- **Minimizing impacts** by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts.
 - The proposal includes the minimum footprint necessary to achieve the goal and introduces no new long-term impacts to ecological function along the marine shoreline.
- **Rectifying** the impact by repairing, rehabilitating, or restoring the affected environment.
 - The proposed replacement of this residential dock includes the removal of creosote piles and incorporation of functional grating and pile stops.
- **Reducing or eliminating** the impact over time by preservation and maintenance operations.
 - Opportunities to reduce or eliminate the permanent direct and indirect negative impacts from the project over time are described below.
- **Compensating** for the adverse impact by replacing, enhancing, or providing substitute resources or environments.
 - Compensatory mitigation has not been proposed at this time because there will be a decrease in overwater coverage since the pier is being permanently removed and a longer ramp will be used to connect to the float. Grating will also be incorporated into the new overwater structures to reduce shading impacts.
- **Monitoring** the impact and the compensation project and taking appropriate corrective measures.
 - Because compensatory mitigation is not proposed, this step was not applicable in project planning.

In order to minimize potential impacts to listed species and habitat associated with this project, the following conservation measures are recommended by MSA for implementation at the site:

1. The design of the dock will comply with regulatory agencies’ criteria.
2. “Best Management Practices” (BMPs) will be exercised throughout this project:
 - a. Care will be taken to contain all construction debris.
 - b. Training for all employees on emergency spill response and containment.
 - c. Daily housekeeping to ensure debris does not enter the water/area adjacent to the work site.

- d. Removed piles and floats will be disposed of at an approved upland location.
 - e. EPA Region 10 BMPs for pile removal will be followed.
 - f. Booms will be deployed.
 - g. Float and ramp will be prefabricated in Tacoma.
 - h. No grounding of the barge will occur.
 - i. Equipment shall be operated in a way that minimizes turbidity.
 - j. A silt curtain will be used during pile removal/installation to reduce turbidity.
3. USACE in-water work window will be observed (July 16 to February 15).
 4. No creosote, pentachlorophenol, CCA (chromated copper arsenate), or comparably toxic compounds not approved for marine use shall be used for any portion of the overwater/in-water structure. ACZA (ammoniacal copper zinc arsenate)-treated wood must meet post-treatment procedures identified by the Western Wood Preservers Institute.

6 Take Analysis

The ESA (Section 3) defines “take” as to “harass, harm, pursue, hunt, shoot, wound, trap, capture, collect or attempt to engage in any such conduct.” The USFWS further defines “harm” as “significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns such as breeding, feeding, or sheltering.” It is likely that no “take” will result from this project.

7 Conclusion

7.1 No Net Loss

Because this is a replacement in the same general footprint as opposed to a new structure, the project will perpetuate shading impacts to nearshore habitat but will not result in additional habitat or functional loss. Short-term impacts from demolition and construction will be minimized through avoidance and minimization measures. Some ecological benefits will result from the removal of creosote piles, an overall reduction in shading, and pile stops to prevent the float from grounding out at low tide; therefore, new net loss to ecological function is not anticipated to occur.

7.2 Determination of Effect

ESA-listed species and critical habitat in the action area and FEMA Flood Hazard Area are evaluated below based on the following assessments:

- No effect (absolutely no effect whatsoever, either positive or negative);
- May affect, not likely to adversely affect (insignificant effects that never reach the level where take occurs, or effects are discountable and extremely unlikely to occur; or there would be an entirely beneficial effect); or,

- May affect, likely to adversely affect (measurable or significant effects are likely, and the project will require formal consultation).

This determination of effect for protected species is contingent upon implementation of the conservation and minimization measures in section 5. In general, direct adverse effects to ESA-listed species (avoidance, behavior modification) will be short-term, but would not result in take, and would not contribute to an increased risk of extinction.

After reviewing the appropriate data, the determination of effect to each ESA-listed species and designated critical habitat within the action area is:

- ***Puget Sound Chinook*** – “May affect, not likely to adversely affect”
- ***Rockfish*** – “May affect, not likely to adversely affect”
- ***Bull trout*** – “No effect”
- ***Hood Canal Summer-run chum*** – “No effect”
- ***Puget Sound Steelhead*** – “May affect, not likely to adversely affect”
- ***Marbled Murrelet*** – “No effect”
- ***Green sturgeon*** - "No effect "
- ***Southern Eulachon*** – “No effect”
- ***Humpback whale*** – “No effect”
- ***Leatherback sea turtle*** – “No effect”
- ***Southern Resident Killer Whale*** – “No effect”

References

- Adams, P.B., C.B. Grimes, J.E. Hightower, S.T. Lindley, and M.L. Moser. 2002. Status Review for the North American green sturgeon. Final Report to Southwest Region, NOAA Fisheries. Long Beach, CA. 50 p.
- Baird, R.W. 2001. Status of killer whales, *Orcinus orca*, in Canada. Canadian Field-Naturalist 115:676-701.
- Caltrans. 2015. Technical Guidance for Assessment and Mitigation of the Hydroacoustic Effects of Pile Driving on Fish. Report number CTHWNP-RT-15-306.01.01. November 2015.
- Cardwell R.D., S.J. Olsen, M.I. Carr, and E.W. Sanborn. 1980. Biotic, water quality and hydrologic characteristics of Skyline Marina in 1978. Tech. Rep. 54, WDFW, Olympia, WA.
- Chmura, G.L. and N.W. Ross. 1978. The Environmental Impacts of Marinas and Their Boats: A literature review with management considerations. Marine Advisory Service, University of Rhode Island, Narragansett, RI.
- Dickey, R. and M. Huettel. 2016. Seafood and beach safety in the aftermath of the Deepwater Horizon oil spill. *Oceanography* 29(3):196-203. <http://dx.doi.org/10.5670/oceanog.2016.83>.
- Federal Register / Vol. 35, No. 106 / Tuesday, June 2, 1970 / Rules and Regulations.
- Federal Register / Vol. 57, No. 191 / Thursday, October 1, 1992 / Rules and Regulations.
- Federal Register / Vol. 64, No. 210 / Monday, November 1, 1999 / Rules and Regulations.
- Federal Register / Vol. 70, No. 123 / Tuesday, June 28, 2005 / Rules and Regulations.
- Federal Register / Vol. 70, No. 170 / Friday, September 2, 2005 / Rules and Regulations.
- Federal Register / Vol. 70, No. 222 / Friday, November 18, 2005 / Rules and Regulations.
- Federal Register / Vol. 71, No. 67 / Friday, April 7, 2006 / Rules and Regulations.
- Federal Register / Vol. 71, No. 229 / Wednesday, November 29, 2006 / Rules and Regulations.
- Federal Register / Vol. 72, No. 91 / Friday, May 11, 2007 / Rules and Regulations.
- Federal Register / Vol. 74, No. 195 / Friday, October 9, 2009 / Rules and Regulations.
- Federal Register / Vol. 75, No. 52 / Thursday, March 18, 2010 / Rules and Regulations.
- Federal Register / Vol. 75, No. 81 / Wednesday, April 28, 2010 / Rules and Regulations.
- Federal Register / Vol. 75, No. 200 / Monday, October 18, 2010 / Rules and Regulations.
- Federal Register / Vol. 76, No. 203 / Thursday, October 20, 2011 / Rules and Regulations.
- Federal Register / Vol. 77, No. 17 / Thursday, January 26, 2012 / Rules and Regulations.
- Federal Register / Vol. 79, No. 219 / Friday, November 13, 2014 / Rules and Regulations.
- Federal Register / Vol. 81, No. 36 / Wednesday, February 24, 2016 / Rules and Regulations.
- Federal Register / Vol. 81, No. 150 / Thursday, August 4, 2016 / Rules and Regulations.
- Federal Register / Vol. 81, No. 174 / Thursday, September 8, 2016 / Rules and Regulations.
- Federal Register / Vol. 84, No. 196 / Wednesday, October 9, 2019 / Rules and Regulations.

- Feist, B.E., J.J. Anderson and R. Miyamota. 1992. Potential impacts of pile driving on juvenile pink (*Oncorhynchus gorbuscha*) and chum (*O. keta*) salmon behavior and distribution. FRI-UW-9603. Fisheries Resources Institute, University of Washington. Seattle, WA.
- Halvorsen, M.B., Casper, B.M., Woodley, C.M., Carlson, T.J., and Popper, A.N. 2011. Predicting and mitigating hydroacoustic impacts on fish from pile installations. NCHRP Research Results Digest 363, Project 25-28, National Cooperative Highway Research Program, Transportation Research Board, National Academy of Sciences, Washington, D.C.
- Hastings, M.C. and A.N. Popper. 2005. Effects of Sound on Fish. California Department of Transportation. Contract No. 43A0139, Task Order 1. Sacramento CA.
- Healey, M.C. 1982. Juvenile Pacific salmon in estuaries - the life support system, p. 315-341. In: V.S. Kennedy (ed.). Estuarine comparisons. Academic Press, New York, NY.
- Johnson, L.L., M.R. Arkoosh, C.F. Bravo, T.K. Collier, M.M. Krahn, J.P. Meador, M.S. Myers, W.L. Reichert, and J.E. Stein. 2007. The Effects of Polycyclic Aromatic Hydrocarbons in Fish from Puget Sound, Washington. The Toxicology of Fishes: Chapter 22.
- Kahler, T., M. Grassley, & D. Beauchamp. 2000. A summary of the effects of bulkheads, piers, and other artificial structures and shorezone development on ESA-listed salmonids in lakes. Final Report prepared for the City of Bellevue.
- Lagler, K.F., A.S. Hazzard, W.E. Hazen, and W.A. Tompkins. 1950. Outboard motors in relation to fish behavior, fish production and angling success. Transactions of the 15th Annual North American Wildlife Conference. pp. 280-303.
- Love, M.S., M.M. Yoklavich, and L.K. Thorsteinson. 2002. The rockfishes of the northeast Pacific. University of California Press, Berkeley.
- Myers, J.M., R.G. Kope, G.J. Bryant, D. Teel, L.J. Lierheimer, T.C. Wainwright, W.S. Grant, F.W. Waknitz, K. Neeley, S.T. Lindley, and R.S. Waples. 1998. Status review of Chinook salmon from Washington, Idaho, Oregon, and California. U.S. Department of Commerce, National Oceanic and Atmospheric Administration, NOAA Technical Memo, NMFS-NWFSC-35, 443p.
- Newcombe, C.P. and MacDonald, D.D., 1991. Effects of suspended sediments on aquatic ecosystems. North American journal of fisheries management, 11(1), pp.72-82.
- Nightingale, B. and C.A. Simenstad. 2001a. Dredging activities: marine issues. White Paper. Submitted to the Washington Department of Fish and Wildlife, Washington Department of Ecology, and Washington Department of Transportation.
- Nightingale, B. and C.A. Simenstad. 2001b. Overwater structures: marine issues. White Paper, Res. Proj. T1803, Task 35, Washington State Department of Transportation, Washington State Transportation Center (TRAC). Seattle, WA. 133p.

- Orca Network. Sightings Archives. Accessed April 2021. Available at:
<http://www.orcanetwork.org/sightings/archives.html>
- Penttila, Dan and D. Doty. 1990. Results of 1989 eelgrass shading studies in Puget Sound, Progress Report Draft. WDFW Marine Fish Habitat Investigations Division.
- Puget Sound Ecosystem Monitoring Program (PSEMP) Salmonid Workgroup. 2012. Methods and quality of VSP monitoring of ESA listed Puget Sound salmon and steelhead. Bruce A. Crawford editor. 148 p.
https://www.psp.wa.gov/downloads/psemp/salmonid_VSP_monitoring_assessment.pdf
- Puget Sound Seabird Survey (PSSS). Seattle Audubon Society. Survey Summary Reports. Accessed March 2020. Available at:
<http://www.seattleaudubon.org/sas/About/Science/CitizenScience/PugetSoundSeabirdSurvey.asp>
- Ratte, L.D. and E.O. Salo. 1985. Under-pier ecology of juvenile Pacific salmon (*Oncorhynchus spp.*) in Commencement Bay, Washington. Port of Tacoma. Report number FRI-UW-8508. December 1985.
- Rieman, B.E. and J.D. McIntyre. 1993. Demographic and habitat requirements for conservation of Bull Trout. USDA, Forest Service, Intermountain Research Station, Technical Report INT-302, Ogden, Utah, September 1993. 38 pp.
- Simenstad, C.A., K.L. Fresh, and E.O. Salo. 1982. The role of Puget Sound and Washington coastal estuaries in the life history of Pacific salmon: an unappreciated function. Pages 343-364. In: V.S. Kennedy, editor. *Estuarine comparisons*. Academic Press. New York, NY.
- Simenstad, C. A., B.J. Nightingale, R.M. Thom, and D.K. Shreffler. 1999. Impacts of ferry terminals on juvenile salmon migrating along Puget Sound shorelines. Phase I: Synthesis of state of knowledge. Washington State Department of Transportation. Seattle, WA. Research Project T9903. June 1999.
- Studebaker, R.S., K.M. Cox, and T.J. Mulligan. 2009. Recent and historical spatial distributions of juvenile rockfish, *Sebastes* spp., in rocky intertidal tidepools with emphasis on *Sebastes melanops*, Trans., Am. Fish. Soc., 138:645-651.
- Taylor, W.S. and W.S. Willey. 1997. Port of Seattle fish mitigation study: Pier 64/65 short-stay moorage facility: qualitative fish and avian predator observations. Prepared for Beak Consultants.
- Vines, C.A., T. Robbins, F.J. Griffin, and C.N. Cherr. 2000. The effects of diffusible creosote-derived compounds on development in Pacific herring (*Clupea pallasii*). Aquatic Toxicology 51: 225-239.

- Warrington, P.D. 1999. Impacts of outboard motors on the aquatic environment.
www.nalms.org/bclss/impactsrecreationboat.htm
- Washington Department of Wildlife (WDW). 1993. Status of the marbled murrelet (*Brachyramphus marmoratus*) in Washington. July 1993. Unpubl. Rep. Washington Department of Wildlife, Olympia, WA.
- Washington Department of Ecology (ECY). Coastal Atlas Map. Accessed April 2021. Available at: <https://fortress.wa.gov/ecy/coastalatlas/tools/Map.aspx>
- Washington Department of Ecology (ECY). Water Quality Atlas Map. Accessed April 2021. Available at:
<https://apps.ecology.wa.gov/waterqualityatlas/wqa/map?CustomMap=y&RT=1&Layers=30&Filters=n%2cy%2cn%2cn&F2.1=0&F2.2=0&BBox=-14338616%2c5395963%2c-12562831%2c6503994>
- Washington Department of Fish and Wildlife (WDFW). Priority Habitats and Species (PHS) report. Accessed April 2021. Available at: <http://wdfw.wa.gov/mapping/phs/>
- Washington Department of Fish and Wildlife (WDFW). Salmonid Stock Inventory (SaSI). Accessed April 2021. Available at: <http://apps.wdfw.wa.gov/salmonscape/map.html#>
- Washington Department of Natural Resources (DNR). 1999. Skagit County Intertidal Habitat Inventory. Nearshore Habitat Program. Olympia, WA.
- Washington Department of Natural Resources (DNR). 2001. Washington State ShoreZone Inventory User's Manual. Nearshore Habitat Program. Olympia, WA.
- Weitkamp, D.E. 2003. Young Pacific salmon in estuarine habitats. Parametrix, Inc., Kirkland, WA. 53 pp.
- Weston Solutions. 2006. Jimmycomelately piling removal monitoring project. Final Report for the Jamestown S'Klallam Tribe, Sequim, WA. 116 pp.
- Wiles, G.J. 2004. Washington State status report for the killer whale. Washington Department Fish and Wildlife, Olympia. 106 pp.
- Williams, G.D., R.M. Thom, D.K. Shreffler, J.A. Southard, L.K. O'Rourke, S.L. Sargeant, V.I. Cullinan, R. Moursund, and M. Stamey. 2003. Assessing overwater structure-related predation risk on juvenile salmon: field observations and recommended protocols. September 2003. Pacific Northwest National Laboratory. Sequim, WA.
- Young et al. 2010. Multivariate bathymetry-derived generalized linear model accurately predicts rockfish distribution on Cordell Bank, California, USA. Marine Ecology Progress Series. Vol. 415: 247-261.

Figure 6. Photo of existing pier, ramp, and float



Figure 7. Photo showing existing pier and ramp and shoreline conditions



Attachment 1. Essential Fish Habitat Assessment

A. Background

The Magnuson-Stevens Fishery Conservation and Management Act (MSA), as amended by the Sustainable Fisheries Act of 1996 (Public law 104-267), requires Federal agencies to consult with NMFS on activities that may adversely affect designated Essential Fish Habitat (EFH) for the relevant species. According to the MSA, EFH means “those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity.” For the Pacific West Coast, the Pacific Fisheries Management Council (Council) has designated EFH for federally managed groundfish (PFMC 1998a), coastal pelagic (PFMC 1998b) and Pacific salmon fisheries (PFMC 1999).

The purpose of the EFH Assessment is to determine the effects of the proposed project on the EFH for the relevant species and to recommend conservation measures to avoid, minimize or otherwise offset adverse effects on EFH.

B. Identification of EFH

The designated EFH for groundfish and coastal pelagic species encompasses all waters from the mean high water line, and upriver extent of saltwater intrusion in river mouths, along the coasts of Washington, Oregon and California, seaward to the boundary of the U. S. exclusive economic zone (370.4 km) (PFMC 1998a, 1998b). The designated EFH in estuarine and marine areas for salmon species extends from the nearshore and tidal submerged environments within state territorial water out to the full extent of the exclusive economic zone (370.4 km) offshore of Washington, Oregon and California north of Point Conception to the Canadian border PFMC, 1999).

C. Proposed Action

The details of the proposed project are presented in “**Project Description**” section of the HA. The project consists of a residential dock replacement on the shoreline of Flounder Bay.

D. Effects of the Proposed Action

The effects of this project on designated EFH are likely to be similar to the effects described in detail in the “**Effects Analysis**” section of the attached BE. The project may have minor temporary adverse effects on EFH designated for Pacific coast salmon and groundfish due to turbidity and in-water noise impacts resulting from construction.

E. EFH Conservation Measures

The conservation measures contained in the HA will be implemented to minimize any possible adverse effects to EFH.

F. Conclusion

The project may have temporary adverse effects on EFH for groundfish and salmonids. No new permanent adverse effects on EFH will occur. The project will minimize impacts on EFH by:

1. Best Management Practices will be followed.
2. In-water Tidal Reference Area 9 work windows will be followed (July 16 to February 15).
3. Creosote-treated wood will be removed from the marine environment.
4. Solid decking will be replaced with grated decking.
5. Pile stops will be installed on the new piles to prevent the proposed float from grounding out at low tides.

G. Additional References

Cereghino, P., Toft, J., Simenstad, C., Iverson, E., Campbell, S., Behrens, C., Burke, J., 2012. Strategies for Nearshore Protection and Restoration in Puget Sound (Prepared for the Puget Sound Nearshore Ecosystem Restoration Project No. Technical Report 2012-01).

PFMC (Pacific Fishery Management Council). 1999. Amendment 14 to the Pacific Coast Salmon Plan. Appendix A: Description and Identification of Essential Fish Habitat, Adverse Impacts and Recommended Conservation Measures for Salmon (August 1999).

PFMC, 1998a. Final Environmental Assessment/Regulatory Review for Amendment 11 to the Pacific Coast Groundfish Fishery Management Plan (October, 1998).

PFMC, 1998b. The Coastal Pelagic Species Fishery Management Plan: Amendment 8 (December, 1998).

Attachment 2. Assessment of Impacts to Critical Habitat for Puget Sound Chinook

Project description: Delmar-Brownson dock replacement

Applicant: Jake Brownson & Monique Delmar

The Physical and Biological Features (PBFs) determined essential to the conservation of salmon are:

(1) Freshwater spawning sites with water quantity and quality conditions and substrate supporting spawning, incubation, and larval development.

Existing Conditions: Does not apply, the project is in a marine environment.

Effects to PBF: None.

(2) Freshwater rearing sites with water quantity and floodplain connectivity to form and maintain physical habitat conditions and support juvenile growth and mobility; water quality and forage supporting juvenile development; and natural cover such as shade, submerged and overhanging large wood, log jams and beaver dams, aquatic vegetation, large rocks and boulders, side channels, and undercut banks.

Existing Conditions: Does not apply, the project is in a marine environment.

Effects to PBF: None.

(3) Freshwater migration corridors free of obstruction with water quantity and quality conditions and natural cover such as submerged and overhanging large wood, aquatic vegetation, large rocks and boulders, side channels, and undercut banks supporting juvenile and adult mobility and survival.

Existing Conditions: Does not apply, the project is in a marine environment.

Effects to PBF: None.

(4) Estuarine areas free of obstruction with water quality, water quantity and salinity conditions supporting juvenile and adult physiological transitions between fresh-and saltwater; natural cover such as submerged and overhanging large wood, aquatic vegetation, large rocks and boulders, and side channels, and juvenile and adult forage, including aquatic invertebrates and fishes, supporting growth and maturation.

Existing Conditions: In the action area, Department of Ecology lists the eastern half of Flounder Bay as a Category 2 water for temperature. Solid decking currently obstructs habitat through shading. There is no large riparian vegetation along the shoreline.

Effects to PBF: Localized impacts associated with pile removal/installation on site will cause localized, short term increased turbidity. However, long term water quality will be improved through the removal of creosote and habitat function will be improved through the introduction of dock grating and piles stops.

(5) Nearshore marine areas free of obstruction with water quality and quantity conditions and forage, including aquatic invertebrates and fishes, supporting growth and maturation; and natural cover such as submerged and overhanging large wood, aquatic vegetation, large rocks and boulder and side channels.

Existing Conditions: In the action area, Department of Ecology lists the eastern half of Flounder Bay as a Category 2 water for temperature. Solid decking currently obstructs habitat through shading. There is no large riparian vegetation along the shoreline.

Effects of the Action: Localized impacts associated with pile removal/installation on site will cause localized, short term increased turbidity. However, long term water quality will be improved through the removal of creosote and habitat function will be improved through the introduction of dock grating and pile stops.

(6) Offshore marine areas with water quality conditions and forage, including aquatic invertebrates and fishes, supporting growth and maturation.

Existing Conditions: Does not apply, the project is in a marine environment.

Effects to PBF: None

Determination of Effect: “May affect, not likely to adversely affect” critical habitat

Attachment 3. Assessment of Impacts to Critical Habitat for Nearshore Rockfish

The Physical and Biological Features (PBFs) determined essential to the conservation of Puget Sound/Georgia Basin Bocaccio and Yelloweye Rockfish are:

(1) Nearshore juvenile rearing sites with sand, rock, and/or cobble to support forage and refuge.

Existing Conditions: The existing substrate is most likely silt and mud.

Effects to PBF: The project won't affect this PBF as there will be no excavation or dredging at the site.

(2) Quantity, quality, and availability of prey species to support individual growth, survival, reproduction, and feeding opportunities.

Existing Conditions: The existing substrate is most likely silt and mud, with little to no submerged aquatic vegetation.

Effects to PBF: The project could have brief and temporary negative impacts on zooplankton (prey species for juvenile rockfish) due to brief turbidity and noise resulting from pile removal and installation. A positive effect on habitat will most likely occur due to removal of creosote and introduction of dock grating to reduce shading.

(3) Water quality and sufficient levels of dissolved oxygen to support growth, survival, reproduction, and feeding opportunities.

Existing Conditions: In the action area, Department of Ecology lists the eastern half of Flounder Bay as a Category 2 water for temperature. The shoreline of Flounder Bay is highly developed with a high level of boat traffic.

Effects to PBF: Localized impacts associated with pile removal and installation on site will cause localized, short term increased turbidity. However, long term water quality will be improved through the removal of creosote piles.

Determination of Effect: "May affect, not likely to adversely affect" critical habitat







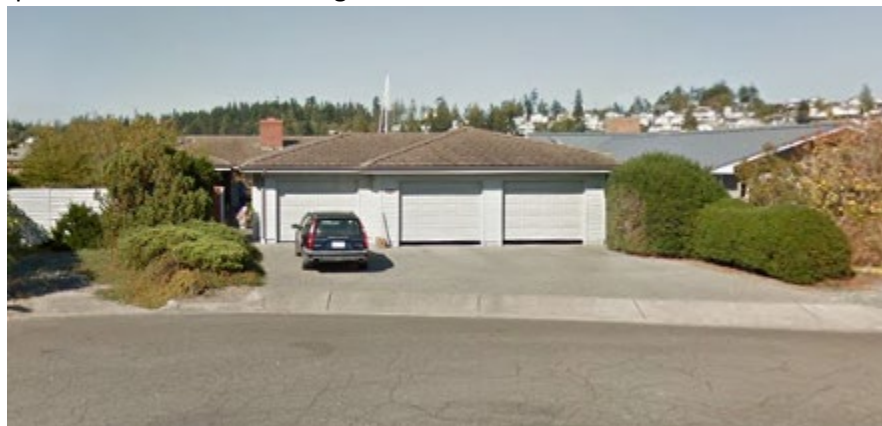




For pre-application conferences only, please answer the items below in your narrative. In your response, please reply to each item using the same numbering scheme as below.

1. Describe in detail the proposed project and what type of permit(s)/approval(s) are sought.
 - a. This project proposes to replace the existing: 6' X 12' timber pier, 3' X 30' ramp, 8' X 45' float, and (3) 12" creosote treated wood piling; with the new installation of: (1) 3' X 36' 100% fiberglass ADA compliant grated aluminum ramp, (1) 8' X 45' float with 50% composite decking and 50% ADA compliant grating with 3/4" X 4" rectangles and 62% open space, (4) 10" galvanized steel piles, and (2) mounted float stops.
 - b. This project will seek an exemption from the shoreline substantial development permit and a Categorical SEPA exemption under WAC 197-11-800-(3)- Repair, remodeling and maintenance activities.
2. Are there any critical areas on the subject property or within 300 feet to it? If so, have any critical area reports been prepared, if applicable?
 - a. There are no known critical areas on the subject property or within 300 feet.
3. Is the subject property within 200 feet of a shoreline?
 - a. Yes, the project will extend 65 feet from the mean high- high water mark (MHHW).
4. What are the existing and proposed land uses on and adjacent to the subject property?
 - a. The existing and proposed land uses on and adjacent to the subject property are residential and will remain residential. (RA2 Residential low density 2).
5. What is the existing and proposed number of dwelling units (DU), if applicable?
 - a. N/A
6. What is the existing and proposed height of building(s), if applicable?
 - a. N/A – the height of the new structure will be the same as the existing structure and will not exceed bulk and setback requirements.
7. What is the square footage of both the existing and proposed building(s), if applicable?
 - a. The existing structure is 524.37 square feet of overwater coverage.
 - b. The proposed structure will be 470.20 square feet of overwater coverage.
8. Is a fire sprinkler or fire alarm system existing or proposed?
 - a. No- N/A
9. For subdivisions only, what is the lot area (net and gross)?
 - a. N/A
10. For subdivisions only, provide a density calculation using the zone's maximum density permitted.
 - a. N/A
11. Describe how the project site drains.
 - a. N/A
12. What are the traffic patterns surrounding the subject property and perceived project related impacts?
 - a. N/A- All work will be done directly from the water.
13. from employees &/ or customers, if applicable.
 - a. N/A
14. What is the expected noise related to the project or use?

- a. The project will have temporary noise related to pile driving. No additional new permanent noise will be created as a result of the project.
- 15. What vegetation, landscaping, &/or screening exists onsite and what is proposed, if applicable?
 - a. Typical lawn landscaping and vegetation exists nothing will be altered as a result of the project.
- 16. How many off-street parking spaces exist onsite and how many are proposed (if applicable)?
 - a. N/A
- 17. How will the site /development connect to the existing or proposed road system?
 - a. It will not this is a replacement overwater and will reduce the overwater footprint.
- 18. What is the timeline to both begin and complete the project?
 - a. The project will be completed once all permits are received from regulating agencies. The project will be completed during work windows set by regulating agencies. The work should not take more than a couple of months once it begins.
- 19. What are the expected hours of operation, if applicable?
 - a. Hours of operation will be typical construction hours times between 6 am and 6 pm.
- 20. Are there any unusual physical characteristics about the subject property?
 - a. No
- 21. Do any hazardous material(s) exist onsite or are hazardous materials proposed for storage?
 - a. No
- 22. What public utilities are located onsite and the adjacent right-of-way, what utilities will be used, do any utilities need to be extended? Please note that all utilities must be below ground.
 - a. All utilities onsite will remain unchanged and unaffected from this project.
- 23. List existing and proposed lot coverage, impervious surface, and floor area ratio calculations, if applicable.
 - a. The existing and proposed lot coverage will remain unchanged
- 24. Provide photos of the street frontage.



- a.
 - b. See PDF for existing site photos of existing dock.
- 25. List of questions for staff.
 - a. No questions currently.

Additional Narrative:

This project will install a new, environmentally friendly dock system (Ramp, Float and Piling) in place of an older dock system that contains less environmentally friendly materials such as creosote treated piling. These changes to the residential shoreline will be of an overall benefit to the marine ecosystem while also providing for the desired recreational activities within the City of Anacortes shoreline master plan guidelines.

This project location at 2208 Dover Dr. (highlighted in red) is within the shoreline residential environment (see image). The dock system is consistent with SMP 5.9 for the residential shoreline.



The Environmental impacts of this dock system are consistent with the guidelines set out in chapter 6 of the SMP. There will be additional permitting to verify the ecological impacts have no net effect, these permits will include the Washington Dept of Fish and Wildlife (WDFW) and the Army Corps of Engineers.

The Dock system to be installed has gone through a design phase that has considered the policies set forth in the SMP 9.5 regarding Docks, Piers, and floats. The location and design of the dock system follows or exceeds the guidelines described.

This dock system will improve the environment while also providing for increased residential recreational access to the water. The benefits to the overall community are clear and positive.



Planning, Community, & Economic Development Department
904 6th Street - P.O. Box 547 - Anacortes, WA 98221
360-299-1984 - pced@cityofanacortes.org

March 23, 2021

**RE: PRE-2021-0010 - Pre-Application Meeting March 23rd, 2021 at 1:30 p.m.
Delmar-Brownson Dock Replacement – 2208 Dover Drive (P60037)**

The comments below are provided after review by city staff of the materials provided in your submittal. City staff strive to provide a comprehensive review based on the information you provided and the codes and standards in place at the time of the review. Please note that these comments are preliminary in nature and are subject to change based on changed circumstances, changes in the proposal, changes in City policies and development regulations, and/or new information.

Project Description

The applicant is seeking a shoreline permit for the replacement of the existing pier, ramp, and float.

Applicant(s)

Tabitha Simonetti, Marine Floats Corporation – 313 E. F St, Tacoma, WA 98421

Property Owner(s)

Jake Brownson & Monique Delmar – 3939 N. Marine Dr, Portland, OR 97217

City Department Comments (received as of March 23, 2021):

Department	Comments
Public Works – Engineering Steve Lange, Senior Engineering Tech	<i>No Public Works Engineering Comments or issues.</i>
Planning Don Measamer, Director	<i>It would be good to require vegetation at the shoreline, at least shrubs</i>
Building Rob Frisinger, Plans Examiner	<i>Building permit required, if dirt work is done where the ramp anchors to the shore, a stormwater application may be required. Beyond that, building has no concerns.</i>

Planning, Community & Economic Development Comments

Due to the location of the proposed pier replacement, the following would be required:

- The subject properties are located within FEMA Zone AE; pursuant to [AMC 17.70 Article II](#), a FEMA /Biological Habitat Assessment as well as a floodplain development permit is required.
 - A FEMA /Biological Habitat Assessment **would not be required if** the project has already received concurrence under another permit or other consultation with the Services, either through Section 7, Section 4d, or Section 10 of the Endangered Species Act (ESA) that addresses the entirety of the project in the floodplain (such as an Army Corps 404 permit or non-conversion Forest Practice activities including any interrelated and interdependent activities.).

- For the floodplain development permit, the City does not have a separate permit application, but rather it will be reviewed and captured in the shoreline permit. There will be an additional \$120 review fee.
- SSDP Required per SMP DR-9.5.14—Being as the project proposes repair via replacement of decking and deck substructure (floats) along with the replacement of more than 50% of the existing piles.
- SEPA Review required per WAC 197-11-800(3)(b)
- Shoreline Residential Designation – Private pier/float/docks permitted
- The proposed floating dock must meet the design standards and development regulations of SMP 9.5 for Docks, Piers, and Floats.

FEES	Estimated Fees. Listed fees are current as of the date of this letter. All fees are subject to change and it is the applicant's responsibility to obtain the most current fees when budgeting for a project. <u>Land Use Permit Fees</u> • Master Land Use Permit Application • SEPA Review • SSDP Application Checklist <u>Building Permit Fees</u> • Based on project valuation – paid at time of building permit <u>Public Works/Engineering Dept. Fees</u>
-------------	---

Please contact me at 360-298-4350 or emilym@cityofanacortes.org if you have any questions.

Sincerely,

Emily Morgan
Associate Planner

cc: Don Measamer, Director
Rob Frisinger, Building

DIGITAL NEIGHBORHOOD MEETING

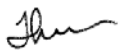
How To:

In order to comply with orders from the Governor to not hold in-person meetings, all neighborhood meeting will be held virtually using Zoom until further notice. Once you have completed your formal Pre-application conference with the City of Anacortes, please follow these guidelines for setting up and hosting your Neighborhood Meeting.

TASK	
Coordinate a date and time with your Planner: <i>Tuesday, Wednesday, or Thursday @ 6:00 or 7:00 with no other City meeting scheduled.</i>	Applicant
Setup Zoom meeting.	Applicant
Fill out the Meeting Notice (attached).	Applicant
Publish Notice in Newspaper. <i>Must be published on a Wednesday at least 10 days prior to meeting; provide a MS WORD version to the Planner the Wednesday prior to publish date.</i>	Planner
Prepare neighbor mailing list and labels for properties w/in 300 feet. Using https://www.skagitcounty.net/Maps/iMap/	Planner discretion
Post notice on property at least 10 days prior to meeting.	Planner discretion
Mail notice to neighbors at least 10 days prior to meeting, return affidavit of mailing to Planner.	Applicant
Prepare presentation/facilitate meeting/take notes of comments.	Applicant

If you have any questions, please feel free to contact me at (360) 588-8234 or by email at tessc@cityofanacortes.org.

Sincerely,



Tess Cooper
Senior Planner



NOTICE OF NEIGHBORHOOD MEETING

A pre-application neighborhood meeting via Zoom video teleconference has been scheduled to introduce the potential project described below. The purpose of the meeting is to inform neighbors and interested parties about the potential project at an early stage and to foster communication between the applicant and the public regarding potential project issues and opportunities for solutions.

Project Description: The proposed work is the construction of a:

This project proposes to replace the existing 6' x 12' timber pier, 3' x 30' ramp, 8' x 45' float and (3) 12" creosote treated wood piles; with the installation of: (1) 3' x 36' 100% fiberglass ADA compliant grated aluminum ramp, (1) 8' x 45' float with 50% composite decking and 50% ADA compliant fiberglass grating with 62% open space, (4) 10" galvanized steel piles, and (2) pile mounted float stops to prevent grounding.

Project Location: 2208 Dover Dr in Anacortes, WA 98221

Project Applicant/Representative:

Name: Jake Brownson & Monique Delmar
Address: 3939 N Marine Dr Portland, OR 97217
Phone: 631-839-5433
Email: jake@brainiumstudios.com

AUTHORIZED AGENT:

Tabitha Simonetti- Marine Floats
313 East F Street Tacoma, WA 98421
253-383-2740
tabitha@marinefloats.com

Meeting Date & Time: June 22, 2021 @ 6pm

Meeting Location: In order to comply with orders from the Governor to not hold in-person meetings, this neighborhood meeting will be held virtually using Zoom.

How to Join the Zoom Meeting:

1. Go to join.zoom.us or call in phone number _____
2. Enter meeting ID: 944-2902-7154
3. Click Join. When asked if you want to open zoom.us, click Allow.
4. If prompted for a password, enter: 6vet5c

OR connect with this link:

Join Zoom Meeting:

(Add Zoom meeting link here) <https://zoom.us/j/94429027154?pwd=K1BsVng1Y2FQZEU1UU1QeDNJY3VSdz09>



PLANNING, COMMUNITY, & ECONOMIC DEVELOPMENT DEPARTMENT

NEIGHBORHOOD MEETING BROCHURE:

Mailing Address: P.O. Box 547, Anacortes, WA 98221

Office Location: 904 6th Street, Anacortes WA 98821

Phone: (360) 299-1984



What is a Neighborhood Meeting?

A neighborhood meeting is an informal meeting that is open to the public concerning a proposed development. Please note, that no land use permit application has been submitted to date. When scheduled, neighborhood meetings typically occur at 6:00 or 7:00 PM on either Tuesdays, Wednesdays, or Thursdays in a public venue such as the public library, senior center or at the depot arts and community center. Neighborhood meetings cannot be held at the same time as a major city meeting or holiday.

What is the Purpose of a Neighborhood Meeting?

The purpose of a neighborhood meeting is to inform the public of a proposed development. The meeting also provides an opportunity for the public to learn about the proposed project, meet the developer /contractor, and ask any questions that they may have of them related to the project. One or more representatives from the City of Anacortes also typically attends the meeting.

The meeting also serves as an opportunity for the developer /contractor to hear input from the public /neighbors as to what if any questions or concerns they may have regarding a proposed project. The applicant at their choice can modify their project

accordingly taking into consideration the public /neighbor's concerns expressed.

Are Neighborhood Meetings Required?

Depending upon the project, the City of Anacortes Planning, Community, & Economic Development Department does require that applicant's conduct a neighborhood meeting prior to application submittal per Anacortes Municipal Code (AMC) Table 19.20.030-1. Some types of land use permits require neighborhood meetings while other types do not. Prior to a neighborhood meeting, a pre-application conference is held with the City as required by AMC Table 19.20.030-1.

Who Can Attend a Neighborhood Meeting?

Neighborhood meeting notices are posted on the project site, published in the Anacortes American Newspaper, and mailed to neighboring landowners located within 300-feet of the subject property. Anyone however is welcome to attend a neighborhood meeting whether a neighbor of the project or not.

Can I Submit Comments?

Following a neighborhood meeting, if an applicant proceeds with the submittal of a land use permit application, public notice will be provided consistent with AMC requirements and a public hearing will be held, if applicable. Comments should be submitted during this phase of the project so that they will be a part of the project record.



NOTICE OF APPLICATION with OPTIONAL SEPA DNS

SCAN HERE TO VIEW
Application Materials:



File Number: SDP-2021-0008

Property Owner: Monique Delmar & Jake Brownson

Applicant: John Kavanaugh, Marine Floats Corp.

Date of Application: May 21, 2021

Date of Completeness: July 30, 2021

Project Location: 2208 Dover Drive (P60037)

NOTICE IS HEREBY GIVEN THAT AN APPLICATION WAS MADE FOR THE FOLLOWING PROPOSAL:

The applicant has requested a Shoreline Substantial Development Permit (SSDP) with SEPA Review for the replacement of a private residential dock on Flounders Bay. The project proposes to replace the existing 522 sq. ft. dock; the existing dock includes: a 6 ft. by 12 ft. timber pier, 3 ft. by 30 ft. ramp, 8 ft. by 45 ft. float, and (3) 12in. creosote pilings. The existing dock would be replaced with a 441 sq. ft. dock to include: 3 ft. by 36 ft. fiberglass grated ramp, 8 ft. by 45 ft. float with composite decking, and (4) 10in. steel piles with (2) mounted float stops. The subject property is located within the Shoreline Residential shoreline environment designation with majority of the work occurring within the Aquatic shoreline environment designation.

Required Project Permits/Approvals: The following may be required in addition to the above: Shoreline Substantial Development Permit with Floodplain Development Review, SEPA environmental review, Building Permit, Hydraulic Permit Approval (WDFW), USACE Approval Permit

SEPA Review: Based on the submitted application and available information, the City anticipates issuing an DNS for this proposal and the optional DNS process as specified in WAC 197.11.355 is being utilized. Consequently, this may be the only opportunity to comment on the environmental impacts of this proposal. This proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared. A copy of the subsequent SEPA threshold determination for the proposal may be obtained upon request.

Existing Environmental Documents: Habitat Assessment; SEPA Checklist; Stormwater Report

Public Hearing: The SSDP with SEPA Review is considered a Type-3 review and will require an open record public hearing with the City of Anacortes Planning Commission; said hearing will be scheduled at a later date with a Notice of Hearing published.

Public Comment Period: The Notice of Application was published on August 4th, 2021. Written comments must be submitted to the contact person listed below by **5:00 PM on September 3rd, 2021.**

ANY PERSON HAS THE RIGHT TO RECEIVE NOTICE, PARTICIPATE IN ANY HEARINGS, REQUEST A COPY OF THE FINAL DECISION AND APPEAL THE DECISION AS PROVIDED BY LAW.

Document Availability: Application documents may also be reviewed at <https://www.anacorteswa.gov/161/Planning-Community-Economic-Development> by clicking "**Current Land Use Projects & Notices**".

Appeals: Any party with standing may appeal the decision, once made, within 14 calendar days after written notice of the decision is mailed, per the provisions in AMC 19.20.180, *Appeals*.

For Project Information: Emily Morgan, Senior Planner; 360-298-4350, emilym@cityofanacortes.org; City of Anacortes Department of Planning, Community, & Economic Development, P.O. Box 547, Anacortes, WA 98221

ADVERTISING PROOF

1215 Anderson Rd,
Mount Vernon, WA 98274
Ph. Fax: (907) 452-5054



BILLING DATE:	ACCOUNT NO:
07/30/21	45993



CITY OF ANACORTES
PO BOX 547
ANACORTES, WA 98221

NOTICE OF APPLICATION with OPTIONAL SEPA DNS

File Number: SDP-2021-0008

Property Owner: Monique Delmar & Jake Brownson

Applicant: John Kavanaugh, Marine Floats Corp.

Date of Application: May 21, 2021

Date of Completeness: July 30, 2021

Project Location: 2208 Dover Drive (P60037)

NOTICE IS HEREBY GIVEN THAT AN APPLICATION WAS MADE FOR THE FOLLOWING PROPOSAL:

The applicant has requested a Shoreline Substantial Development Permit (SSDP) with SEPA Review for the replacement of a private residential dock on Flounders Bay. The project proposes to replace the existing 522 sq. ft. dock; the existing dock includes: a 6 ft. by 12 ft. timber pier, 3 ft. by 30 ft. ramp, 8 ft. by 45 ft. float, and (3) 12in. creosote pilings. The existing dock would be replaced with a 441 sq. ft. dock to include: 3 ft. by 36 ft. fiberglass grated ramp, 8 ft. by 45 ft. float with composite decking, and (4) 10in. steel piles with (2) mounted float stops. The subject property is located within the Shoreline Residential shoreline environment designation with majority of the work occurring within the Aquatic shoreline environment designation.

Required Project Permits/Approvals: The following may be required in addition to the above: Shoreline Substantial Development Permit with Floodplain Development Review, SEPA Review

AD #	DESCRIPTION	START	STOP	TIMES	AMOUNT
129243	NOTICE OF APPLICATION	08/04/21	08/04/21	2	\$174.58

Payments:

Date	Method	Card Type	Last 4 Digits	Check	Amount
------	--------	-----------	---------------	-------	--------

Discount: \$0.00
Surcharge: \$0.00
Credits: \$0.00

Gross: \$174.58
Paid Amount: \$0.00

Amount Due: \$174.58

We Appreciate Your Business!

Review, SEPA environmental review, Building Permit, Hydraulic Permit Approval (WDFW), USACE Approval Permit

within 14 calendar days after written notice of the decision is mailed, per the provisions in AMC 19.20.180, Appeals.

SEPA Review: Based on the submitted application and available information, the City anticipates issuing an DNS for this proposal and the optional DNS process as specified in WAC 197.11.355 is being utilized. Consequently, this may be the only opportunity to comment on the environmental impacts of this proposal. This proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared. A copy of the subsequent SEPA threshold determination for the proposal may be obtained upon request.

For Project Information: Emily Morgan, Senior Planner; 360-298-4350, emilym@cityofanacortes.org; City of Anacortes Department of Planning, Community, & Economic Development, P.O. Box 547, Anacortes, WA 98221

**Published
August 4, 2021
AA-129243**

Existing Environmental Documents: Habitat Assessment; SEPA Checklist; Stormwater Report

Public Hearing: The SSDP with SEPA Review is considered a Type-3 review and will require an open record public hearing with the City of Anacortes Planning Commission; said hearing will be scheduled at a later date with a Notice of Hearing published.

Public Comment Period: The Notice of Application was published on August 4th, 2021. Written comments must be submitted to the contact person listed below by **5:00 PM on September 3rd, 2021**.

ANY PERSON HAS THE RIGHT TO RECEIVE NOTICE, PARTICIPATE IN ANY HEARINGS, REQUEST A COPY OF THE FINAL DECISION AND APPEAL THE DECISION AS PROVIDED BY LAW.

Document Availability: Application documents may also be reviewed at <https://www.anacorteswa.gov/161/Planning-Community-Economic-Development> by clicking "**Current Land Use Projects & Notices**".

Appeals: Any party with standing may appeal the decision, once made,



NOTICE OF HEARING with VIRTUAL PLANNING COMMISSION PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a virtual/telephonic Pre-decision Open Record Public Hearing will be held by the Anacortes Planning Commission on **October 13, 2021 at 6:00 pm** by means of the Zoom video conferencing web application to consider the following proposal:

File Number: SDP-2021-0008

Owner/Applicant: Monique Delmar & Jake Brownson

Agent: John Kavanaugh, Marine Floats Corp.

Project Location: 2208 Dover Drive (P60037)

SCAN HERE TO VIEW

All File Materials & Staff Report:

Proposal: The applicant has requested a Shoreline Substantial Development Permit (SSDP) with SEPA Review for the replacement of a private residential dock on Flounders Bay. The project proposes to replace the existing 522 sq. ft. dock; the existing dock includes: a 6 ft. by 12 ft. timber pier, 3 ft. by 30 ft. ramp, 8 ft. by 45 ft. float, and (3) 12in. creosote pilings. The existing dock would be replaced with a 441 sq. ft. dock to include: 3 ft. by 36 ft. fiberglass grated ramp, 8 ft. by 45 ft. float with composite decking, and (4) 10in. steel piles with (2) mounted float stops. The proposed dock would be a reduction in overwater coverage from the existing 522 sq. ft. dock to 441 sq. ft. The proposed grated decking is to total 62% of open area allowing for an increase in light penetration.



The subject property is located within the Shoreline Residential shoreline environment designation with majority of the work occurring within the Aquatic shoreline environment designation.

Environmental Review: A SEPA threshold Determination of Non-significance (DNS) was issued for this project on September 10, 2021, under WAC 197-11-340(2), after using the Optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.

Open-Record Decision Hearing: A virtual open-record decision hearing to make a decision on the application will be held by the Planning Commission on **October 13, 2021 at 6:00 pm** via Zoom video conferencing.

- Virtual meeting participation instructions and connection information can be viewed here: <https://www.anacorteswa.gov/700/Meeting-Documents-and-Video>. Meeting attendance options will be posted on the applicable agenda published the week before the meeting. Hearings will be conducted in accordance with the rules of procedure adopted by the hearing body.
- Members of the public who require special assistance to participate in or access the public hearing may contact the [City Clerk](#) 24 hours before the meeting to make special arrangements.

Appeals: The decision on this application, once made, may be appealable pursuant to the procedures outlined in AMC 19.20.030 and AMC 19.20.210.

Staff Report: All application documents may also be reviewed at <https://www.anacorteswa.gov/161/Planning-Community-Economic-Development> by clicking "Current Land Use Projects & Notices". The staff report will be available for review, no later than 5:00 p.m. on October 7, 2021.

For Project Information: Emily Morgan, Senior Planner; 360-298-4350, emilym@cityofanacortes.org; City of Anacortes Department of Planning, Community, & Economic Development, P.O. Box 547, Anacortes, WA 98221

ADVERTISING PROOF

1215 Anderson Rd,
Mount Vernon, WA 98274
Ph. Fax: (907) 452-5054



STANWOOD CAMANO NEWS

BILLING DATE:	ACCOUNT NO:
09/17/21	45993



CITY OF ANACORTES
PO BOX 547
ANACORTES, WA 98221

NOTICE OF HEARING with VIRTUAL PLANNING COMMISSION PUBLIC HEARING

AD #	DESCRIPTION	START	STOP	TIMES	AMOUNT
148225	NOTICE OF HEARING wi	09/22/21	09/22/21	2	\$162.40

NOTICE IS HEREBY GIVEN that a virtual/telephonic Pre-decision Open Record Public Hearing will be held by the Anacortes Planning Commission on **October 13, 2021 at 6:00 pm** by means of the Zoom video conferencing web application to consider the following proposal:

File Number: SDP-2021-0008

Owner/Applicant: Monique Delmar & Jake Brownson

Agent: John Kavanaugh, Marine Floats Corp.
Project Location: 2208 Dover Drive (P60037)

Proposal: The applicant has requested a Shoreline Substantial Development Permit (SSDP) with SEPA Review for the replacement of a private residential dock on Flounders Bay. The project proposes to replace the existing 522 sq. ft. dock; the existing dock includes: a 6 ft. by 12 ft. timber pier, 3 ft. by 30 ft. ramp, 8 ft. by 45 ft. float, and (3) 12in. creosote pilings. The existing dock would be replaced with a 441 sq. ft. dock to include: 3 ft. by 36 ft. fiberglass grated ramp, 8 ft. by 45 ft. float with composite decking, and (4) 10in. steel piles with (2) mounted float stops. The proposed dock would be a reduction in overwater coverage from the existing 522 sq. ft. dock to 441 sq. ft. The proposed grated decking is to total 62% of open area allowing for an increase in light penetration.

Payments:

Date	Method	Card Type	Last 4 Digits	Check	Amount
------	--------	-----------	---------------	-------	--------

Discount: **\$0.00**
Surcharge: **\$0.00**
Credits: **\$0.00**

Gross: **\$162.40**
Paid Amount: **\$0.00**

Amount Due: \$162.40

We Appreciate Your Business!

The subject property is located within the Shoreline Residential shoreline environment designation with majority of the work occurring within the Aquatic shoreline environment designation.

org; City of Anacortes
Department of Planning,
Community, & Economic
Development, P.O. Box
547, Anacortes, WA 98221

**Published
September 22, 2021
AA-148225**

Environmental Review: A SEPA threshold Determination of Non-significance (DNS) was issued for this project on September 10, 2021, under WAC 197-11-340(2), after using the Optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.

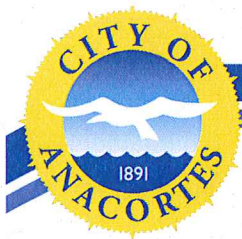
Open-Record Decision Hearing: A virtual open-record decision hearing to make a decision on the application will be held by the Planning Commission on **October 13, 2021 at 6:00 pm** via Zoom video conferencing.

- Virtual meeting participation instructions and connection information can be viewed here: <https://www.anacorteswa.gov/700/Meeting-Documents-and-Video>. Meeting attendance options will be posted on the applicable agenda published the week before the meeting. Hearings will be conducted in accordance with the rules of procedure adopted by the hearing body.
- Members of the public who require special assistance to participate in or access the public hearing may contact the City Clerk 24 hours before the meeting to make special arrangements.

Appeals: The decision on this application, once made, may be appealable pursuant to the procedures outlined in AMC 19.20.030 and AMC 19.20.210.

Staff Report: All application documents may also be reviewed at <https://www.anacorteswa.gov/161/Planning-Community-Economic-Development> by clicking "Current Land Use Projects & Notices". The staff report will be available for review, no later than 5:00 p.m. on October 7, 2021.

For Project Information:
Emily Morgan, Senior
Planner; 360-298-4350,
emilym@cityofanacortes.org



STATE ENVIRONMENTAL POLICY ACT (SEPA)

Determination of Non-Significance (DNS)

Project Title	Delmar-Brownson Dock Replacement
File Number	SDP-2021-0008
Site Address	2208 Dover Drive
APN(s)	P60037
Applicant/Owner	Monique Delmar & Jake Brownson
Agent	John Kavanaugh, Marine Floats Corp.
Application Date	May 21, 2021
Notice of Application	August 4, 2021; comment period ended September 3, 2021
Request	The applicant has requested a Shoreline Substantial Development Permit (SSDP) with SEPA Review for the replacement of a private residential dock on Flounders Bay. The project proposes to replace the existing 522 sq. ft. dock; the existing dock includes: a 6 ft. by 12 ft. timber pier, 3 ft. by 30 ft. ramp, 8 ft. by 45 ft. float, and (3) 12in. creosote pilings. The existing dock would be replaced with a 441 sq. ft. dock to include: 3 ft. by 36 ft. fiberglass grated ramp, 8 ft. by 45 ft. float with composite decking, and (4) 10in. steel piles with (2) mounted float stops. The proposed dock would be a reduction in overwater coverage from the existing 522 sq ft. dock to 441 sq. ft. The proposed grated decking is to total 62% of open area allowing for an increase in light penetration. The subject property is located within the Shoreline Residential shoreline environment designation with majority of the work occurring within the Aquatic shoreline environment designation.

The City of Anacortes Department of Planning, Community & Economic Development has determined that this project does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW § 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available at <https://www.anacorteswa.gov/161/Planning-CommunityEconomic-Development> under **“Current Land Use Projects and Notices”**.

This determination is based on the following findings and conclusions:

- No agency or public comments were received for the proposed dock replacement.
- The proposal's conformance with existing Anacortes Municipal Code regulations and acquisition of applicable agency permits prior to site construction adequately address potential impacts of this project.
- This DNS is issued under WAC 197-11-340(2) after using the Optional DNS process in WAC 197-11-355. There is no further comment period on this DNS.

For further information, contact the City of Anacortes' Department of Planning, Community, & Economic Development at (360) 299-1984. The issuance of this Determination of Non-significance should not be interpreted as acceptance or approval of the proposal as presented. The City of Anacortes reserves the

right to deny or approve said proposal subject to conditions if it is determined to be in the best interests of the city and/or necessary for the general health, safety and welfare of the public to do so.

Responsible Official: Don Measamer, Director/SEPA Responsible Official
Planning, Community, & Economic Development Department
Address: P.O. Box 547
Anacortes, WA 98221
Phone: 360-299-1942

Signature:  **Issue Date:** 9/10/27

SEPA APPEAL PROCEDURE

This environmental threshold determination may be appealed in accordance with the procedures outlined in AMC Chapter 18.04 and 19.20. Appeals must be on forms provided by the Planning, Community & Economic Department (PCED), contain the information specified in AMC 19.20.180.F, be accompanied by a filing fee of \$200, and be delivered to the City Clerk by mail or personal delivery by **5:00 PM, 14 days from the above issue date**. Additional information regarding the appeal process may be obtained from City of Anacortes PCED, (360) 299-1984.



ANACORTES PLANNING COMMISSION

Findings of Fact, Conclusions of Law and Decision

File Number	SDP-2021-0008
Project Name	Delmar/Brownson Dock Replacement
Proposal	The applicant has requested a Shoreline Substantial Development Permit (SSDP) with SEPA Review for the replacement of a private residential dock on Flounders Bay. The project proposes to replace the existing 522 sq. ft. dock; the existing dock includes: a 6 ft. by 12 ft. timber pier, 3 ft. by 30 ft. ramp, 8 ft. by 45 ft. float, and (3) 12in. creosote pilings. The existing dock would be replaced with a 441 sq. ft. dock to include: 3 ft. by 36 ft. fiberglass grated ramp, 8 ft. by 45 ft. float with composite decking, and (4) 10in. steel piles with (2) mounted float stops. The proposed dock would be a reduction in overwater coverage from the existing 522 sq ft. dock to 441 sq. ft. The proposed grated decking is to total 62% of open area allowing for an increase in light penetration.
Public Hearing & Decision Body	Anacortes Planning Commission
Public Hearing Date	October 13, 2021
PC Deliberations	October 13, 2021
Exhibits	A. Staff Report B. SSDP Application Materials C. Pre-Application & Neighborhood Meeting Materials D. Notices E. Issued DNS

Documents are available at City Hall in the Planning, Community, and Economic Development Department or may be accessed on the public portal:

<https://docs.cityofanacortes.org/WebLink/Browse.aspx?dbid=0&startid=434848&row=1>

After considering the written and spoken comments and considering the record before it, the Planning Commission enters the following findings of fact, conclusions of law, and decision:

Findings of Fact & Conclusions of Law

1. The Staff report dated October 6, 2021, accurately describes the project proposal and is hereby incorporated by reference. (Exhibit A)
2. The following members of the public provided testimony during the public hearing:
 - a.

- b.
- c.
3. The following additional exhibits were entered into the record at the public hearing: N/A
4. The following additional Findings of Fact and/or Conclusions of Law are entered:

Decision

Based on the foregoing findings and conclusions of law, and review of the City's regulatory authority to implement the policies, standards, and regulations of the Anacortes Municipal Code, the Planning Commission hereby makes the following decision regarding the subject Shoreline Substantial Development Permit:

- ☒ Approve with Conditions
☐ Approve
☐ Deny

Subject to staff's recommended conditions in the Staff Report dated October 6, 2021 and any additional Commissioner conditions of approval as listed below:

1.

Commission Vote	Support	Oppose	Absent	Abstain
Frank Jeretzky				
Mike Cortright				
Sarah Ruether				
Jeff Mount				
Gary Molyneaux				
Jeff Graf				
Ward MacKenzie				
Total	0	0	0	0

ANACORTES PLANNING COMMISSION Anacortes, Washington

Ward MacKenzie
Planning Commission Chair

Date

Appeals

Pursuant to AMC 19.20.030, a local appeal of Type 3-PC Planning Commission Decisions is available to the City Council. Appeals of this decision must be filed in accordance with AMC 19.20.180 by 5:00 PM on _____.

From: [CityClerk](#)
To: [Measamer, Don](#); [Grage, Libby](#); [Stewart, Joann](#)
Subject: FW: Public Comment Submission
Date: Monday, October 11, 2021 3:08:37 PM

This is for the Planning Commission packet for 10/13/21.

From: noreply@civicclerk.com <noreply@civicclerk.com>
Sent: Monday, October 11, 2021 3:07 PM
To: CityClerk <cityclerk@cityofanacortes.org>
Cc: richrson@cnw.com
Subject: Public Comment Submission

Submitted by: Cynthia Richardson
Email Address: richrson@cnw.com

Commented on event: <https://anacorteswa.civicclerk.com/web/player.aspx?id=642>

If you are having trouble viewing the URL above, cut and paste the string into your browser window.

User comment: I am writing to urge the Planning Commission to consider adding the following additional draft concept for consideration: Concept H Acknowledge the diversity of existing housing types, including many single family homes, ADU's, duplexes, and 4- to 6- unit buildings. INCLUDE STANDARDS FOR MAXIMUM BULK TO RESPECT THE EXISTING NEIGHBORHOOD SCALE. Encourage retaining existing single family homes by improving them, subdividing into duplexes, and adding ADU's rather than tearing them down. Advantages: Respects the scale and eclectic character of this historic neighborhood. Retains modest homes that provide much-needed workforce housing close to services. Addresses neighborhood concerns about larger structure incompatibility, view blockage. Disadvantages: Limits number of multifamily units that can be built. Please consider the following comments As I've walked and driven around this neighborhood, I've been struck by the feeling that it truly is a neighborhood. Because of the eclectic mixture of single family and small multifamily buildings, it really doesn't feel like a multifamily area, but it doesn't quite feel like a single family neighborhood either. So why are we trying to fit this non-traditional mixed neighborhood into either a traditional multifamily or single family zoning model? Why not acknowledge that it is a hybrid zone where it's OK (and even desirable) to mix housing types in a neighborhood? We can already see how to make this work – it's right before our eyes. It's the existing neighborhood. What's the secret? It is scale – buildings whose height, bulk, and width are similar to and compatible with their neighbors. For example, 35' max. height (very few existing structures are even this tall), maximum of 6 units per building, and maximum street facing width of 60 ft. (which would allow three 20'-wide units per floor). Buildings of this scale added here and there would increase the overall density of the zone and be somewhat larger than existing buildings but be far less overwhelming than the multifamily buildings allowed under current code. The new zoning code already has lots of design guidelines and requirements that apply to multifamily structures, and for the most part they can serve us well in this mixed residential zone. By simply limiting the maximum size of individual structures, and applying those design standards, the zone can continue to be an eclectic mix of human-scaled buildings that feels like a true neighborhood. In revising the Comp Plan we decided to not make any

dramatic changes to any zone, but, rather, to make smaller changes that would allow modest amounts of housing to be added throughout the city – thus preserving the character of existing neighborhoods. The attitude at the time was that since the R4 zone has been designated for multifamily housing for 4 decades, it should remain a multifamily zone, with some incentives for even more density. But labeling it a multifamily zone 40 years ago never made it a multifamily neighborhood in real life. Over the years, quite a few duplexes have been built, along with a handful of triplexes and fourplexes, and a couple of 5 and 6 unit buildings. But a substantial part of this neighborhood is single family homes. Many are 50 to 100 years old – some nearly original and others significantly upgraded. Here and there, new single family homes have been added over time. Most are on small lots, and the one “larger” development on 14th St. is broken down into several smaller buildings. One-story and two-story structures are typical, with only a couple of 3-story buildings and no existing buildings are 4 stories. The resulting neighborhood is already an area that offers a variety of moderate-cost owner and rental housing close to the center of town. That type of workforce housing serves an important segment of our city’s households. Many of these properties are defined as “under-utilized” because they have fewer units than would be allowed by current code. But a family living in a nice little house on a nice little lot probably doesn’t consider it under-utilized. They consider it home. If the area is developed with larger and taller multifamily buildings, we will gain in numbers of units (which may or may not be affordable), but we stand to lose an entire neighborhood where ordinary people can find a variety of modest housing types in a diverse community close to services. This approach would be consistent with the following sections of the Comprehensive Plan: Goal LU-2. Community Design. Promote compatible pedestrian-oriented development that respects Anacortes’s historic character and small town scale while strengthening its unique marine identity. Policy LU-2.1. B. Provide building massing standards that respect the character and scale of Anacortes’s business districts and residential neighborhoods. C. Place an emphasis on human-scaled design details that contribute to the City’s character and identity. What if, instead of assuming this neighborhood will be demolished little by little as large apartment buildings overwhelm each block, we can tweak the zoning code to encourage development that reinforces the mixed residential character that already exists, and not allow big new structures to destroy this vibrant part of our town? Can we save this neighborhood? Cynthia Richardson 315 V Avenue Anacortes, WA 98221 360-708-5617

From: [CityClerk](#)
To: [Measamer, Don](#); [Grage, Libby](#); [Stewart, Joann](#)
Subject: FW: Public Comment Submission
Date: Monday, October 11, 2021 3:08:20 PM

This is for the Planning Commission packet for 10/13/21.

From: noreply@civicclerk.com <noreply@civicclerk.com>
Sent: Monday, October 11, 2021 3:00 PM
To: CityClerk <cityclerk@cityofanacortes.org>
Cc: richrson@cnw.com
Subject: Public Comment Submission

Submitted by: Cynthia Richardson
Email Address: richrson@cnw.com

Commented on event: <https://anacorteswa.civicclerk.com/web/player.aspx?id=642>

If you are having trouble viewing the URL above, cut and paste the string into your browser window.

User comment: I am writing to encourage approval of Concept A that is being considered as part of the R4 building height discussion. Rezoning the half block between the Commercial zone and O Avenue from R4 to Commercial should be done in addition to other changes being considered for the R4 zone. For quite some time I have thought it makes sense to include the half-block on the east side of O Avenue in the Commercial zone, rather than the R4 zone. Here are some of the reasons that is a reasonable change: Anacortes's Commercial zone is very narrow. It's only 1-1/2 blocks wide for much of its length. Over time this will probably be inadequate to support the level of commercial services needed by our growing city. Along the west side of Commercial Avenue, the Commercial zone is only ½ block deep. That is barely enough for a small restaurant or retail store, and severely limits the potential for a larger commercial development, especially when space for parking is considered. Developing a larger mixed-use or multifamily building with parking, courtyards, and other amenities is also very difficult on this narrow strip. The zoning line runs through many lots. A lot with two different zoning classifications is extremely difficult to develop because each half of the lot must meet different standards. And a multi-lot site with part of the site in each zone faces the same obstacles. Splitting the block can result in a commercial use right next to someone's home, which is a recipe for conflict. But extending the Commercial zone to O Ave. allows the 80 ft. width of the street to be a break between the uses. There are already several non-residential uses on the west half of these blocks. With the full block width in the same zone, larger multifamily buildings combined with the commercial uses could encourage mixed-use development, which is difficult on only a half block. There is considerable support for reducing the scale of multifamily buildings in the R4 zone, which will reduce the number of units that can be built there. The east side of O Ave. is a better place for the larger scale buildings, where they can be part of mixed-use blocks – thus balancing the reduction of capacity in the area west of O Ave. Of course, there are a number of single family homes in this area whose owners would prefer not to be in the Commercial zone, but there are others who would like to develop commercial uses on their property, and there is no way to please them all. The bottom line is that it makes more sense in terms of community planning and neighborhood cohesiveness for a commercial zone to be separated from a residential zone by the

full width of a street, rather than for two disparate zones to butt right up against each other in the middle of a block. Cynthia Richardson 315 V Avenue Anacortes, WA 98221 360-708-5617