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- The public may also watch, listen to, or participate in the meeting live by visiting <https://us02web.zoom.us/j/89255646791> or by telephoning 1-253-215-8782 and entering Meeting ID 892 5564 6791.
- The public is encouraged to comment via email to cityclerk@cityofanacortes.org or via written comment addressed to City Clerk, P.O. Box 547, Anacortes, WA 98221. Public comments received by the [City Clerk](#) 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 City Council meetings are available [here](#). View the quick video example for connecting to the meeting [here](#).



Anacortes City Council
Municipal Building Council Chambers
904 6th Street

March 14, 2022
6:00 PM

PRELIMINARY AGENDA
[Packet Materials](#) / [Watch Meeting](#)

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Announcements and Committee Reports**
 - a. Skagit County Law & Justice Council (Discussion)
 - b. Finance Committee (Discussion)
 - c. Housing Affordability and Community Services Committee (Discussion)
 - d. Planning Committee (Discussion)
 - e. Skagit Valley Tulip Festival (Discussion)
4. **Public Comment**
5. **Consent Agenda**
 - a. Minutes of March 7, 2022 (Action)
 - b. Approval of claims in the amount of \$644,287.41 (Action)
 - c. Contract Modification: Grand View Cemetery Expansion - Phase 2 #19-092-PRK-003 (Action)
 - d. Resolution 3077: Display of Russian Flag (Action)
6. **Other Business**
 - a. * Access Anacortes Fiber Internet Update (Discussion)
 - b. * Resolution 3076: Conservation Easement Program Contract (Discussion/Possible Action)
 - c. Ordinance 4014: Amending Anacortes Municipal Code Table 19.41.050, Principle Uses permitted in mixed use and industrial zones, to eliminate "Self Service Storage" as a permitted use in the Commercial Use Zone (Discussion/Action)

Per Resolution 3051, citizens wishing to comment on items not on the agenda may do so under Public Comment. Citizens wishing to comment on items indicated with an asterisk () may do so as those items are considered by Council during the course of the meeting.*

The City of Anacortes is committed to making public meetings available and accessible to all members of the community. For assistance with special needs, please contact the City Clerk at 360-299-1960 in advance of the meeting.

- d. Contract Modification: Water Quality Assessment and Planning Project #21-184-WTR-001 (Action)

7. **Adjournment**

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City Council Agenda Bill

Meeting Date: March 14, 2022 **Agenda Item:** 3.e.

Agenda Item Title: Skagit Valley Tulip Festival

Staff Contact(s): Jennifer Tottenham

<u>Approved for Submittal to Council by</u>	<u>Action Type</u>
Jennifer Tottenham	Announcement

Item Summary: Skagit Valley Tulip Festival Executive Director Cindy Verge will present the 2022 poster to City Council

Budget Impact:

Previous Action:

Recommended Motion:

Alternative Actions:

Attachments (listed in order presented): None

Anacortes City Council Minutes - March 7, 2022

Call to Order

Mayor Matt Miller called to order the Anacortes City Council meeting of March 7, 2022 at 6:00 p.m. Councilmembers Ryan Walters, Anthony Young, Christine Cleland-McGrath, Carolyn Moulton, Bruce McDougall and Amanda Hubik were present. Councilmember Jeremy Carter participated in the meeting remotely via Zoom.

Pledge of Allegiance

The assembly joined in the Pledge of Allegiance.

Announcements and Committee Reports

Mayor Miller reminded that the statewide mask mandate was scheduled to lift at midnight on March 11, 2022 and that the change would be observed by all City of Anacortes facilities.

The mayor reminded that daylight savings time would begin on March 13.

Port/City Liaison Committee: Ms. Hubik reported from the Committee meeting held the previous week. The topics discussed included the wastewater treatment plant outfall project, the 2nd Street agreement, and the Maritime Strategic Plan.

Public Safety Committee: Ms. Cleland-McGrath reported from the Committee meeting held the previous week. The Fire Department topics discussed included filling open staff positions, new volunteers, a SAFER grant application, promotions to captain, retrofitting an older fire truck for wildland firefighting, and Station 3 studies. The Police Department topics discussed included legislation currently being considered in Olympia and hiring progress.

Housing Affordability and Community Services Committee: Mr. Walters reported from the Committee meeting held the previous week. The topics discussed included a session with Tina Tate from Friendship House and Habitat for Humanity.

Public Works Committee: Ms. Moulton reported from the Committee meeting held earlier in the evening. The topics discussed included the outfall project which would be on the agenda later in the evening, stormwater which would be on the agenda later in the evening, and maintaining the excellent water quality at the water treatment plant.

Public Comment

Mayor Miller invited the public to comment on any item not on the agenda. No one present wished to address the Council on any topic not already on the agenda.

Consent Agenda

Mr. McDougall moved, seconded by Mr. Young, to approve the following Consent Agenda items. The motion carried unanimously by voice vote.

- a. Minutes of February 28, 2022
- b. Approval of claims in the amount of \$294,643.86
The following vouchers/checks were approved for payment:
EFT numbers: 102607 through 102653, total \$169,684.99

Check numbers: 102654 through 102667, total \$67,240.61

Wire transfer numbers: 299617 through 299913, total \$8,586.17

- c. Amendment #2 to Interlocal C20180481 with Skagit County: Emergency Medical Services System Delivery Agreement
- d. Resolution 3075: Waiving the State Competitive Bidding Requirements for the Purchase of Two Solid Waste Curotto Cans

PUBLIC HEARINGS

Continued Public Hearing: Ordinance No. 4012 Amending Chapter 10.12 regarding Stopping, Standing, and Parking

Public Works Director Fred Buckenmeyer introduced Ordinance 4012 for public hearing; this item had been continued from the February 22, 2022 regular City Council meeting. The ordinance would amend Chapter 10.12 regarding stopping, standing, and parking. Mr. Buckenmeyer reviewed the proposed changes, referring to the packet materials for the meeting.

Mr. Walters requested that parking signs everywhere in town reference the relevant AMC section. Mr. Buckenmeyer agreed.

Mayor Miller invited members of the audience to comment on this agenda item. He requested speakers to limit their comments to three minutes.

Boshie Morris, 1618 7th Street, corrected her comments regarding G Avenue parking from the last City Council meeting. Ms. Morris suggested that the 6th Street map in the packet did not accurately reflect available parking. She spoke about parking usage patterns of residents in the area. She urged Council to consider data when deciding on the proposed ordinance.

Jon Stables, 608 J Avenue, explained the need for ADA accessible parking to his home and his ADU. He said the proposed ordinance would make it safer for wheelchairs which would not have to cross the street mid-block.

Vicki Stables, 608 J Avenue, said she does have off street parking, but was still very much in favor of the proposed changes. She said residents's guests often have no on-street parking available. Ms. Stables also supported the proposed change to the Kiwanis Park parking lot time limit.

Warren Tessler, 1613 6th Street, observed that ferry traffic and parking on 6th Street has been an issue for decades, particularly in the summer. He said guest parking is a problem. Mr. Tessler supported the proposed changes, except perhaps during the annual ferry haul out.

Barbara Larson relinquished her time to other speakers.

Luke Russell, 1611 6th Street, agreed with the comments already expressed. Mr. Russell referenced his earlier comments and emailed petition to councilmembers on this topic. He supported the proposed changes.

No one else wishing to comment on this item, Mayor Miller closed the public hearing.

CAROLYN MOULTON moved, seconded by RYAN WALTERS, to adopt Ordinance No. 4012 amending Chapter 10.12 Stopping, Standing, and Parking. Vote: Ayes - JEREMY CARTER, ANTHONY YOUNG, RYAN WALTERS, CHRISTINE CLELAND-MCGRATH, CAROLYN MOULTON, BRUCE MCDOUGALL, AMANDA HUBIK. Nays - None. Result: Passed

OTHER BUSINESS

2022 Stormwater Management Program Plan

Mr. Buckenmeyer introduced Stormwater Program Manager Diane Hennebert to present the 2022 Stormwater Management Plan. Ms. Hennebert's slide presentation and the draft Plan had been included in the packet materials for the meeting.

Mayor Miller invited members of the audience to comment on this agenda item. No one present wished to address the Council.

Contract Award: Wastewater Treatment Plant Outfall Relocation - Marine Phase #20-032-SEW-008

Mr. Buckenmeyer requested City Council consent to award the referenced contract. He reported that since the packet was published the prior week, FEMA had approved the contractor selection process. Mr. Buckenmeyer introduced Rob Webb from consultant Dalton, Olmsted & Fuglevand to share a slide presentation explaining the contractor selection process. Mr. Webb's slides were added to the packet materials for the meeting.

CAROLYN MOULTON moved, seconded by ANTHONY YOUNG, to to authorize the mayor to sign contract #20-032-SEW-0081 with Pacific Pile & Marine, LP in the amount of \$7,567,366.40 for the Wastewater Treatment Plant Outfall Relocation - Marine Phase. Vote: Ayes - JEREMY CARTER, ANTHONY YOUNG, RYAN WALTERS, CHRISTINE CLELAND-MCGRATH, CAROLYN MOULTON, BRUCE MCDUGALL, AMANDA HUBIK. Nays - None. Result: Passed

Display of the Russian Flag

Mayor Miller reiterated his commitment to the Sister Cities and deplored the naked aggression of the Russian government against Ukraine. The mayor shared representative emails from constituents, some urging removing the Russian flag from the city's entrance displays and others urging retaining the flag in support of the Russian people in opposition to their government.

Mr. Walters invited his colleagues to discuss the range of public opinion on this topic and determine if any action would be appropriate. He referenced Resolution 1226 which established the Sister City relationship with Lomonosov, Russia in 1992. Ms. Moulton noted that the preponderance of public comments received asked that the Russian flag be removed from City displays. She concurred with that sentiment. Councilmembers discussed the symbolism of displaying or removing the flag from displays in the city, and of continuing or discontinuing the Sister City relationship with Lomonosov.

Mayor Miller invited members of the audience to comment on this agenda item.

Jack Curtis, 4402 Fir Crest Court, supported removing the Russian flag from the Sister City displays, referencing his email to the City Council which had been added to the packet materials for the meeting. He supported maintaining the Sister City relationship with Lomonosov.

Tom Kuker, 3809 W 11th Street, agreed with Jack Curtis's analysis of the flag display. Mr. Kuker asked that the Russian flag be removed from the city entrances. He also asked that Sister City status be severed or suspended with Lomonosov until cessation of hostilities by Russia.

Doug Thurber, Anacortes, referenced his years working on ships with Ukrainians. Mr. Thurber said a flag is a symbol of a nation, not of the people who live there, and that Russia is in disgrace. He asked Council to remove the Russian flag from display because the Russian nation should be shamed for its actions.

John Lovric, 4811 Cypress Drive, supported the Ukrainian people and the Russian people who are protesting

their government's action. Mr. Lovric said that removing the Russian flag in Anacortes or severing the Sister Cities relationship would not change the course of the Russian armed forces. Mr. Lovric read a [message from the Sister Cities International organization](#) regarding how to express collective disapproval of Russia's action but discouraging severing of Sister City relationships.

Duane Clark shared an email chain submitted through the Anacortes Sister Cities objecting to displaying the Russian flag at the Sister Cities gateway displays. Mr. Clark argued in response that the Russian flag represents the Russian citizens, who are overwhelmingly opposed to the Russian invasion of Ukraine.

No other members of the audience wished to address the Council on this topic.

After continued discussion, Mayor Miller observed the unanimous support on Council to cease display of the Russian flag. He suggested that Mr. Walters to draft a resolution to that effect and bring it back to Council on the Consent Agenda the following week.

CAROLYN MOULTON moved, seconded by BRUCE MCDOUGALL, to remove the Russian flag from all city displays without delay. Vote: Ayes - JEREMY CARTER, ANTHONY YOUNG, RYAN WALTERS, CHRISTINE CLELAND-MCGRATH, CAROLYN MOULTON, BRUCE MCDOUGALL, AMANDA HUBIK. Nays - None. Result: Passed

Adjournment

There being no further business, at approximately 8:15 p.m. the Anacortes City Council meeting of March 7, 2022 was adjourned.

The following claims against the City of Anacortes have been preaudited and certified by the Clerk-Treasurer as ready for City Council approval at the March 14, 2022 City Council meeting:
[Download this file in OpenDocument spreadsheet format.](#)

Invoice Doc #	Transaction Date	Invoice #	Vendor Full Name	Description	Total Amount	Approval Queue
300289	6/18/2021	1229642	BLACKSTONE PUBLISHING	AUDIO BOOKS	\$ 350.00	publib
300287	8/6/2021	1238063	BLACKSTONE PUBLISHING	AUDIO BOOKS	\$ 247.99	publib
300286	9/22/2021	1246291	BLACKSTONE PUBLISHING	AUDIO BOOKS	\$ 147.99	publib
300308	12/15/2021	1095145605	MALVERN PANALYTICAL, INC.	ZETA CONSUMEABLES	\$ 448.46	dwtpt
300314	12/20/2021	INV044954	TRAFFIC SAFETY SUPPLY CO. INC	SCHOOL ZONE RRFB CROSSWALK BEACON MOUNTING POSTS	\$ 5,026.56	pw1
300312	12/31/2021	2021-7059	EDASC	ECONOMIC DEVELOPMENT SERVICES - JULY 1, 2021-DECEMBER 31, 2021	\$ 7,500.00	plan
300315	1/14/2022	INV045471	TRAFFIC SAFETY SUPPLY CO. INC	SCHOOL ZONE RRFB CROSSWALK SYSTEM	\$ 8,231.88	pw1
300107	1/31/2022	300000290043	PUGET SOUND ENERGY INC	STREET LIGHTS: 11/2- 12/08/2021	\$ 5,518.04	dshop
298899	2/2/2022	13091R-3	SPUNSTRAND, INC	PARTS TO FIX HYPO TANK	\$ 4,534.05	dwtpt
300294	2/4/2022	000017092 - 13	H W LOCHNER, INC	R AVENUE LONG-TERM IMPROVEMENT PROJECT - ENGINEERING - 1/8/22-2/4-22	\$ 1,769.52	pw1
300002	2/10/2022	300000300008	PUGET SOUND ENERGY INC	WWTP AND PUMP STATIONS 1/7-2/4/22	\$ 57,986.48	dwwtp
300313	2/14/2022	1200409867	HDR ENGINEERING, INC	WASTEWATER TREATMENT PLANT OUTFALL - DESIGN - 12/26/21-1/29/22	\$ 37,461.98	pw1
300273	2/14/2022	RE 41 JZ1332 L002	WASHINGTON STATE DEPARTMENT	PERMIT REVIEW FOR FIBER IN PIPE	\$ 734.61	dwtpt
300174	2/16/2022	BC1549913	GALLS, LLC.	ANNUAL UNIFORM ORDER: BD	\$ 400.98	medic
299532	2/16/2022	2M97951	PLATT ELECTRIC SUPPLY INC	MAINTENANCE - INFLUENT PUMP MOTOR	\$ 13.21	dwwtp
300188	2/18/2022	21-34219a	MILLENNIUM	MULTI-PORT SERVICE TERMINALS	\$ 55,990.83	fiber
300317	2/18/2022	400003352269	PUGET SOUND ENERGY INC	POLE ATTACHMENT ENGINEERING	\$ 233.64	fiber
300318	2/18/2022	400003352210	PUGET SOUND ENERGY INC	POLE ATTACHMENT ENGINEERING	\$ 372.30	fiber
300319	2/18/2022	400003352228	PUGET SOUND ENERGY INC	POLE ATTACHMENT ENGINEERING	\$ 433.92	fiber
300320	2/18/2022	400003352277	PUGET SOUND ENERGY INC	POLE ATTACHMENT ENGINEERING	\$ 249.07	fiber
300321	2/18/2022	400003352285	PUGET SOUND ENERGY INC	POLE ATTACHMENT ENGINEERING	\$ 279.87	fiber
300323	2/18/2022	400003352301	PUGET SOUND ENERGY INC	POLE ATTACHMENT ENGINEERING	\$ 279.87	fiber
300324	2/18/2022	400003352319	PUGET SOUND ENERGY INC	POLE ATTACHMENT ENGINEERING	\$ 249.07	fiber
300325	2/18/2022	400003352327	PUGET SOUND ENERGY INC	POLE ATTACHMENT ENGINEERING	\$ 156.61	fiber
300173	2/19/2022	187868	LAKESIDE INDUSTRIES, INC.	PARKS MAINTENANCE SUPPLIES	\$ 244.08	parks1
300072	2/20/2022	9900027607	VERIZON WIRELESS	SCADA COMMUNICATION FOR PUMP STATIONS 1/21-2/20/22	\$ 1,211.38	dwwtp
299654	2/21/2022	07402	ANCHOR QEA, LLC	WTP CLEAN-UP DEMO MATTER NO. 96	\$ 37,363.90	legal
299655	2/21/2022	07401	ANCHOR QEA, LLC	A AVENUE LANDFILL MATTER NO. 200	\$ 889.50	legal
299656	2/21/2022	07403	ANCHOR QEA, LLC	WTP MATTER NO. 96	\$ 9,144.61	legal
299880	2/23/2022	GC0006332	CODE PUBLISHING, LLC	CODIFICATION SERVICES	\$ 286.58	legal
300260	2/23/2022	12P4107	MOTOR TRUCKS, INC	SEAL-OIL VEH #607	\$ 47.32	dshop

Invoice Doc #	Transaction Date	Invoice #	Vendor Full Name	Description	Total Amount	Approval Queue
300177	2/24/2022	BC1556320	GALLS, LLC.	SHIRT: AB	\$ 67.73	medic
300297	2/24/2022	PSTI22-38	PUBLIC SAFETY TESTING, INC	FIRE DEPARTMENT BACKGROUND CHECKS	\$ 1,710.00	medic
299657	2/24/2022	001	TRANSITION FIDALGO AND FRIENDS	ANNUAL FOREST MONITORING	\$ 3,000.00	parks1
300295	2/24/2022	18686	TRANSPORTATION SOLUTIONS INC	32ND AND M INTERSECTION - DESIGN - 1/16/22-2/15/22	\$ 6,653.05	pw1
300111	2/25/2022	Q390854	CORE & MAIN LP	TAP SLEEVES	\$ 1,386.83	wdist
300302	2/26/2022	9900514478	VERIZON WIRELESS	WTP SCADA 1/27-2/26/22	\$ 516.48	dwtp
300007	2/28/2022	97019	BLYTHE PLUMBING & HEATING, INC	MAINTENANCE	\$ 456.37	dwwtp
300171	2/28/2022	84423487	BOUND TREE MEDICAL, LLC	PHARMA: FENTANYL	\$ 55.99	medic
300311	2/28/2022	INV468	CARTEGRAPH SYSTEMS LLC	CARTEGRAPH SCENARIO BUILDER EXTENSION	\$ 2,586.15	pw1
300326	2/28/2022	FB-1840	CITY OF MOUNT VERNON	DARK FIBER	\$ 350.00	fiber
300008	2/28/2022	WAANA139691	FASTENAL COMPANY	OPERATING SUPPLIES - LOCKER INVENTORY	\$ 1,053.28	dwwtp
300268	2/28/2022	5856	GRINDLINE SKATEPARKS INC	SKATEPARK DESIGN SERVICES - 2/1 - 2/28/2022	\$ 6,603.94	parks1
300067	2/28/2022	208095	INFOSEND, INC.	FEBRUARY 2022 PROCESSING	\$ 3,640.79	finance
300197	2/28/2022	3093756409	LEXISNEXIS	LEGAL ON-LINE RESEARCH FEBRUARY 2022	\$ 332.93	legal
300261	2/28/2022	12P8880	MOTOR TRUCKS, INC	SENSOR VEH #513	\$ 161.56	dshop
300071	2/28/2022	10521	PETDATA, INC	PETDATA LICENSING FEES FEBRUARY	\$ 302.40	finance
299996	2/28/2022	300000290043	PUGET SOUND ENERGY INC	STREET LIGHTS: 01/04- 02/01/22	\$ 21,115.40	dshop
299997	2/28/2022	220015149234	PUGET SOUND ENERGY INC	8147 S MARCHS PT RD STREET LIGHTS: 01/29-02/28/22	\$ 28.74	dshop
299998	2/28/2022	300000325005	PUGET SOUND ENERGY INC	STREET LIGHTS: 01/08- 02/05/22	\$ 102.42	dshop
299999	2/28/2022	300000340004	PUGET SOUND ENERGY INC	STREET LIGHTS: 01/29- 02/28/2022	\$ 81.46	dshop
300000	2/28/2022	300000006951	PUGET SOUND ENERGY INC	STREET LIGHTS: 01/29- 02/28/22	\$ 396.03	dshop
300296	2/28/2022	200024889996	PUGET SOUND ENERGY INC	WTP CORRECTED CHARGES 12/11-1/11/22	\$ 716.22	dwtp
300069	2/28/2022	022596	REECE, STORMIE	DEPOT JANITORIAL	\$ 704.00	parks1
300292	2/28/2022	022246904	SKAGIT PUBLISHING LLC	SPIRIT AD	\$ 1,110.00	pw1
300004	2/28/2022	PSO010832-1	SONSRAY MACHINERY, LLC	ALTERNATOR- #406	\$ 657.10	dshop
300262	2/28/2022	0140713-IN	SWS EQUIPMENT	DUMP DOOR VEH #304	\$ 7,181.49	dshop
300164	2/28/2022	2020118	UTILITIES UNDERGROUND LOCATION	FEBRUARY LOCATE TICKETS	\$ 263.16	dshop
300106	2/28/2022	9900577816	VERIZON WIRELESS	City Cell Phones 1/29-2/28/22	\$ 11,273.22	finance
299973	2/28/2022	360-293-3725-0501135	ZIPLY FIBER	DEPOT PHONE 2/28-3/27/22	\$ 98.61	parks1
300006	2/28/2022	360-299-0813-1017915	ZIPLY FIBER	WWTP 2/28-3/27/22	\$ 308.82	dwwtp
300305	3/1/2022	20342	ALL AMERICAN LEADERSHIP	MARCH 2022 ONLINE LEADERSHIP DEV PROGRAM	\$ 500.00	pw1
300116	3/1/2022	190-1840-00	CITY OF ANACORTES	WWTP 500 T AVENUE 2/1-2/28/22	\$ 7,083.79	dwwtp
300172	3/1/2022	052-0010-00	CITY OF ANACORTES	OPS 2/1- 2/28/22	\$ 1,545.87	dshop

Invoice Doc #	Transaction Date	Invoice #	Vendor Full Name	Description	Total Amount	Approval Queue
300159	3/1/2022	INV-001227	DEPARTMENT OF ECOLOGY	WTP DEMO MATTER NO. 96	\$ 2,280.18	legal
300316	3/1/2022	9325779237	GRAYBAR ELECTRIC COMPANY, INC	BRACKETS FOR SPLICE CASES	\$ 835.32	fiber
300109	3/1/2022	253132	NAPA	RADIATOR- #173	\$ 306.84	dshop
299990	3/1/2022	21922	NEEL, SIDNEY	PHOTOGRAPHER FOR REC EVENT	\$ 635.72	pkrec
300284	3/1/2022	1000200052	OCLC, INC	CATALOGING, ILL, FIRSTSEARCH/WORLDCAT DISCOVERY (MARCH 2022)	\$ 379.03	publib
300186	3/1/2022	13353510	PAPE MACHINERY INC.	LIFT LINK #704	\$ 398.74	dshop
300299	3/1/2022	200012505505	PUGET SOUND ENERGY INC	WTP 2/1-2/28/22	\$ 69,869.46	dwtpt
300100	3/1/2022	5064020545	RICOH USA, INC	S/N C86150637 CARNEGIE 12/1-2/28/2022	\$ 50.31	museum
300101	3/1/2022	5064020630	RICOH USA, INC	S/N C86111493 COURT 12/1-2/28/22	\$ 78.26	finance
300102	3/1/2022	5064020663	RICOH USA, INC	S/N C86079893 LIBRARY PUBLIC 12/1-2/28/22	\$ 80.84	publib
300103	3/1/2022	5064020933	RICOH USA, INC	S/N C86152062 HR COPIES 2/1-2/28/22	\$ 15.41	finance
300191	3/1/2022	5064020667	RICOH USA, INC	S/N C86138599 APD FRONT OFFICE COPIES 2/1-2/28/22	\$ 23.28	apd
300192	3/1/2022	5064020665	RICOH USA, INC	S/N C86138600 APD HALLWAY 12/1-2/28/22	\$ 38.23	apd
300194	3/1/2022	651068	SAN DIEGO POLICE EQUIP CO INC	TRAINING AMMO	\$ 1,050.19	apd
299797	3/1/2022	MARCH	SKAGIT LAW GROUP, PLLC	PROSECUTING ATTORNEY SERVICES MARCH 2022	\$ 6,560.00	legal
300271	3/1/2022	50032576	UNIVAR USA INC	SODIUM HYDROXIDE	\$ 4,777.16	dwtpt
300339	3/1/2022	386000156	US BANK NA - CUSTODY TREAS DIV	INVESTMENT FEES 2/1-2/28/22	\$ 40.00	finance
300068	3/1/2022	1394673-0043-8	WASTE MANAGEMENT	FEBRUARY 2022 CONTRACTED SERVICES	\$ 125,851.52	finance
300272	3/1/2022	2354279-0043-8	WASTE MANAGEMENT	WTP TRASH, RECYCLING PICKUP 2/1-2/28/22	\$ 165.36	dwtpt
300179	3/1/2022	360-293-0045-0223175	ZIPLY FIBER	STA 1 BACK-UP LINES: 3/1 - 3/31/22	\$ 152.84	medic
300169	3/2/2022	84427267	BOUND TREE MEDICAL, LLC	ASSORTED I-GEL RESUS PACKS	\$ 554.22	medic
300166	3/2/2022	7189004114	CARDINAL HEALTH 110, INC.	PHARMA: ETOMIDATE, GLUCAGEN,	\$ 712.81	medic
300301	3/2/2022	248 984 6277 5	CASCADE NATURAL GAS CORP.	WTP 1/28-3/1/22	\$ 5,342.84	dwtpt
300165	3/2/2022	8498 30 017 0319913	COMCAST	LIBRARY INTERNET ACCESS 3/9-4/8/22	\$ 185.14	fiber
300181	3/2/2022	WAANA140106	FASTENAL COMPANY	WORK GLOVES, SAFETY GLASSES, BATTERIES,	\$ 281.23	medic
300005	3/2/2022	237508	FOOTHILLS AUTO CENTER	BATTERY- #004	\$ 484.07	dshop
300108	3/2/2022	253210	NAPA	OIL FILTER- SHOP STOCK	\$ 13.68	dshop
300198	3/2/2022	253266	NAPA	BEAM BLADES VEH #210	\$ 34.25	dshop
300061	3/2/2022	220025931985	PUGET SOUND ENERGY INC	STREET LIGHTS: 2/2 - 3/2/2022	\$ 7.77	dshop
300290	3/2/2022	200000666863	PUGET SOUND ENERGY INC	LIBRARY 10TH STREET LED 2/2-3/2/22	\$ 9.82	publib
299975	3/2/2022	19044	SKAGIT COUNTY TREASURER	2022 PROPERTY TAXES - 37.69 ACRES CONSERVATION EASEMENT	\$ 637.00	finance

Invoice Doc #	Transaction Date	Invoice #	Vendor Full Name	Description	Total Amount	Approval Queue
299976	3/2/2022	21669	SKAGIT COUNTY TREASURER	2022 PROPERTY TAXES - WTP 9.93 ACRES 14489	\$ 87,204.57	finance
299977	3/2/2022	21670	SKAGIT COUNTY TREASURER	2022 PROPERTY TAXES - 14549 RIVERBEND RD	\$ 33.68	finance
299978	3/2/2022	21797	SKAGIT COUNTY TREASURER	2022 PROPERTY TAXES - RIVERBEND RD .200 DK 17	\$ 13.04	finance
299979	3/2/2022	21746	SKAGIT COUNTY TREASURER	2022 PROPERTY TAXES - 14453 RIVERBEND RD 13.6 DK 17 WTP	\$ 607.48	finance
299980	3/2/2022	32547	SKAGIT COUNTY TREASURER	2022 PROPERTY TAXES - 9.3200 AC HAVEKOST RD	\$ 10.00	finance
299981	3/2/2022	33387	SKAGIT COUNTY TREASURER	2022 PROPERTY TAXES - (2.1100 AC) TR 230X400 IN SE1/4 SE1/4 NW1/4-2.11AC	\$ 10.00	finance
299982	3/2/2022	60751	SKAGIT COUNTY TREASURER	2022 PROPERTY TAXES - LAKE CAMPBELL, LOTS 1 THRU 24 ETC.	\$ 10.00	finance
299983	3/2/2022	60752	SKAGIT COUNTY TREASURER	2022 PROPERTY TAXES - LAKE CAMPBELL TO ANA BLK 13 ALL	\$ 10.00	finance
299984	3/2/2022	60763	SKAGIT COUNTY TREASURER	2022 PROPERTY TAXES - LAKE CAMPBELL TO ANA BLKS 32 33 34 35	\$ 10.00	finance
299985	3/2/2022	60777	SKAGIT COUNTY TREASURER	2022 PROPERTY TAXES - LAKE CAMPBELL TO ANA ALL BLKS 54 & 55	\$ 10.00	finance
299986	3/2/2022	101521	SKAGIT COUNTY TREASURER	2022 PROPERTY TAXES - 6996 SAN JUAN HILL LN. FIDALGO BAY TO ANA .037 ACRES	\$ 113.00	finance
299987	3/2/2022	101522	SKAGIT COUNTY TREASURER	2022 PROPERTY TAXES - 11962 CANYON RIDGE DR .1090 ACRES	\$ 10.00	finance
299988	3/2/2022	118208	SKAGIT COUNTY TREASURER	2022 PROPERTY TAXES - DIKE 12 & DR 19 3.55 ACRES	\$ 34.59	finance
299989	3/2/2022	120563	SKAGIT COUNTY TREASURER	2022 PROPERTY TAXES - 0.17 ACRES (DR19 DK12)	\$ 10.65	finance
299991	3/2/2022	120573	SKAGIT COUNTY TREASURER	2022 PROPERTY TAXES - 4.08 ACREAGE ACCT (DR19)	\$ 11.12	finance
299992	3/2/2022	19298	SKAGIT COUNTY TREASURER	2022 PROPERTY TAXES - CAMPBELL LAKE RD 20 ACRES	\$ 33.50	finance
299993	3/2/2022	20029	SKAGIT COUNTY TREASURER	2022 PROPERTY TAXES - 20 ACRES S1/2 SE1/4 NE1/4	\$ 10.00	finance
299994	3/2/2022	21664	SKAGIT COUNTY TREASURER	2022 PROPERTY TAXES - 0.3 ACRES (DK12)	\$ 14.64	finance
299995	3/2/2022	19056	SKAGIT COUNTY TREASURER	2022 PROPERTY TAXES - 40,000 ACRES SE1/4 NE1/4	\$ 33.50	finance
300278	3/2/2022	19361	SKAGIT PUBLISHING LLC	PUBLISH AA-207362	\$ 85.26	finance
300279	3/2/2022	19362	SKAGIT PUBLISHING LLC	PUBLISH AA-207460	\$ 138.04	finance
300280	3/2/2022	19363	SKAGIT PUBLISHING LLC	PUBLISH AA-207841	\$ 146.16	finance
300281	3/2/2022	19364	SKAGIT PUBLISHING LLC	PUBLISH AA-208329	\$ 154.28	finance
300282	3/2/2022	19365	SKAGIT PUBLISHING LLC	PUBLISH AA-208402	\$ 117.74	finance
299974	3/2/2022	6022948597	THE KIPLINGER LETTER	2022 SUBSCRIPTION RENEWAL 4/22/22-4/21/2023	\$ 134.91	finance

Invoice Doc #	Transaction Date	Invoice #	Vendor Full Name	Description	Total Amount	Approval Queue
300285	3/3/2022	1219270	BLACKSTONE PUBLISHING	AUDIO BOOKS	\$ 189.99	publib
300274	3/3/2022	12914666	HACH COMPANY	HARDNESS STANDARD X 4	\$ 381.72	dwtpt
300110	3/3/2022	253359	NAPA	OIL FILTERS- SHOP STOCK	\$ 35.98	dshop
300074	3/3/2022	2021	THE CLEAN TEAM	LTAC CLEAN TEAM #2	\$ 1,800.00	plan
300322	3/3/2022	2020	THE CLEAN TEAM	JANITORIAL SERVICES - FEBRUARY 2022	\$ 4,300.00	pw1
300073	3/3/2022	111074	WALTON BEVERAGE COMPANY, INC	CITY HALL BREAK ROOM SUPPLIES	\$ 264.00	finance
300112	3/3/2022	111076	WALTON BEVERAGE COMPANY, INC	OPS: BREAKROOM SUPPLIES	\$ 151.00	dshop
300161	3/3/2022	111073	WALTON BEVERAGE COMPANY, INC	AFD	\$ 120.00	medic
300304	3/3/2022	111082	WALTON BEVERAGE COMPANY, INC	WTP BREAKROOM SUPPLIES	\$ 44.00	dwtpt
300178	3/3/2022	22004799	WASHINGTON STATE PATROL	SENIOR CENTER BACKGROUND CHECKS	\$ 22.00	parks1
300195	3/3/2022	22004741	WASHINGTON STATE PATROL	BACKGROUND CHECKS; FEBRUARY 2022	\$ 212.00	apd
300190	3/4/2022	7021-1	ANACORTES TOWING, LLC	TOWING; APD CASE 22-A01211	\$ 163.20	apd
300182	3/4/2022	WAANA140158	FASTENAL COMPANY	FIRE GLOVES, HEADLAMP, FLASHLIGHTS, EXAM	\$ 377.69	medic
300270	3/4/2022	WAANA140159	FASTENAL COMPANY	MAINTENANCE SUPPLIES - VENDING	\$ 215.80	dwtpt
300184	3/4/2022	237469	FOOTHILLS AUTO CENTER	PLATE- #014	\$ 67.93	dshop
300185	3/4/2022	253511	NAPA	SPARK PLUG- #2927	\$ 3.42	dshop
300310	3/4/2022	198957	OASYS INC	PLOTTER CHARGE BASE AND CONTRACT 3/9-4/8/22	\$ 68.11	pw1
300187	3/4/2022	B14858762	SHI INTERNATIONAL CORP.	ACROBAT PRO	\$ 905.16	infosys
300160	3/4/2022	6-56	SKAGIT COUNTY INVESTIGATIONS	PUB DEF INVEST	\$ 68.75	court
300162	3/4/2022	6-61	SKAGIT COUNTY INVESTIGATIONS	PUB DEF INVEST	\$ 55.00	court
300189	3/5/2022	00005W5A83102	UNITED PARCEL SERVICE, INC	UPS SHIPPING CHARGES; WEEK ENDING 3-5-22	\$ 84.05	apd
300183	3/7/2022	053-4114-01	DONOHUE, D RYAN	UB Refund Cst #052963	\$ 142.77	finance
300199	3/7/2022	574652	HUGHES FIRE EQUIPMENT, INC.	PARTS VEH #221	\$ 139.76	dshop
300264	3/7/2022	255013	SIGNATURE FORMS, INC	ENVELOPES FOR CITY HALL	\$ 654.31	finance
300298	3/8/2022	26372	ALLMAX SOFTWARE, INC.	ANTERO MAINTENANCE ANNUAL SUPPORT 2022	\$ 2,675.00	infosys
300288	3/8/2022	ReimbMcCool	MCCOOL, CAMELLIA	REIMBURSEMENT FOR OP3 DOH APPLICATION, TEST	\$ 152.02	dwtpt
300283	3/8/2022	INV-003568	OVERHEAD DOOR CO	REPLACEMENT GARAGE DOOR OPENERS FOR PUBLIC SAFETY	\$ 307.41	pwfac
300291	3/8/2022	200000667218	PUGET SOUND ENERGY INC	LIBRARY 10TH & M ST 2/2-3/2/22	\$ 20.53	publib

Total **\$644,287.41**



City Council Agenda Bill

Meeting Date: March 14, 2022 **Agenda Item:** 5.c.

Agenda Item Title: Contract Modification: Grand View Cemetery Expansion - Phase 2
#19-092-PRK-003

Staff Contact(s): JONN LUNSFORD, NICOLE JOHNSTON

<u>Approved for Submittal to Council by</u>	<u>Action Type</u>
TIFFANY MATSON	Contract Modification

Item Summary: City staff seeks Council consent to issue a contract modification to Tuttle Engineering and Management in the amount of \$14,500.00, increasing the total contract price to \$48,000.00, to include additional surveying work needed for additional monument markers for the Grand View Cemetery Expansion project.

Background:

1. **Reason for Contract Change:** We had to expand on the scope of work for the surveying. Parks Department needs more monument markers for plot layouts. This will require more surveying and more markers than we had originally planned for.
2. **History:** The first phase of the project, which included tree removal and site clearing on the west side of the existing cemetery, was complete in early 2021. Phase 2 continues the project to reflect the goals of the 2006 Grand View Cemetery Master Plan. Highlights of Phase 2 is that we will be turning 5 acres into a fully operating cemetery. There is going to be a columbarium area, a paved road 8' wide with 8' wide pullouts spaced throughout so visitors can park. The current layout shows 3202 4'x9' burial plots this will change some as we add the east- west corridors for irrigation and trees. Additional trees will be planted throughout the expansion, a new fence behind the homes that are on Hillcrest Drive and there will be improvements to the front of the cemetery and around the sediment pond. Grand View currently has approximately 90 full burial lots for sale and 120 urn burial lots.
3. **Key Terms:**
 - Work will be performed for on a time and materials basis not-to-exceed \$48,000.00.
 - Period of Performance is extended through 4/30/22.
4. **Competitive Bidding:** Per RCW 39.80 this engineering consultant was selected

from the City's MRSC Architectural, Landscape Architectural, and Engineering Service Roster to provide a proposal for this scope of work, after which a price was negotiated.

Budget Impact:

Consultant	Tuttle Engineering and Management
Original Agreement Amount	\$33,500.00
Current Agreement Amount	\$33,500.00
Change Per this Modification	\$14,500.00
Total After Modification	\$48,000.00
BARS #	108.410.594.76.60
Paid on Contract as of 3/8/22	\$20,277.00
Budget Amendment Required?	No
Start Date	Inception
End Date	4/30/22

Previous Action: N/A

Recommended Motion: I move that City Council authorize the Mayor to sign a modification to contract 19-092-PRK-003 with Tuttle Engineering and Management in the amount of \$14,500.00, increasing the total contract price to \$48,000.00.

Alternative Actions: Not approve the modification.

Attachments (listed in order presented):

1. 19-092-PRK-003 Mod 03



**Contract Number 19-092-PRK-003
MODIFICATION 03**

Date March 14, 2022
Page 1 of 1 Page

Project Title Grand View Cemetery Expansion - Phase 2
Prime Contractor Tuttle Engineering and Management

BACKGROUND

This modification is issued in accordance with Article 22, Changes/Additional Work. This modification expands the Scope of Work to include additional surveying to set exterior monumentation and to finalize layout and recording. The contract price will increase from \$33,500.00 by \$14,500.00 to \$48,000.00. The period of performance is also extended to reflect the anticipated time needed for performance of the Scope of Work.

Accordingly, the following changes are incorporated under this contract:

Article 1. Scope of Work: Insert the following second paragraph under Article 1:

"The work as described above is hereby amended per Modification 03. The Consultant will perform additional surveying to set exterior monumentation and to finalize layout and recording as detailed in Exhibit C, which is hereby incorporated by reference and made a part hereof."

Article 2. Price: The first sentence is deleted in its entirety and replaced with the following:

"The services provided under this Agreement shall be on a time and materials basis not-to-exceed **Forty-Eight Thousand Dollars (\$48,000.00)**."

Article 3. Period of Performance: Delete in its entirety and insert the following:

"The period of performance under this Agreement is from inception through April 30, 2022"

All other terms of the contract remain unchanged.

CITY OF ANACORTES

TUTTLE ENGINEERING AND MANAGEMENT

By _____
Matt Miller, Mayor

By _____

Date _____

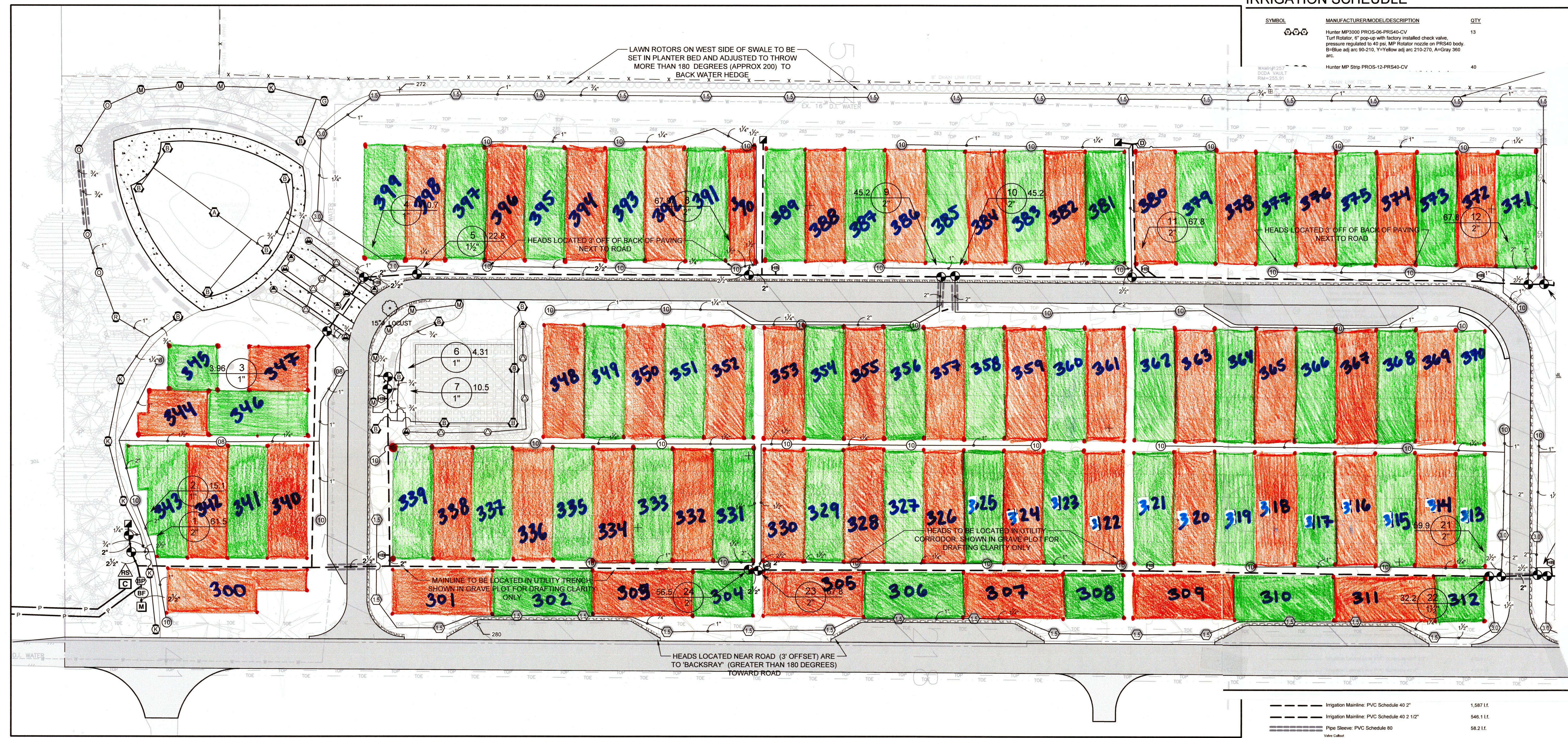
Title _____

Date _____

Original Agreement Amount	<u>\$33,500.00</u>	Original Contract Completion Date	<u>07/31/2021</u>
Current Agreement Amount	<u>\$33,500.00</u>	Current Contract Completion Date	<u>01/31/2022</u>
Change Per this Modification	<u>\$14,500.00</u>	Net Change	<u>89 Days</u>
Total After Modification	<u>\$48,000.00</u>	Contract Completion Date After Change	<u>04/30/2022</u>

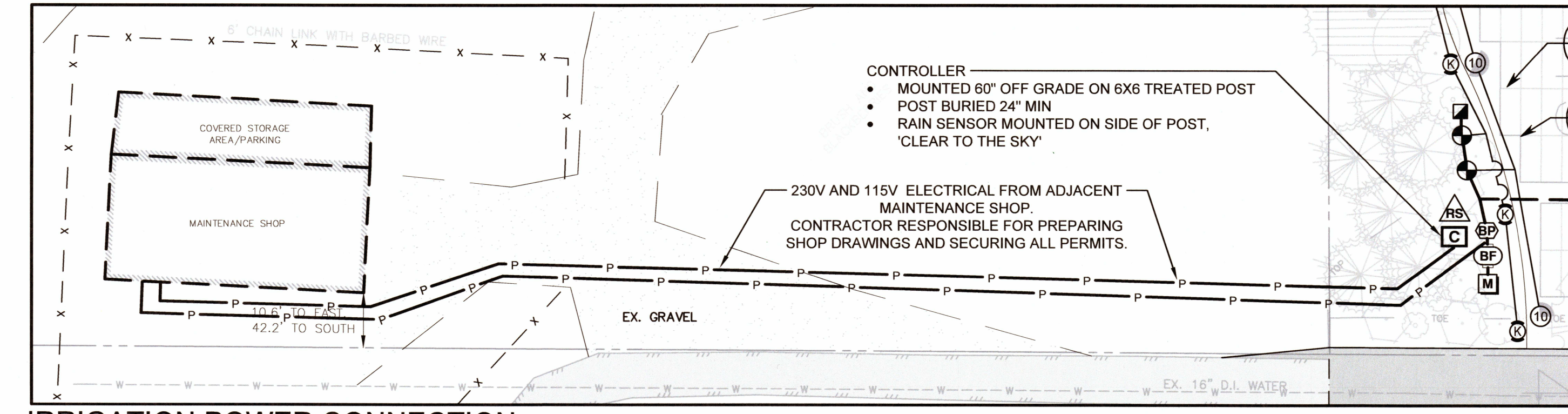
IRRIGATION SCHEUDLE

SYMBOL	MANUFACTURER/MODEL/DESCRIPTION	QTY
	Hunter MP3000 PROS-08-PRS40-CV Turf Rotator, 6" pop-up with factory installed check valve, pressure regulated to 40 psi, MP Rotator nozzle on PRS40 body B=Blue adj arc 90-210, Y=Yellow adj arc 210-270, A=Gray 300 arc	13
	Hunter MP Strip PROS-12-PRS40-CV	40



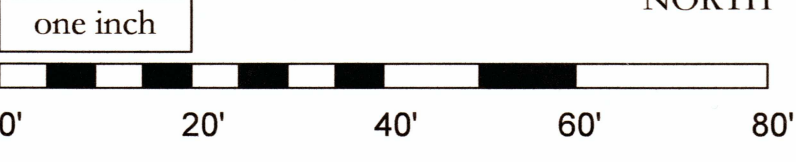
IRRIGATION PLAN - South
1" = 30'-0" (CHECK SCALE BAR FOR ACCURACY)

-----	Irrigation Mainline: PVC Schedule 40 2"	1,587 L.F.
-----	Irrigation Mainline: PVC Schedule 40 2 1/2"	546.1 L.F.
-----	Pipe Sleeve: PVC Schedule 80	58.2 L.F.
	Valve Number	
	Valve Flow	
	Valve Size	



IRRIGATION POWER CONNECTION
1" = 20'-0" (CHECK SCALE BAR FOR ACCURACY)

Contract 19-092-PRK-003
EXHIBIT C



NO.	DATE	REVISION	BY	REV.	prepared for:	prepared by:	STATE OF WASHINGTON REGISTERED LANDSCAPE ARCHITECT	Grandview Cemetery	SCALES:	IRRIGATION PLAN - SOUTH	ISSUE DATE:
1					Anacortes Parks and Recreation	eccosDesign		Anacortes, WA	HORIZONTAL : 1" = 20'		8-12-21
2						Landscape Architecture and Planning Mount Vernon, WA 98273 p. 360.419.7400 f. 800.598.2017 www.eccosdesign.com			VERTICAL : N/A		DRAWING: 1934 site
					contact: Jonn Lundsford, Director				DESIGNED: PD		JOB NO.: 1934
									DRAWN: PD		SHEET: IR-1
									CHECKED: PD		



City Council Agenda Bill

Meeting Date: March 14, 2022 **Agenda Item:** 5.d.

Agenda Item Title: Resolution 3077: Display of Russian Flag

Staff Contact(s): RYAN WALTERS

<u>Approved for Submittal to Council by</u>	<u>Action Type</u>
RYAN WALTERS	Resolution

Item Summary: This resolution follows up on the vote at the 3/7/2022 council meeting to express the sense of the City Council that the flag of the Russian Federation should not be flown at the two SR20 displays or in Council chambers. The 3/7/2022 agenda packet contains the background information for this item.

Budget Impact:

Previous Action:

- Presentation from the Anacortes Sister Cities Association at the [2/28/2022](#) City Council meeting
- Discussion and motion at the [3/7/2022](#) City Council meeting

Recommended Motion: N/A (consent agenda)

Alternative Actions:

Attachments (listed in order presented):

1. Resolution 3077
2. Public Comment - Johnson

Resolution No. 3077

A Resolution Expressing Sympathy for the Victims of the War in Ukraine and the Opinion of the City Council that the City of Anacortes should take down its displays of the Russian flag

Whereas the state of Russia has launched an unprovoked invasion of, and war upon, the independent state of Ukraine;

Whereas more than 2,000 Ukrainians have died so far as a result of this invasion, and more than 2 million have sought refuge outside Ukraine;

Whereas Russia's ongoing invasion of Ukraine has been condemned by nations across the globe, including, on March 2, by the United Nations General Assembly in a 141-to-5 vote;

Whereas the International Criminal Court has opened an investigation into whether Russia has committed war crimes and crimes against humanity;

Whereas Anacortes has sister-city relationships with Comarnic, Romania; Lomonosov, Russia; Vela Luka, Croatia; Sidney, BC, Canada; and Nikaho (Kisakata), Japan;

Whereas the national flags of each of those countries and the flag of the United States are flown at two City-leased sites on State Route 20 and in the City Council chambers;

Whereas the City Council authorized its Sister City agreement with Lomonosov, Russia, by Resolution 1226 in 1992;

Whereas, in that agreement, representatives of the cities of Anacortes and Lomonosov noted they were "motivated by a strong desire to establish friendly ties and cultural cooperation between our cities and are convinced that sister-city relations contribute significantly to the cause of peace and mutual understanding;"

Whereas the City of Anacortes values its relationship with the City of Lomonosov and strongly supports the sister cities ideals;

Whereas the residents of Russia, including those of Lomonosov, are not to blame for the attack on Ukraine and are now suffering under the international sanctions that are intended to punish the Russian state for its attack;

Whereas the Russian flag adorns the military equipment that is now being used to attack its neighboring state of Ukraine;

Now therefore be it resolved that:

1. The City of Anacortes condemns the attack on, invasion of, and war against Ukraine by the Russian Federation.
2. The City of Anacortes expresses its sympathy and support for the people of Ukraine.

3. In the opinion of the City Council, the Russian flag should not be flown at either of the two displays on SR-20, in the City Council chambers, or on any other City flagpole.

PASSED by the City Council this 14th day of March, 2022.

CITY OF ANACORTES:

Matt Miller, Mayor

ATTEST:

City Clerk/Treasurer

APPROVED AS TO FORM:

City Attorney

Marcia Hunt

From: Michelle Johnson <michellejohnson3@gmail.com>
Sent: Monday, March 7, 2022 7:13 PM
To: CityClerk
Subject: Flags

Hello,

I am Anacortes resident and I would like the Russian flags removed from city property. It is very concerning to see flags still displayed by the city.

I would also like to ask the city to put up the flag of the Samish Nation whose land the city is occupying.

Thank you,
Michelle



March 2022

1

GPON CUSTOMER COUNT & REVENUE

Month	In Service	Static IPv4 Address	Internet Service Revenue	Static IPv4 Revenue	GPON Revenue	Other Revenue	MONTHLY REVENUE
Feb-21	575	34	\$ 36,445.00	\$ 449.00	\$ 36,894.00	\$ 2,023.25	\$ 38,917.25
Mar-21	624	31	\$ 38,906.00	\$ 400.00	\$ 39,306.00	\$ 2,023.25	\$ 41,329.25
Apr-21	698	34	\$ 43,962.00	\$ 438.00	\$ 44,400.00	\$ 2,023.25	\$ 46,423.25
May-21	720	35	\$ 45,200.00	\$ 447.00	\$ 45,647.00	\$ 2,023.25	\$ 47,670.25
Jun-21	772	39	\$ 48,868.00	\$ 494.00	\$ 49,362.00	\$ 2,023.25	\$ 51,385.25
Jul-21	808	39	\$ 50,902.00	\$ 494.00	\$ 51,396.00	\$ 2,023.25	\$ 53,419.25
Aug-21	830	39	\$ 52,320.00	\$ 494.00	\$ 52,814.00	\$ 2,023.25	\$ 54,837.25
Sep-21	863	39	\$ 54,507.00	\$ 494.00	\$ 55,001.00	\$ 2,023.25	\$ 57,024.25
Oct-21	888	39	\$ 55,822.00	\$505.00	\$ 56,327.00	\$ 2,023.25	\$ 58,350.25
Nov-21	900	39	\$ 57,017.00	\$505.00	\$ 57,522.00	\$ 2,023.25	\$ 59,545.25
Dec-21	976	39	\$ 60,909.00	\$505.00	\$ 61,414.00	\$ 2,023.25	\$ 63,437.25
Jan-22	1002	39	\$ 62,858.00	\$505.00	\$ 63,363.00	\$ 2,023.25	\$ 65,386.25
Feb-22	1092	45	\$ 68,368.00	\$592.00	\$ 68,960.00	\$ 2,023.25	\$ 70,983.25
Mar-22	1164	45	\$ 72,586.00	\$592.00	\$ 73,178.00	\$ 2,717.00	\$ 75,895.00

2

CUSTOMER ORDERS

Residential	Count	Monthly Revenue	Commercial	Count	Monthly Revenue	Other Customers
100Mbps	340	\$ 13,260.00	100Mbps	43	\$ 3,827.00	\$ 867.00
100Mbps managed	305	\$ 14,945.00	100Mbps managed	41	\$ 4,059.00	\$ 1,156.25
1Gbps	220	\$ 15,180.00	1Gbps	47	\$ 7,003.00	\$ 693.75
1Gbps managed	155	\$ 12,245.00	1Gbps managed	13	\$ 2,067.00	
One Static IP	4	\$ 36.00	One Static IP	24	\$ 216.00	
Five Static IPs	3	\$ 60.00	Five Static IPs	14	\$ 280.00	
Total:	1020	\$ 55,726.00	Total:	144	\$ 17,452.00	
Grand Total		\$ 75,895.00				
	EDA	West End	Guemes View	AD HOC	Pilot Area	Total
Potential Customers	1815	2302	872	369	2273	7631
Sign-ups	730	815	197	17	994	2753
Take-Rate	40.2%	35.4%	22.6%	4.6%	43.7%	36.1%
Partial Installs	0	0	0	0	0	0
In-Service	25	196	0	8	935	1164
Percentage of Orders in Service	3.4%	24.0%	0.0%	47.1%	94.1%	

92 new orders have been placed since last month's update

3

FIBER DIVISION CASHFLOWS

January – February 2022

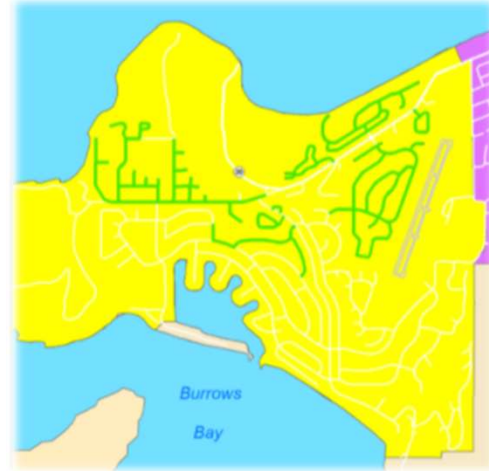
	<u>JAN</u>	<u>FEB</u>	<u>YTD</u> <u>TOTAL</u>
REVENUES			
Internet	63,506	68,311	131,818
Dark Fiber	1,156	1,156	2,312
Ethernet	867	867	1,734
Installation	6,851	7,637	14,788
P-card Rebates	0	358	358
total revenues	72,381	78,329	150,710
OPERATING EXPENSES	(66,785)	(77,909)	(144,694)
OPERATING CASHFLOW	5,596	420	6,017
CONSTRUCTION EXPENSES			
Backbone &			
Customer installations	(57,283)	(814,383)	(871,665)
Core equipment	0	0	0
TOTAL CASHFLOW	(51,686)	(813,963)	(865,469)

Note: some totals will be \$1 off, due to rounding

4

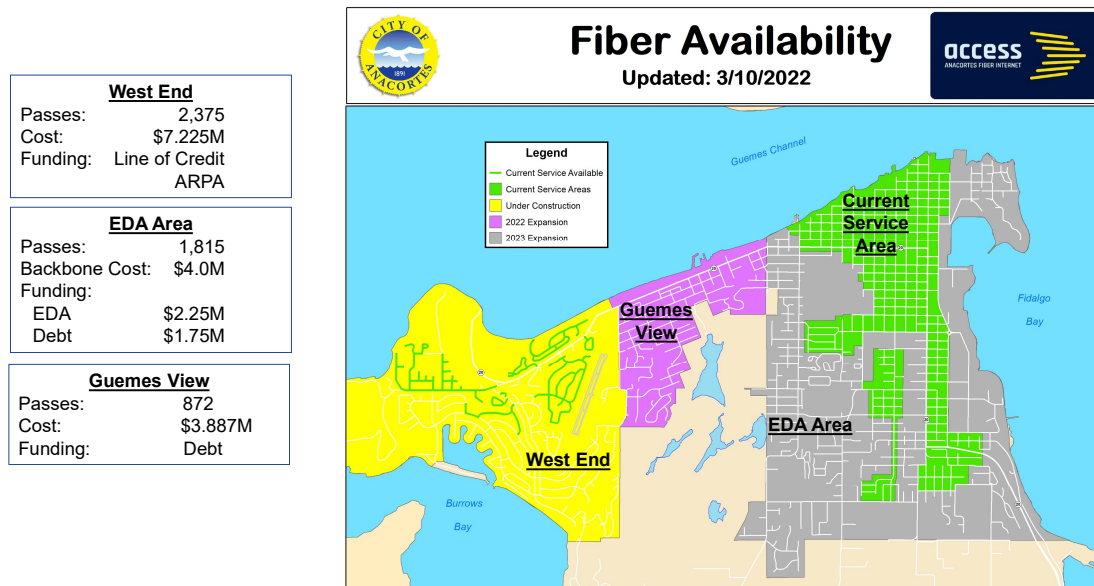
WEST END EXPANSION

- Installations underway
- As additional service areas are placed into service, customers are contacted to coordinate installation schedule
- Trenching, roadway restoration, and sidewalk panel replacement underway
- Securing easements on private streets



5

NETWORK EXPANSION



6

NETWORK EXPANSION

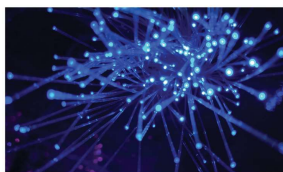
Area	Pass	Projected Expansion Timeframe	Funding
"West End" West of Anacopper Mine Rd.	2375	Construction continues, partial areas in service. Installations underway.	- Savibank Line of Credit (up to \$4.5M) - American Recovery Plan Act
"EDA Area" East of A Ave. Backfilling current service area	1815	Design complete. Preparing bid for materials and construction. Continuing to obtain needed easements.	- Economic Development Administration (EDA) grant for \$2.25M - Balance of project to be funded through debt - Investigating federal infrastructure loan options
"Guemes View" (East of Anacopper Mine Rd. to A Ave.)	875	Ordering materials. Preparing construction request for proposals. Construction and installation in 2022.	- Project to be funded through debt - Investigating federal infrastructure loan options

7

COMMUNITY PARTNERSHIPS



ANACORTES PUBLIC LIBRARY



ACCESS ANACORTES FIBER INTERNET

- > Faster Speeds
- > Lower Prices
- > More Reliable
- > Locally Run

Access Anacortes Fiber Internet supplies high speed Internet to the Anacortes Public Library. Access Anacortes Fiber Internet is available throughout much of the City.

Sign up for service and learn more at www.anacorteswa.gov



CUTTING THE CORD
APRIL 5 FROM 1-3 PM
Anacortes Senior Activity Center

8

CONTINUING ACTIVITY

- *Website updated to include interactive map*
- *In coordination with Legal and Public Works departments, preparing plat and easement documentation for submission to EDA in advance of call for bids for materials and construction*
- *Continuing to work with Legal department on easements in expansion areas with property owners and home owner associations.*
- *Regularly meeting with Finance department to plan for financial needs of fiber infrastructure*

9

- > **Faster Speeds**
- > **Lower Prices**
- > **More Reliable**
- > **Locally Run**

Residential Plans

Month to Month

100 Mbps	\$39/month
1 Gbps	\$69/month
Managed WiFi	\$10/month
Install Fee	\$100

Business Plans

12 Month Contract

100 Mbps	\$89/month
1 Gbps	\$149/month
Managed WiFi	\$10/month
Install Fee	\$100

access
ANACORTES FIBER INTERNET



10

10



City Council Agenda Bill

Meeting Date: March 14, 2022 **Agenda Item:** 6.b.

Agenda Item Title: Resolution 3076: Conservation Easement Program Contract

Staff Contact(s): JONN LUNSFORD

<u>Approved for Submittal to Council by</u>	<u>Action Type</u>
JONN LUNSFORD	Resolution
DARCY SWETNAM	

Item Summary: City staff from the Legal Department and Parks and Recreation along with the Skagit Land Trust have reviewed the deeds and contract of the Conservation Easement Program. The deeds created over the 20 year life of the program have been consolidated into one deed and the contract has had minor revisions regarding commercial use and forest stewardship.

Budget Impact:

These are projected one-time costs for this work:

- (1) Cost to Skagit Land Trust for placing 253 new acres into the CEP: \$12,650
 - (2) Cost for title insurance on new acreage: \$4896
 - (3) Environmental review of new acreage: \$770
 - (4) Costs to cover last portion of existing contract with the Land Trust on this project: \$3000 approximately.
- Total: \$21,316

Due to generous bequests to the city and other donations to the easement program, there are adequate funds to cover these costs.

Previous Action: Review by City Council in late 2021, recent review by City Council Parks and Recreation Committee.

Recommended Motion: I move to approve Resolution 3076 as presented.

Alternative Actions: Ask staff for additional information.

Attachments (listed in order presented):

- 1. Resolution 3076
- 2. Resolution 3076 Exhibit A

3. Clean ARACFCE 061421 090121 092221 101521 120121 120921
4. Staff Slide Presentation

RESOLUTION NO. 3076

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ANACORTES UPDATING THE CONSERVATION EASEMENT PROGRAM IN THE
ANACORTES COMMUNITY FOREST LANDS AND REVOKING AND REPLACING
RESOLUTION 1492.**

WHEREAS, in December 1998, the City Council approved Resolution 1492 initiating the Conservation Easement Program for the purpose of protecting the forest lands and generating revenue for protection of said forest lands; and

WHEREAS, the Anacortes Community Forest Lands (“ACFL”) are recognized by city residents as an irreplaceable destination for recreation and invaluable wildlife habitat; and

WHEREAS, the City and the Skagit Land Trust have worked together since the adoption of Resolution 1492 to successfully conserve over 1800 acres of forestland in the ACFL and manage the protected area for in perpetuity; and

WHEREAS, City staff and the Skagit Land Trust have identified the need to update and consolidate the various easements into one document to better manage the conserved area; and

WHEREAS, City staff and the Skagit Land Trust have prepared a new deed that will consolidate previous conservation easements and update language on commercial use and stewardship; and

WHEREAS, the provisions of Resolution 1492 need to be updated to reflect changes in the program and updates to the arrangement with the Skagit Land Trust;

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Anacortes, Washington, that:

1. Exhibit A to Resolution 1492 is hereby revoked and replaced with Exhibit A, which is attached and incorporated by reference.
2. Council hereby adopts the *ACFL Amended and Restated Conservation Easement*, attached hereto as Exhibit B and incorporated by reference. Council intends Exhibit B to revoke and replace the provisions of Resolution 1492.

**INTRODUCED, PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY
OF ANACORTES on this ____ day of _____, 2022.**

MATTHEW C. MILLER, MAYOR

Approved as to form:

Darcy Swetnam, WSBA #40530
City Attorney

Attest:

Steven D. Hoglund, City Clerk Treasurer

Exhibit A

The City of Anacortes has established a Forestland Endowment Fund (Ordinance No. 2141 on March 19, 1990). This fund will produce an interest income that will help finance forest lands stewardship. To help provide moneys for the Forestland Endowment Fund and protect specified parcels for the future, the Forest Advisory Board hereby recommends the continuation of a Conservation Easement Program.

For every \$1000 donated to the Forestland Endowment Fund a Conservation Easement will be applied to one nominal acre of the ACFL. The dollar figure per nominal acre for future donations may be increased by the City Council, if they deem it necessary. Such increases shall not be retroactive to Conservation Easements already secured.

The Skagit Land Trust, which will be the holder of the Conservation Easements, will receive \$50 per acre for the responsibility of monitoring that conservation easement. This is a one time fee, not to be paid each year.

The Conservation Easement shall be recorded in the Skagit County Auditor's Office annually for all new parcels so designated during the previous twelve months.

City Staff will coordinate with the Skagit Land Trust on all new easement requests prior to their presentation to City Council for approval prior to execution and recordation.

All easements will be identified on paper only. Surveys will not be made of each location and the specific boundaries will not be identified.

Donations for the Conservation Easement Program should be made to the City of Anacortes and kept in the separate Forestland Endowment Fund. All donations will be accepted in accordance with Chapter 3.10 of the Anacortes Municipal Code.

The area of the Anacortes Community Forest Lands being mined by Lakeside industries shall specifically be excluded from the Conservation Easement Program until City Council decides to open that area to the Program.

When recorded return to:

Skagit Land Trust
P. O. Box 1017
Mt. Vernon, WA 98273

Grantor: City of Anacortes

Grantee: Skagit Land Trust

Brief Legal Description:

PTN S 1, 2, 6 & 12, T 34N, R 1E; PTN S 26 & 36, T 35N, R 1E;
PTN S 1, 6 & 7, T 34N, R 2E; PTN S 31, T 35N, R 2E

Full legal descriptions at _____

Assessor's Tax Parcel and I.D. Nos.:

PTN P18998 / 340101-0-004-0004; PTN P19001 / 340101-3-001-0001;
PTN P19002 / 340101-3-001-0001; P19004 / 340101-4-001-0009;
PTN P19005 / 340101-4-001-0108; P19044 / 340102-0-020-0003;
P19297 / 340112-1-001-0002; P20027 / 340206-0-001-0001;
P20036 / 340207-0-002-0108; PTN P32340 / 350126-1-001-0005;
P32676 / 350136-2-001-0001; P33390 / 360231-3-001-0003;
P60751 / 384200-9-000-0007; P60752 / 384201-3-000-0009;
P60763 / 384203-5-000-0002; P60777 / 384205-5-000-0000;

P19056 / 340102-1-002-0003; P19298 / 340112-1-003-0000;
P60663 / 384000-1-014-0000; P60664 / 384000-2-014-0008;
P60666 / 384000-3-004-0008; P60667 / 384000-3-006-0006;
P60669 / 384000-8-001-0000; P18996 / 340101-0-002-0006;
P18997 / 340101-0-003-0005; P18999 / 340101-1-001-0005;
P19000 / 340101-1-002-0004; P57070 / 378100-1-018-0007;
P120554 / 350126-4-003-0100

Reference Number of Documents Amended and Restated:

199903240126; 199908190117; 199910270067; 200007240107; 200007240106;
200105240099; 200110090082; 200203070103; 200203070104; 200208140040;
200208140041; 200303280160; 200311070042; 200403190132; 200410130160;
200504280070; 200509140117; 200603310101; 200610260032; 200703220126;
200710090097; 200804020074; 200810090036; 200906150194; 201004190056

**AMENDED AND RESTATED GRANT DEED OF CONSERVATION EASEMENT
(Anacortes Community Forest Lands)**

THIS AMENDED AND RESTATED GRANT DEED OF CONSERVATION EASEMENT (hereinafter, the "Conservation Easement") is made this ____ day of _____, 202__ by and between the City of Anacortes, a Washington Municipal Corporation, having an address at P.O. Box 547, Anacortes, WA 98221 ("Grantor" or "City"), in favor of the Skagit Land Trust, a Washington nonprofit corporation, having an address at P.O. Box 1017, Mount Vernon, WA 98273 ("Grantee"). This Conservation Easement consolidates 25 conservation easements previously conveyed by Grantor to Grantee into one conservation easement that amends and restates the following conservation easements in their entirety:

- (1) Grant Deed of Conservation Easement, recorded March 24, 1999 under Skagit County Auditor's File Number 9903240126;
- (2) Deed of Conservation Easement, recorded August 19, 1999 under Skagit County Auditor's File Number 199908190117;
- (3) Deed of Conservation Easement, recorded October 27, 1999 under Skagit County Auditor's File Number 199910270067;
- (4) Deed of Conservation Easement, recorded July 24, 2000 under Skagit County Auditor's File Number 200007240106;
- (5) Deed of Conservation Easement, recorded July 24, 2000 under Skagit County Auditor's File Number 200007240107;
- (6) Deed of Conservation Easement, recorded May 24, 2001 under Skagit County Auditor's File Number 200105240099;
- (7) Deed of Conservation Easement, recorded October 9, 2001 under Skagit County Auditor's File Number 200110090082;
- (8) Deed of Conservation Easement, recorded March 7, 2002 under Skagit County Auditor's File Number 200203070103;
- (9) Deed of Conservation Easement, recorded March 7, 2002 under Skagit County Auditor's File Number 200203070104;
- (10) Deed of Conservation Easement, recorded August 14, 2002 under Skagit County Auditor's File Number 200208140040;
- (11) Deed of Conservation Easement, recorded August 14, 2002 under Skagit County Auditor's File Number 200208140041;
- (12) Deed of Conservation Easement, recorded March 28, 2003 under Skagit County Auditor's File Number 200303280160;
- (13) Deed of Conservation Easement, recorded November 7, 2003 under Skagit County Auditor's File Number 200311070042;
- (14) Deed of Conservation Easement, recorded March 19, 2004 under Skagit County Auditor's File Number 200403190132;
- (15) Deed of Conservation Easement, recorded October 13, 2004 under Skagit County Auditor's File Number 200410130160;
- (16) Deed of Conservation Easement, recorded April 28, 2005 under Skagit County Auditor's File Number 200504280070;
- (17) Deed of Conservation Easement, recorded September 14, 2005 under Skagit County Auditor's File Number 200509140117;

- (18)Deed of Conservation Easement, recorded March 31, 2006 under Skagit County Auditor's File Number 200603310101;
- (19)Deed of Conservation Easement, recorded October 26, 2006 under Skagit County Auditor's File Number 200610260032;
- (20)Deed of Conservation Easement, recorded March 22, 2007 under Skagit County Auditor's File Number 200703220126;
- (21)Deed of Conservation Easement, recorded October 9, 2007 under Skagit County Auditor's File Number 200710090097;
- (22)Deed of Conservation Easement, recorded April 2, 2008 under Skagit County Auditor's File Number 200804020074;
- (23)Deed of Conservation Easement, recorded October 9, 2008 under Skagit County Auditor's File Number 200810090036;
- (24)Deed of Conservation Easement, recorded June 15, 2009 under Skagit County Auditor's File Number 200906150194; and
- (25)Deed of Conservation Easement, recorded April 19, 2010 under Skagit County Auditor's File Number 201004190056.

By this Conservation Easement, Grantor and Grantee also add approximately 253 acres to the Conservation Easement-protected area, correct scrivener errors as to legal descriptions and other matters in the previously recorded conservation easements, clarify the intent of the parties provided in the earlier conservation easements as to permitted and prohibited uses and activities, add in a new requirement as to forest management, and update other provisions in the Conservation Easement, where appropriate, to reflect current policies of Grantee pertaining to conservation easements. Consolidation of the Conservation Easement-protected area under one conservation easement will allow Grantee to preserve and protect in perpetuity over 1,935 acres as an integrated whole.

Commented [KL1]: NOTE: We should confirm that this number is still accurate or revise accordingly.

Commented [MK2R2]: Based on GIS from City of Anacortes provided shapefile of tracts with one edit for P20036.

Commented [KL3]: NOTE: We will need to add in this number.

Commented [MK4R4]: 1682 existing acres in protection + 253 new acres = 1935.

RECITALS

A. Grantor is the sole owner in fee simple of certain real property in Skagit County, Washington, more particularly described in Exhibit A (legal descriptions) and Exhibit B (site map) attached hereto and incorporated by this reference (the "Property"). The Property is known as the Anacortes Community Forest Lands ("ACFL").

B. The Property possesses natural, scenic and recreational values, in particular natural forest lands, all of which are hereafter known as "Conservation Values" of great importance to Grantor and the people of the City of Anacortes.

D. The specific Conservation Values and other characteristics of the Property are documented in an inventory of relevant features of the Property ("Baseline Documentation"), which Baseline Documentation is incorporated into this Conservation Easement by this reference. The Baseline Documentation consists of reports, maps, photographs, and other documentation held by Grantee that the parties agree provides, collectively, an accurate representation of the Property at the time of this grant and that is intended to serve as an objective information baseline for monitoring compliance with the terms of this Conservation Easement. A summary of said Baseline Documentation, signed and dated, by both Grantor and Grantee is contained in Exhibit C. In any conflict or inconsistency between the terms of this Conservation Easement and the Baseline Report, the terms of this Conservation Easement shall control.

E. Beginning in 1998, under Resolution No. 1492, the City launched a conservation easement program (“CEP”) to guarantee that the Property, the ACFL, be protected for the benefit of the public in perpetuity. Through the CEP, the City Council, as elected representative of the people who are owners of the Property will continue to manage the Property, the ACFL, in accord with this Conservation Easement. Special care will be taken to manage areas where the Grantor has received funding for future conservation easements in accord with this Conservation Easement.

F. Through the CEP, Grantor intends that the Conservation Values of the Property be preserved and maintained by the continuation of land use patterns that do not significantly impair or interfere with the Conservation Values.

G. Through the CEP, Grantor further intends, as owners of the Property, to convey to Grantee the right to preserve and protect the Conservation Values of the Property in perpetuity.

H. Grantee is a publicly supported, tax-exempt nonprofit organization, qualified under Section 501(c)(3) and 170(h) of the Internal Revenue Code, and also qualified as a nonprofit nature conservancy corporation under Revised Code of Washington (“RCW”) 64.03.130 and 84.34.250, whose primary purpose is to preserve open space, wildlife habitat, wetlands, forestland, farmland, shoreline, and scenic views.

I. Grantee agrees by accepting this grant to honor the intentions of Grantors stated herein and to preserve and protect in perpetuity the Conservation Values of the Property for the benefit of this generation and the generations to come.

J. Grantor recognizes that the preservation of Conservation Values within the Property will provide substantial benefits to Grantor and the public in general and that such benefits together with monetary payment to be made are adequate consideration in exchange for the grant of Conservation Easement contained herein.

K. The above Recitals are incorporated into this Conservation Easement by this reference.

AGREEMENT

NOW, THEREFORE, the following deed memorializes the agreement which has been reached between the parties. The Grantor, the City of Anacortes, a Washington municipal corporation, for consideration as set forth herein and subject to conditions, agreements and provisions set forth hereinafter, hereby voluntarily grants and conveys to Grantee, the Skagit Land Trust, a Washington not-for-profit corporation, a non-exclusive perpetual easement, the Conservation Easement described herein, to run with the land upon the Property legally described in Exhibit A hereto.

This Conservation Easement is subject to the following terms and conditions:

1. **Purpose.** It is the purpose of this Conservation Easement to ensure that the Property will be retained forever predominantly in its natural, scenic, forested condition and to prevent any use of the Property that will significantly impair or interfere with the Conservation Values of the Property. Grantor intends that this Conservation Easement will confine the use of the Property to such activities (such as public recreation) as are consistent with the purpose of this Conservation Easement. This conveyance is an interest in real property under the provisions of RCW 64.03.130 and RCW 84.34.210.

2. **Rights of Grantee.** To accomplish the purpose of this Easement the following rights are conveyed to Grantee by this Easement:

- a) To preserve and protect the Conservation Values of the Property in perpetuity, and to enhance by mutual agreement, the Conservation Values of the Property;
- b) To enter upon the Property at reasonable times in order to monitor Grantor's compliance with and otherwise enforce the terms of this Conservation Easement; and
- c) To prevent any activity on or use of the Property that is inconsistent with the purpose of this Conservation Easement and to require the restoration of such areas or features of the Property that may be damaged by an inconsistent activity or use, pursuant to paragraph 6. Should complete restoration be impossible, Grantee shall require appropriate mitigation.

3. **Prohibited Uses.** Any activity on or use of the Property inconsistent with the purpose of this Easement is prohibited. Without limiting the foregoing, the following uses are expressly prohibited.

- a) Conversion or use of the Property for timber harvesting, mining, or any commercial venture shall be prohibited; *provided*, however, that the prohibition on timber harvesting shall not be interpreted to prevent forestry management for ecological purposes in the manner provided for in Section 5 below; and *provided further*, however, that the prohibition on any commercial venture shall not be interpreted to prevent use of the Property for passive recreational or education activities that may have a de minimis commercial nexus (such as paid guided walks by educators, paid photography courses, or the like).
- b) Sale, lease or other transfer of the Property.

4. **Reserved Rights.** Grantor reserves to itself, and to its successors and assigns, all rights accruing from its ownership of the Property, including the right to engage in or permit or invite others to engage in all uses of the Property that are not expressly prohibited by Section 3 or otherwise herein and are not inconsistent with the purpose of this Easement. Without limiting the foregoing, the following rights are expressly reserved.

- a) Management of the Property in accord with the terms and conditions of this Conservation Easement.
- b) Use of portions of the Property for public utilities, such as water reservoirs, or service roads to those public utilities.
- c) In those areas where the City has previously operated pump stations, water storage facilities, and pipelines, those activities may continue and such facilities may be maintained as long as necessary for public utility purposes. Parcels of the Property to which this Conservation Easement is applied may include any of these recreational or utility facilities, and their maintenance and improvement shall not be hindered by such application. In addition, any paved street or road in use at the date of the City's adoption of the CEP shall be exempt from any restrictions and adjacent property may be altered as necessary to maintain the safe operation of vehicles on such streets.

Commented [KL5]: NOTE: Does SLT/City want to revise to address the hearing comment as to whether there should be limits as to activity size and to address foraging? My thought: this may be hard to do and so better to work within the elasticity of "de minimis".

Commented [MK6R6]: I concur and think we should leave it as is.

- d) Facilities which allow and support such recreational and educational uses, such as service roads, parking lots, trailheads, trails, bridges, signs, interpretive displays, interpretive buildings, viewing platforms, boardwalks, sanitary facilities and picnic sites may be developed, maintained and improved as needed.
- e) The undertaking of other activities necessary to protect public health or safety on the Property or adjacent property, or which are actively required by and subject to compulsion of any governmental agency with authority to require such activity, provided that any such activity shall be conducted in a manner that protects the Conservation Values of the Property to the greatest practicable extent, taking into account all the surrounding circumstances.

5. **Forest Stewardship.** Grantor may undertake habitat management, restoration or enhancement activities on both land and water resources of the Property to further the Purpose of this Conservation Easement, *provided* that such activities are conducted in accordance with sound conservation management practices, consistent with the Purposes, terms and conditions of this Conservation Easement, and in consultation with the Grantee for consistency with this Conservation Easement. Such activities may include, but not be limited to, tree and vegetation planting and restoration, removal and management of trees and vegetation, controlled burns, management of invasive weeds, and collection of biological specimens.

6. **Dispute Resolution.** If a dispute arises between the parties concerning the consistency of any proposed use or activity with the purpose of this Conservation Easement, the parties shall meet together to discuss the dispute and attempt resolution. Thereafter, either party may request a hearing before the Anacortes City Council. Upon receiving the request for a hearing, the City Council shall schedule a public hearing to be held not less than 20 (twenty) nor more than 60 (sixty) days from receipt by them of the request for the hearing. Notice of the hearing shall be provided by direct mailing to each of the parties as well as publication in the official city newspaper not less than 7 (seven) days prior to the hearing date. If the resultant decision of the Anacortes City Council is not satisfactory to the other party, such party may bring an action in Skagit County Superior Court which shall review the matter de novo and which shall have full jurisdiction to grant relief consistent with Section 7 hereof. The Superior Court shall award to the prevailing party its reasonable attorney fees and costs. Nothing herein contained shall prevent the parties from agreeing to submit this matter to mediation and/or arbitration.

7. **Grantee's Remedies.**

- (a) If Grantee determines that Grantor is in violation of the terms of this Conservation Easement or that a violation is threatened, Grantee shall give written notice to Grantor of such violation and demand corrective action sufficient to cure the violation and, where the violation involves injury to the Property resulting from any use or activity inconsistent with the purpose of this Conservation Easement, to restore the portion of the Property so injured.
- (b) If Grantor fails to cure the violation within sixty (60) days after receipt of notice thereof from Grantee, or under circumstances where the violation cannot reasonably be cured within a sixty (60) day period, fail to begin curing such violation within the sixty (60) day period, or fail to continue diligently to cure such violation until finally cured, Grantee may bring an action at law or in equity in a court of competent jurisdiction to enforce the terms of this Conservation Easement, to enjoin the violation, exparte as necessary, by temporary or permanent injunction, to recover any damages to which it may be entitled for violation of the terms of this Conservation Easement or injury to any Conservation Values protected by this Conservation Easement, including damages for the loss of scenic, aesthetic, or environmental values, and to

require the restoration of the Property to the condition that existed prior to any such injury. Without limiting Grantor's liability therefor, Grantee, in its sole discretion, may apply any damages recovered to the cost of undertaking any corrective action on the Property.

- (c) If Grantee, in its sole discretion, determines that circumstances require immediate action to prevent or mitigate significant damage to the Conservation Values of the Property, Grantee may pursue its remedies under this paragraph without prior notice to Grantor or without waiting for the period provided for cure to expire. Grantee's rights under this paragraph, both prohibitive and mandatory, are in addition to such other relief to which Grantee may be entitled, including specific performance of the terms of this Conservation Easement, without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies. Grantee's remedies described in this paragraph shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity.

7.1 **Costs of Enforcement.** Any cost incurred by Grantee in enforcing the terms of this Conservation Easement against Grantor, including, without limitation, costs of suit and attorneys' fees, and any costs of restoration necessitated by Grantor's violation of the terms of this Conservation Easement shall be borne by Grantor. If Grantor prevails in any action to enforce the terms of this Conservation Easement, Grantor's costs of suit, including, without limitation, attorneys' fees, shall be borne by Grantee.

7.2 **Grantee's Discretion.** Enforcement of the terms of this Conservation Easement shall be at the discretion of Grantee, and any forbearance by Grantee to exercise its rights under this Conservation Easement in the event of any breach of any term of this Conservation Easement by Grantor shall not be deemed or construed to be a waiver by Grantee of such term or of any subsequent breach of the same or any other term of this Conservation Easement or of any Grantee's rights under this Conservation Easement. No delay or omission by Grantee in the exercise of any right or remedy upon any breach by Grantor shall impair such right or remedy or be construed as a waiver.

7.3 **Acts Beyond Grantors' Control.** Nothing contained in this Conservation Easement shall be construed to entitle Grantee to bring any action against Grantor for any injury to or change in the Property resulting from causes beyond Grantor's control, including, without limitation, fire, flood, storm, and earth movement, or from any prudent action taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Property resulting from such causes, or from injury caused by private parties in violation of Grantor's adopted management plan and codes. Grantor will diligently prosecute violators.

8. **Access.** No additional rights of access by the general public to any portion of the Property are conveyed by this Conservation Easement nor is any new limit on the access implied.

9. **Costs and Liabilities.** Grantor retains all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep, and maintenance of the Property, including the maintenance of adequate comprehensive general liability insurance coverage. Grantor shall keep the Property free of any liens arising out of any work performed for, materials furnished to, or obligations incurred by Grantor.

10. **Extinguishment.** If circumstances arise in the future such as render the purpose of this Conservation Easement impossible to accomplish, this Conservation Easement can only be terminated or extinguished, whether in whole or in part, by judicial proceedings in a court of competent Jurisdiction. The Court shall award Grantee the fair market value of the Conservation Easement. Grantee shall use all such proceeds in a manner consistent with the conservation purposes of this grant of Conservation Easement.

10.1 **Condemnation.** If the Conservation Easement is taken, in whole or in part, by exercise of the power of eminent domain, Grantee shall be entitled to compensation in accordance with applicable law.

10.2 **Amendment for Supplementary.** If circumstances arise under which an amendment to or modification of this Conservation Easement would be appropriate, Grantor and Grantee are free to jointly amend this Conservation Easement; provided that no amendment shall be allowed that will affect the qualification of this Conservation Easement or the status of Grantee under any applicable laws, including Section 170(h) of the Internal Revenue Code, as amended (the "Code"), and any amendment shall be consistent with the purpose of this Conservation Easement, and shall not affect its perpetual duration. Any such amendment shall be recorded in the official records of Skagit County, Washington.

11. **Assignment.** This Conservation Easement is transferable (with Grantor's approval, which will not be unreasonably withheld), but Grantee may assign its rights and obligations under this Conservation Easement only to an organization that is a qualified organization at the time of transfer under Section 170(h) of the provision then applicable, and the applicable regulations promulgated thereunder and authorized to acquire and hold conservation easements under Washington State Law (or any successor provision then applicable). As a condition of such transfer, Grantee shall require that the conservation purposes that this grant of Conservation Easement is intended to advance continue to be carried out.

11.1 **Executory Limitation.** If Grantee shall cease to exist or to be a qualified organization under Section 170(h) of the Code, or to be authorized to acquire and hold conservation easements under Washington Law, and a prior assignment is not made pursuant to paragraph 11, then Grantee's rights and obligations under this Conservation Easement shall become immediately vested in (designated back-up grantee). If (designated backup grantee) is no longer in existence at the time the Grantee ceases to exist or is no longer qualified, then the rights and obligations under this Conservation Easement shall vest in such organization as a court of competent jurisdiction shall direct pursuant to the applicable Washington law and with due regard to the requirements for an assignment pursuant to Paragraph 11.

12. **Notices.** Any notice, demand, request, consent approval, or communication that either party desires or is served personally or sent by first class mail, postage prepaid, addressed as follows-

To Grantor: City of Anacortes
 P.O. Box 547
 Anacortes, WA 98221

To Grantee: Skagit Land Trust
 P.O. Box 1017
 Mount Vernon, WA 98273

or to such other address as either party from time to time shall designate by written notice to the other.

13. **Recordation.** Grantee shall record this instrument in a timely fashion in the official records of Skagit County, Washington and may re-record it at any time as may be required to preserve its rights in the Conservation Easement.

14. **General Provision.**

a) **Controlling Law.** The interpretation and performance of this Conservation Easement shall be governed by the laws of the State of Washington.

- b) Severability. If any provision of the Conservation Easement, or the application thereof to any person or circumstance, is found to be invalid, the remainder of the provision of this Conservation Easement, or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.
- c) Entire Agreement. This instrument sets for the entire agreement of the parties with respect to the Conservation Easement and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Conservation Easement, all of which are merged herein. (No alteration or variation of this instrument shall be valid or binding unless contained in an amendment that complies with Paragraph 10.2)
- d) No Forfeiture. Nothing contained herein will result in a forfeiture or reversion of Grantor's title in any respect.
- e) Joint Obligation. The obligations imposed by this Conservation Easement upon Grantor shall be joint and several.
- f) Successors. The covenants, terms, conditions, and restrictions of this Conservation Easement shall be binding upon, and inure to the benefit of, the parties hereto and their respective personal representatives, heirs, successors, and assigns and shall continue as a servitude running in perpetuity with the Property.
- g) Termination of Rights and Obligations. A party's rights and obligations under this Conservation Easement terminate upon transfer of the party's interest in the Conservation Easement or Property, except that liability for acts or omissions occurring prior to transfer shall survive transfer
- h) Captions. The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.
- i) Counterparts. The parties may execute this instrument in two or more counterparts, which shall, in the aggregate, be signed by both parties, each counterpart shall be deemed an original instrument as against any party who has signed it. In the event of any disparity between the counterparts produced, the recorded counterpart shall be controlling.

SCHEDULE OF EXHIBITS

A. Legal Description of Property Subject to Easement

B. Site Map

**~~C.~~
~~D.~~C. Baseline Summary**

TO HAVE AND TO HOLD unto Grantee, its successors, and assigns forever.

IN WITNESS WHEREOF Grantors and Grantee have set their hands on the day and year first above written.

GRANTOR:

City of Anacortes,
A Washington municipal corporation

By: _____
_____, Its Mayor

STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT)

On this ____ day of _____, 20__ before me, the undersigned, a Notary Public in and for the state of Washington, duly commissioned and sworn, personally appeared _____, to me known to be the Mayor of the City of Anacortes that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said city, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument,

Witness my hand and official seal hereto affixed the say and year first above written.

Notary Public in and for the state of
Washington, residing at _____
My commission expires: _____
Printed Name: _____

THE SKAGIT LAND TRUST does hereby accept the above Amended and Restated Grant Deed of Conservation Easement.

GRANTEE:

Skagit Land Trust,
a Washington nonprofit corporation

By: _____
_____, Its President

STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT)

On this ____ day of _____, 20__ before me, the undersigned, a Notary Public in and for the state of Washington, duly commissioned and sworn, personally appeared _____, to me known to be the President of Skagit Land Trust, the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument,

Witness my hand and official seal hereto affixed the say and year first above written.

Notary Public in and for the state of
Washington, residing at _____
My commission expires: _____

Printed Name: _____

EXHIBIT "A"

Legal Description of Property Subject to Easement

PTN P18998:

Government Lots 3 and 4, Section 1, Township 34 North, Range 1 East, W.M., EXCEPT those portions thereof lying within the road rights-of-way commonly known as Heart Lake Road and the Mt. Erie Road, also known as the Ray Auld Drive.

TOGETHER WITH:

The Southeast Quarter of the Northwest Quarter, the North Half of the Southwest Quarter of the Northwest Quarter, and the East Half of the Southeast Quarter of the Southwest Quarter of the Northwest Quarter, Section 1, Township 34 North, Range 1 East, W.M., EXCEPT that portion thereof lying within the road right-of-way commonly known as Heart Lake Road and ALSO EXCEPT that portion thereof, if any, lying within the road right-of-way commonly known as the Mt. Erie Road, also known as the Ray Auld Drive.

PTN P19001:

The West Half of the Southwest Quarter of the Southwest Quarter, Section 1, Township 34 North, Range 1 East, W.M.; EXCEPT the Northwest Quarter of the Northwest Quarter of the Southwest Quarter; EXCEPT that portion lying within Heart Lake Road, and EXCEPT the South 187 feet of that portion lying Westerly of the Westerly line of said Heart Lake Road.

P19044:

That portion of Government Lot 9 of Section 2, Township 34 North, Range 1 East, W.M., described as follows:

Begin at the Northeast corner of said Government Lot 9; thence West along the North line of said subdivision 660 feet; thence South parallel with the East line of said subdivision 660 feet to the True point of Beginning; thence continue South along said parallel line to the North line of those premises conveyed by Konrad Kurp by deed recorded July 1, 1981 as Auditor's File No. 81071000023; thence Southwesterly along the North line of said Kurp property to the Northeasterly shoreline of Lake Erie; thence Northwesterly along said Northeasterly shoreline to the West line of said Government Lot 9; thence North along said West line to a point that lies 660 feet South of the North line of said subdivision; thence Easterly to the True Point of Beginning.

PTN P19002:

The Northeast Quarter of the Southwest Quarter in Section 1, Township 34 North, Range 1 East, W.M., EXCEPT that portion thereof lying within Erie Mountain Drive.

P19004:

The Northwest Quarter of the Southeast Quarter and the East Half of the Southeast Quarter, Section 1, Township 34 North, Range 1 East, W.M.

PTN P19005:

The South 187 feet of the Southwest Quarter of the Southwest Quarter of Section 1, Township 34 North, Range 1 East, W.M., lying East of the County Road known as the Heart Lake Road (also shown of record as C.R. Donnell Road No. 2).

P19298:

The East Half of the Southwest Quarter of the Northeast Quarter, Section 12, Township 34 North, Range 1 East, W.M.

P60663:

Lots 1 through 14, inclusive, Block 1, "BEALE'S FIRST ADDITION TO THE CITY OF ANACORTES, WASH.", as per plat recorded in Volume 2 of Plats, page 8, records of Skagit County, Washington.

P60664:

Lots 1 through 14, inclusive, Block 2, "BEALE'S FIRST ADDITION TO THE CITY OF ANACORTES, WASH.", as per plat recorded in Volume 2 of Plats, page 8, records of Skagit County, Washington.

P60666:

Lots 3 and 4, Block 3, "BEALE'S FIRST ADDITION TO THE CITY OF ANACORTES, WASH.", as per plat recorded in Volume 2 of Plats, page 8, records of Skagit County, Washington.

P60667:

Lots 5 and 6, Block 3, "BEALE'S FIRST ADDITION TO THE CITY OF ANACORTES, WASH.", as per plat recorded in Volume 2 of Plats, page 8, records of Skagit County, Washington.

P60669:

All Lots in Blocks 4, 5, 6, 7 and 8, "BEALE'S FIRST ADDITION TO THE CITY OF ANACORTES, WASH.", as per plat recorded in Volume 2 of Plats, page 8, records of Skagit County, Washington.

P18996:

Government Lot 1, Section 1, Township 34 North, Range 1 East, W.M.

EXCEPT all that portion thereof lying within Beale's First Addition to The City of Anacortes according to the plat thereof recorded in Volume 2 of Plats, page 8, records of Skagit County, Washington.

P18997:

Government Lot 2, Section 1, Township 34 North, Range 1 East, W.M.

P18999:

The Southwest Quarter of the Northeast Quarter, Section 1, Township 34 North, Range 1 East, W.M.

P19000:

The Southeast Quarter of the Northeast Quarter, Section 1, Township 34 North, Range 1 East, W.M.

P19297:

East One Half of the Northeast Quarter, Section 12, Township 34 North, Range 1 East, W.M.

P20036:

Government Lots 1 and 2 and the West 330 feet of the Southeast Quarter of the Northwest Quarter, Section 7, Township 34 North, Range 2 East, W.M.

Commented [KL7]: Please confirm with the City that this should remain and revise map accordingly.

P60751:

Lots 1 through 24 inclusive, Block 8; and Lots 1 through 24 inclusive, Block 9, LAKE CAMPBELL ADDITION TO ANACORTES, according to the plat thereof, recorded in Volume 2 of Plats, page 88, records of Skagit County, Washington.

P60752:

Lake Campbell to Ana Block 13 All Blocks 10, 11, 12 and 13, Section 7, Township 34 North, Range 2 East, W.M.

P60763:

Lake Campbell to Ana Blocks 32, 33, 34 and 35, Section 7, Township 34 North, Range 2 East, W.M.

P60777:

Lake Campbell to Ana All Blocks 54 and 55, Section 7, Township 34 North, Range 2 East, W.M.

P19056:

The Southeast Quarter of the Northeast Quarter, Section 2, Township 34, Range 1 East W.M., EXCEPT road).

P33390:

ACFL Amended and Restated Conservation Easement

Page 16 of 48

Government Lot 4 and the Southeast Quarter of the Northeast Quarter of the Southwest Quarter and the Southeast Quarter of the Southwest Quarter, Section 31, Township 35 North, Range 2 East, W.M., EXCEPT that portion thereof, if any, lying within the Whistle Lake Road.

P20027:

All of Section 6, Township 34 North, Range 2 East, W.M., EXCEPT the Southeast Quarter of the Northeast Quarter and the East Half of the South East Quarter.

PTN P32340:

The Southwest Quarter; and
The North Half of the Southeast Quarter EXCEPT that portion thereof, if any, lying within the existing "A" Avenue right-of-way; and
The Southwest Quarter of the Southeast Quarter; and
The South Half of the Northwest Quarter; and
The North Half of the Southeast Quarter of the Northeast Quarter; and
The Southeast Quarter of the Southeast Quarter of the Northeast Quarter; and
The Southwest Quarter of the Southwest Quarter of the Northeast Quarter; and
The West Half of the Southeast Quarter of the Southwest Quarter of the Northeast Quarter; and
The Northwest Quarter of the Northeast Quarter less road; and
The Northeast Quarter of the Northeast Quarter less road;

All in Section 26, Township 35 North, Range 1 East, W.M., EXCEPT RT# 1-001-01.

P120554:

That portion of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 26, Township 35 North, Range 1 East, W.M., lying within the following described Tract "X", said property also being a portion of Lot 4 of Anacortes Short Plat No. ANA-93-003 recorded as Auditor's File No. 9309150050:

Tract "X":

That portion of the West Half of the Southeast Quarter of the Southeast Quarter of Section 26, Township 35 North, Range 1, East of the Willamette Meridian, lying Westerly of the following described line:

Beginning at a point on the South line of said Section 26, which lies South $89^{\circ} 16' 57''$ East 139.92 feet from the Southwest corner of the Southwest Quarter of the Southeast Quarter of the Southeast Quarter of said Section 26;

Thence North $29^{\circ} 52' 48''$ East 393.01 feet;

Thence North $72^{\circ} 05' 59''$ East 55.60 feet;

Thence North $26^{\circ} 20' 17''$ East 104.99 feet;

Thence North $31^{\circ} 37' 33''$ East 191.31 feet;

Thence North $16^{\circ} 48' 59''$ East 51.10 feet;

Thence North $1^{\circ} 30' 58''$ East 59.91 feet;

Thence North $42^{\circ} 12' 59''$ East 114.18 feet;

Thence North 13° 22' 20" East 196.19 feet;
Thence North 1° 29' 46" East 335.268 to it's terminus, the Northeast corner of the Northwest Quarter of the Southwest Quarter of the Southeast Quarter of said Section 26.

P57070:

That portion of the Southwest ¼ of the Southeast ¼ of Section 26, Township 35 North, Range 1 East, W.M. lying within the following described Tract "X"; said property also being a portion of the Plat of Colvers Addition to Anacortes, as per plat recorded in Volume 1 o Plats, page 26:

Tract "X":

Beginning at a point on the South line of said Section 26, which lies South 89° 16' 57" East 139.92 feet from the Southwest corner of the Southwest Quarter of the Southeast Quarter of the Southeast Quarter of said Section 26;

Thence North 29° 52' 48" East 393.01 feet;

Thence North 72° 05' 59" East 55.60 feet;

Thence North 26° 20' 17" East 104.99 feet;

Thence North 31° 37' 33" East 191.31 feet;

Thence North 16° 48' 59" East 51.10 feet;

Thence North 1° 30' 58" East 59.91 feet;

Thence North 4° 12' 59" East 114.18 feet;

Thence North 13° 22' 20" East 196.19 feet;

Thence North 1° 29' 46" East 335.268 to it's terminus, the Northeast corner of the Northwest Quarter of the Southwest Quarter of the Southeast Quarter of said Section 26.

P32676:

Government Lot 1 and the Northeast Quarter of the Northwest Quarter, Section 36, Township 35 North, Range 1 East, W.M., EXCEPT that portion thereof, if any, lying within the existing Heart Lake Road right-of-way, and EXCEPT the East 10 feet of the South 990 feet.

Site Map of Property Subject to Easement

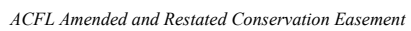


EXHIBIT “C”

Baseline Documentation of Property Subject to Easement

BASELINE REPORT

ANACORTES COMMUNITY FOREST LANDS (ACFL) CONSERVATION EASEMENT



XX, 2021

Regina Wandler, MEH
Stewardship Director, Skagit Land Trust

ACFL Conservation Easement – Skagit Land Trust

Grantor Information: City of Anacortes

Location: Fidalgo Island
Anacortes, Skagit County, Washington
PTN S 1, 2, 6 & 12, T34N, R1E, PTN S 26 & 36, T35N, R1E,
PTN S 1, 6 & 7, T34N, R2E; PTN S 31, T35N, R2E

Legal Description: *Full legal description shown in Exhibit A.*

Assessor's Tax Parcel #'s: PTN P18998, PTN P19001, P19004, P19044, P19297,
P20036, P32676, P33390, P60751, P60752, P60763,
P60777, P19056, P19298, P60663, P60664, P60666,
P60667, P60669, P18996, P18997, P18999, P19000,
PTN P19005, PTN P19002, PTN P32340, P20027,
P19297, P20027, P57070, P120554

Skagit Land Trust (Grantee) Contact: Skagit Land Trust
PO Box 1017, Mount Vernon, WA 98273
(360) 428-7878

Property Information

Acres: 1935 acres (approximate)

Number of Homes: 0

Elevation: 120-1273 ft.

County Zoning: Rural Reserve Residential

Survey: No complete survey was completed at the time the conservation easement was placed on the property, though various points around the perimeter of the protected area have been surveyed by neighbors over the years.

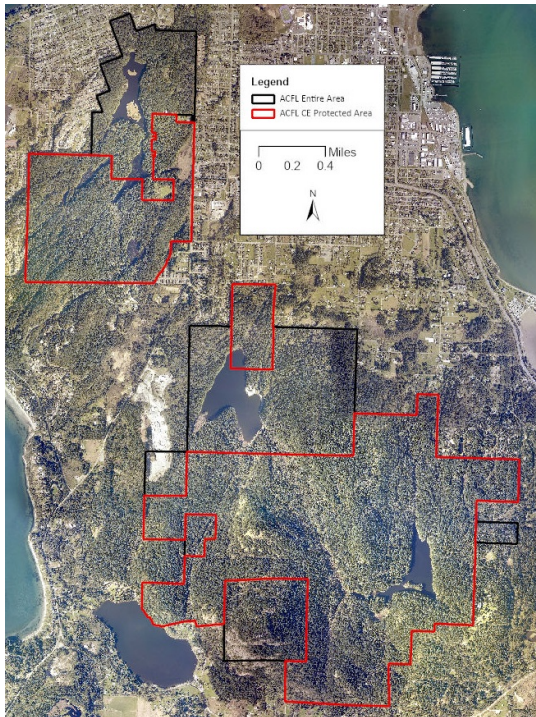
Driving Directions: From Mount Vernon, drive west on Hwy 536, then turn left to continue west on Hwy 20 towards Anacortes. Parking is available at several public trailheads across Fidalgo Island.

Boundaries: The property boundaries have not been fully surveyed.

Site Overview

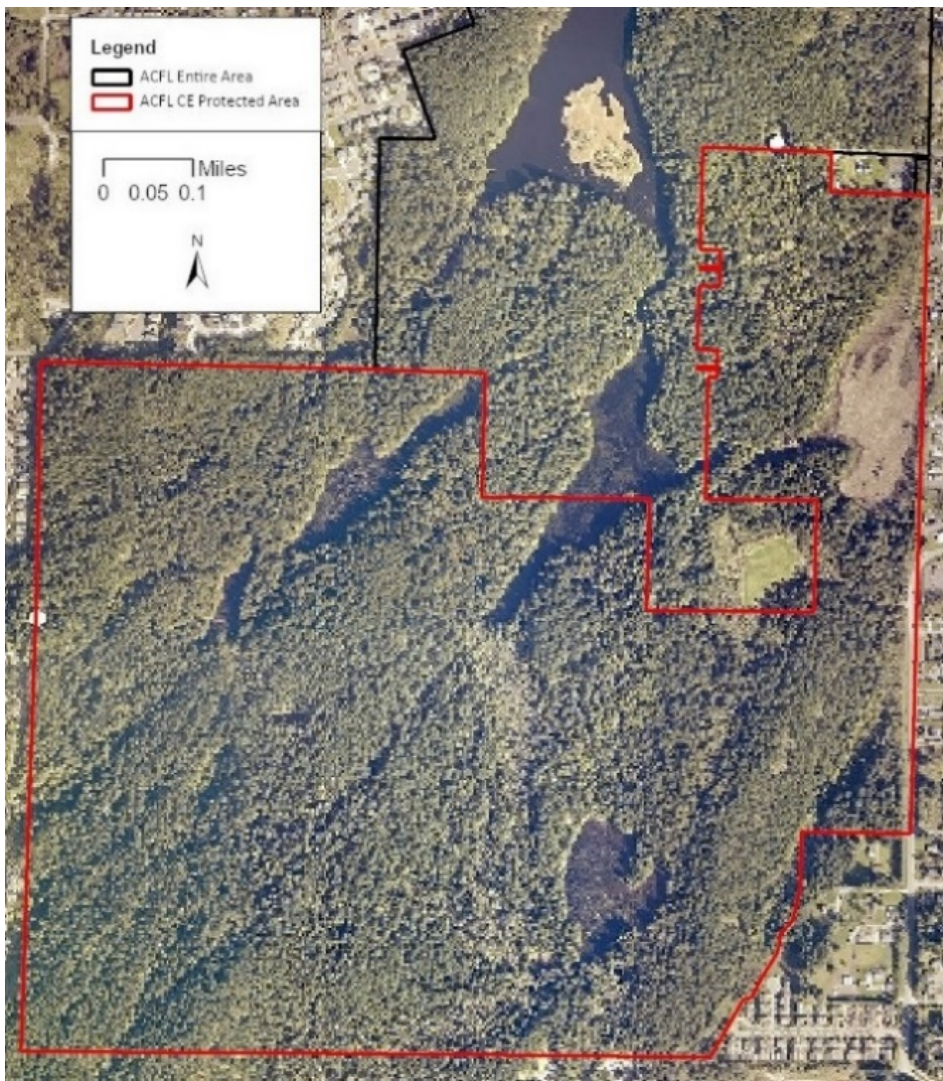
The Protected Property is a majority portion of the Anacortes Community Forest Lands (ACFL). The ACFL is entirely located on Fidalgo Island, and generally to the south and west of the downtown portion of the city of Anacortes. As of the time this baseline has been signed, the ACFL consists of 2,915 acres within the City of Anacortes, 1,935 acres of which is protected by a Skagit Land Trust held conservation easement. The ACFL encompasses a mosaic of forest, wetlands, lakes and meadows. The Conservation Easement Program (CEP) protected lands are explicitly protected and managed for the benefit of the public into perpetuity by preserving Conservation Values which are present on those lands. The protected area fully or partially contains several special conservation features, including a 20-acre area of old growth Douglas-fir and Western hemlock, which is part of a designated Natural Heritage Area with the Washington Department of Natural Resources.

The ACFL, including the Protected Property, is open to the public for recreation and educational purposes and contains a public trail system with over 50 miles of multiple use trails, public recreational areas, and associated infrastructure. The ACFL is managed in accordance with an Anacortes city council approved management plan, which was first developed in 1991 and was most recently updated in 2009. The most recently updated version of this plan is titled Anacortes Community Forest Lands Comprehensive Plan 2009.

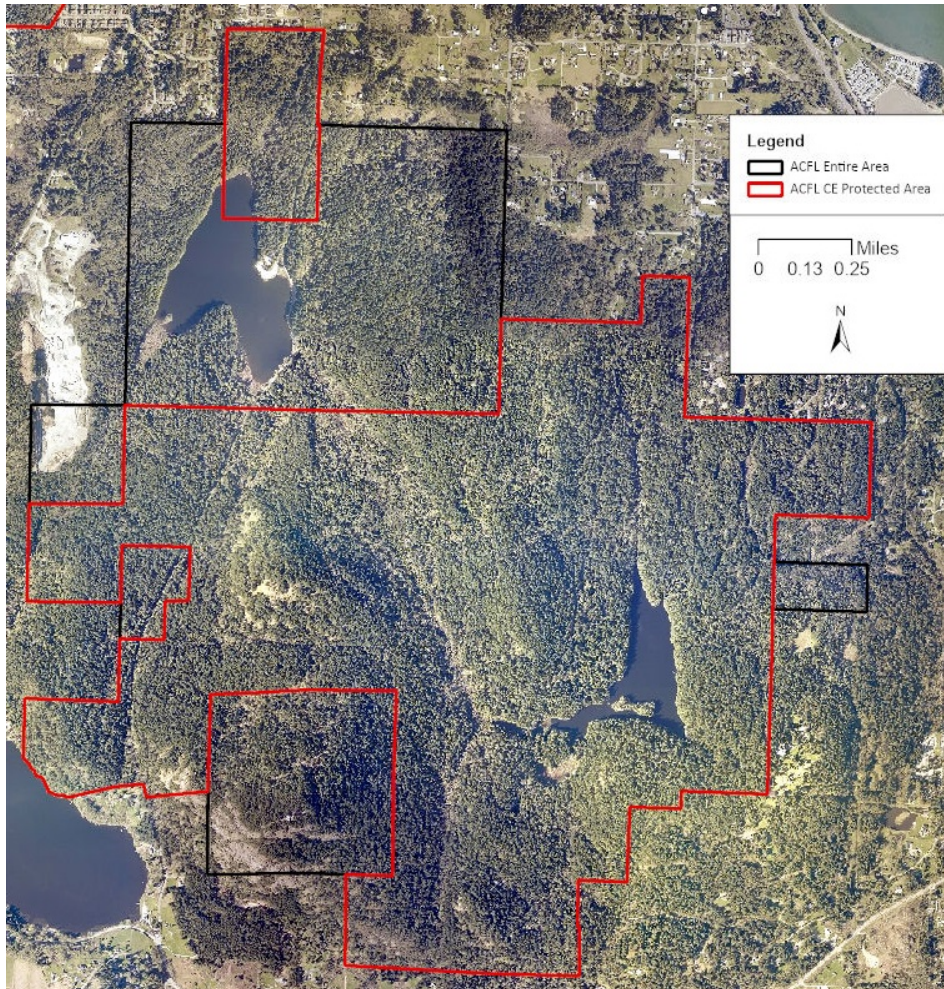


Map above: 2021 aerial imagery of entire protected area.

There are two disconnected blocks of land that make up the ACFL – the Cranberry Lake area and the Mt Erie / Whistle Lake / Heart Lake area. The Cranberry Lake area is northwest of the Mt Erie / Whistle Lake / Heart Lake area.



Map above: 2021 aerial imagery of Cranberry Lake Area.



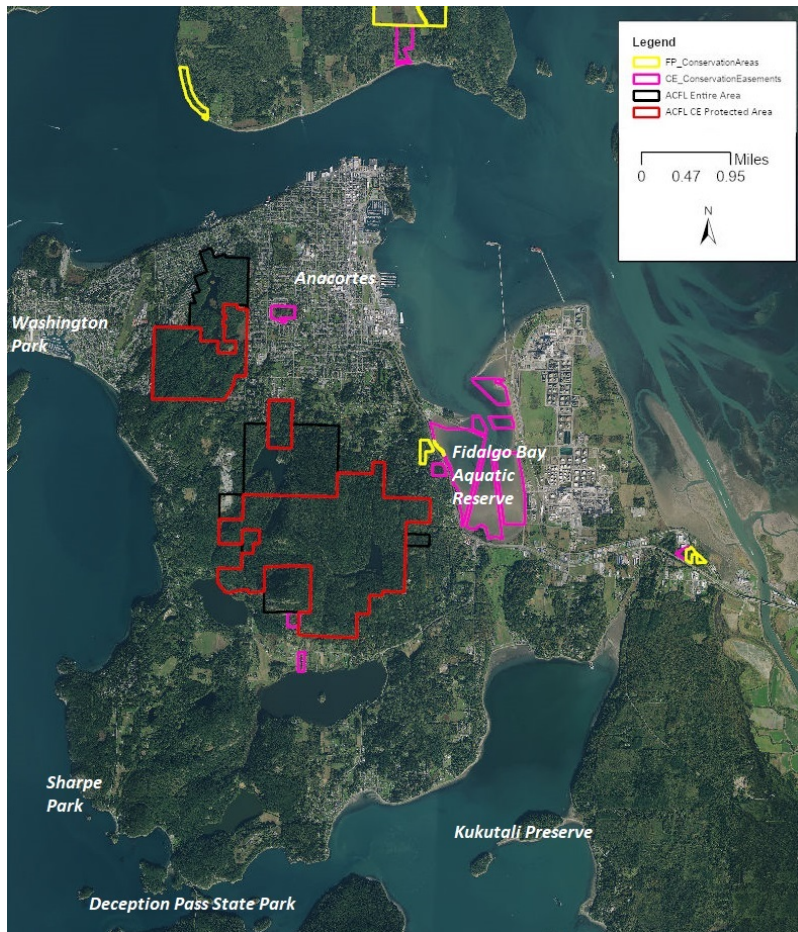
Map above: 2021 aerial imagery of Mt Erie / Whistle Lake / Heart Lake area.

Geographic Context

The Protected Property is located on Fidalgo Island, near Anacortes, Skagit County, Washington.

SLT owns property .25 miles to the northeast (along Fidalgo Bay) and holds several conservation easements in the surrounding area on Fidalgo Island. Washington Park (another City of Anacortes property) is located less than 1.5 miles to the northwest. Sharpe Park Montgomery – Duban Headlands (Skagit County) and Deception Pass Park (WA State Parks) lie approximately 2 miles to the southwest. Other nearby land ownership is primarily private residential.

The protected area is less than 1 mile from salt water (Fidalgo, Similk, and Burrows Bays, and Guemes Channel), just over 2 miles from Rosario Strait, and less than 0.5 miles from Campbell Lake.



Map above: Geographic Context map, with 2019 aerial imagery.

Geology

Landforms and Geologic History

The ACFL is located on Fidalgo Island. The rocks of Fidalgo Island are fairly unique in that they were formed in the ocean and later faulted against the continent. The geologic term for this package of rocks is *ophiolite*. That land was then scoured by glaciers that covered almost everything with 4,000 to 5,000 feet of slowly moving ice. Everything has been shaped by wind and moving water.

The protected area spans several of the highest points on Fidalgo Island - Mt Erie is the tallest landform, rising to an elevation of 1,273 ft. The elevation of the protected property ranges from 160-1,273 ft.

Map (right): Topo map showing location of the landforms above.



The ACFL contains extensive areas with greater than 40% slopes, WA DOE mapped unstable slopes, and erosion hazard soils. The majority of these critical areas are on Mt Erie's slopes, and in the hilly area to the north of Mt Erie.

Map (right): Skagit County Potential Landslide & Erosion Hazards map of Fidalgo Island.



Soils

- USGS Soil Type: 156 – Whistle-Fidalgo-Rock outcrop complex, 30-65% slopes; 65% of area
- USGS Soil Type: 140 – Swinomish-Fidalgo-Rock outcrop complex, 3-30% slopes; 11% of area
- USGS Soil Type: 90 – Lithic Haploxerolls-Rock outcrop complex, 70-90% slopes; 9% of area
- *The remainder of the soil types present are a small (<2%) area of Fidalgo-Lithic Xerochrepts-Rock outcrop complex, <5% of various loamy soils (USGS Soil Types 11, 18, 19, 29, 30, 55, 86, 137, and 138), some open water, and a very small (.5 acres) area of Xerorthents (USGS Soil Type 165).*

Approximately 87% of the property is composed of rock outcrop complexes (Whistle-Fidalgo, Swinomish-Fidalgo, and Lithic Haploxerolls, and Fidalgo-Lithic Xerochrepts). The remainder is primarily gravelly loam, with a small amount of Bellingham mucky silt loam in portions of the wetlands in the Cranberry Lake area.

Xerorthent soils, which are very disturbed soils where the native vegetation has been removed, are found in small areas immediately surrounding the old city dump, which is not included in the conservation easement protected area.



Map above: Soil map showing location of the soils noted above.

Hydrology

Streams

The protected property contains several fish and non-fish bearing perennial streams that flow from the property, through adjacent lands and water bodies, and eventually reach the Salish Sea.

Wetlands

The property contains or adjoins several freshwater wetlands, including several lakes. Many of the wetlands have not been delineated, and so exact boundaries have not been mapped or marked.

Map to right: Hydrology map showing location of the streams and nearby wetlands.



Critical Areas

Whistle Lake, Heart Lake, and Little Cranberry Lake are backup supplies of water for the City of Anacortes in case of an emergency.

Lake Erie is a Closed Stream, also called Surface Water Source Limited streams, which is a flow sensitive streams in Skagit County designated by the Washington State Department of Ecology as requiring minimum water flows for the purposes of protecting fish, game, birds or other wildlife resources or recreational or aesthetic values of said public waters pursuant to RCW 90.22. Other wetlands on the protected property may also be closed streams, but Skagit County did not map such features within Anacortes city limits.

Priority Habitats and Species

State Priority Habitats and Species: Bald eagle; Osprey; Waterfowl Concentrations (Heart Lake, Lake Erie); Cavity nesting birds: Pileated Woodpecker, Wood Duck, Barrow's Goldeneye, Common Goldeneye, Bufflehead, and Hooded Merganser; Fresh Deepwater; Freshwater Wetland; Riparian; Snags and Logs; Urban Natural Open Space; Peregrine falcon and nesting habitat (nearby on Mt. Erie); Marbled Murrelet; Bald eagle; and Osprey (Heart Lake, Lake Erie). WA DNR's Natural Heritage Program have records of multiple state designated sensitive species in the forestlands, though details are hidden.

Forest: There is a 20-acre area of old growth Douglas-fir and western hemlock section of old-growth forest located immediately south of Heart Lake. This stand is part of a designated Natural Heritage Area with the Washington Department of Natural Resources. Low-elevation, old-growth forests, such as this are rare in western Washington.

Freshwater wetlands: Freshwater wetlands are highly productive and can support a high diversity of species. They can also store and filter water moving across the landscape. Beavers are active throughout the protected area, and expand and improve the quality of many of the wetlands, increasing conservation values on the property.

Vegetation

The forest is a patchwork of vegetation communities, but may generally be categorized as a North Pacific Maritime Mesic-Dry Douglas-Fir Western Hemlock Forest (DNR 2015), with many forested wetlands. The canopy is primarily composed of conifers (particularly *Pseudotsuga menziesii*, *Tsuga heterophylla*, *Thuja plicata*, *Abies grandis*, and *Picea sitchensis*), with some hardwood co-dominants (*Acer macrophyllum* and *Alnus rubra*) and a diverse understory. A majority of the forest was most likely harvested in the 19th or early 20th century, resulting in the current high quality maturing second growth forest. There are a few very large downed Douglas-fir that are serving as nurse logs and creating moist microhabitats. The forest canopy is sufficient in some places that Pacific yew trees are thriving and reproducing. There are also many prominent snags that may serve as roosting trees for birds of prey and nesting trees for cavity-nesting songbirds. Understory plant species include salal, oceanspray, Indian plum, wild rose, Oregon grape, red huckleberry, salmonberry, sword, licorice, oak and bracken ferns.

On the east side of Heart Lake Road the land rises steeply up the slopes of Sugarloaf Mountain. The lower slopes are heavily forested with conifers. On the higher slopes the forest becomes thin and patchy, interspersed with rocky balds. These open areas host camas, fawn lilies, Idaho fescue, and other plants characteristic of the San Juan Islands. There are some similarly open areas on parts of Mt Erie.

The wetlands are generally vegetated by emergent cattails, rushes and sedges, providing abundant cover for amphibians and nesting ducks. Several ponds are very shallow and seasonally covered in pond lilies. There are numerous coniferous snags in the ponds and swamp, indicating lower water levels in the past. It is likely that the water levels in all the ponds and the swamp are altered by beaver behavior.

The Friends of the Forest (a nonprofit citizens organization dedicated to the preservation of the ACFL through education, outreach, and stewardship) has compiled very thorough plant species lists for different portions of the property. Those plant lists were published in 2001, and are stored in Trust files to complement this baseline.

Wildlife and Habitat

The diverse ecological communities in the protected area create a patchwork of various types of habitat providing shelter and food year-round for a wide range of wildlife species. There is cover for resting, nesting, and hiding from predators or the elements. Understory shrub species, and other vegetation and insects throughout the forest, provide food. There are trees in a wide range of decay, including snags appropriate for nesting and cavity dwelling animals. The old growth forest just south of Heart Lake State Park may provide nesting habitat for marbled murrelets.

The marshes and bogs provide a very different type of habitat, including cover for songbirds and mammals. Beavers are active in the wetlands. There are some perches for raptors to rest on and hunt from. The wetlands and seasonal stream provide cool, wet soils and sometimes drinking water.

More open areas, such as the rocky balds on Sugarloaf Mountain, provide yet another setting. The cliffs above Campbell Lake are sparsely forested with madrone and Douglas-fir and provide secluded nesting habitat for raptors such as peregrine falcons. Some of the fir trees are quite large and snag-topped, providing excellent habitat for swallows, bats and owls.

The protected area is adjoined to portions of the ACFL that are not protected by this conservation easement, and is located near other significant blocks of public land, including Deception Pass State Park, Washington Park, and the Sharpe Park Montgomery Duban Headlands, providing connectivity within a much larger protected landscape and benefiting species that need space to roam. Development is a threat in immediately surrounding areas, making this wildlife corridor even more valuable in the future.

Human Environment and History

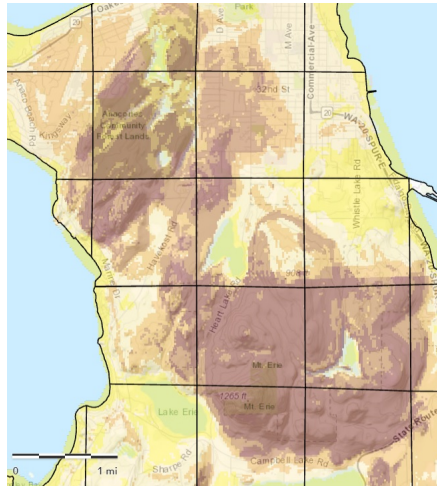
Current Use: The Anacortes Community Forest Lands are open to the public for recreation and educational purposes. The ACFL contains a public trail system with over 50 miles of multiple use trails. All trails allow hikers, and other users (non-motorized bikers, horses, and motorized bikes) are all allowed on portions of the trail system. Mt Erie is a popular recreational climbing destination. Whistle Lake and Heart Lake serve as public water reservoirs, and are popular swimming recreation destinations. There is a vehicle accessible boat launch at Heart Lake, and motorized boats are allowed on Heart Lake (with restrictions).

Structures & Built Environment: There are many trailheads providing public access to the trail system, with associated structures such as parking, bathrooms, benches, signage kiosks and trash cans. Several public roads, City managed access roads, and service roads provide public and city staff access through and into the forestlands. There are benches in several locations throughout the forestlands.

Land Use History: Pages 23-26 of the ACFL Comprehensive Plan 2009 contains a thorough history of the lands that make up the ACFL (Appendix 1).

Cultural Resources: The majority of the property is mapped as low to moderately low risk for encountering archeological artifacts in the Washington Information System for Architectural & Archaeological Records Data.

Map to right: Cultural resource predictive model map – dark browns are lower risk.



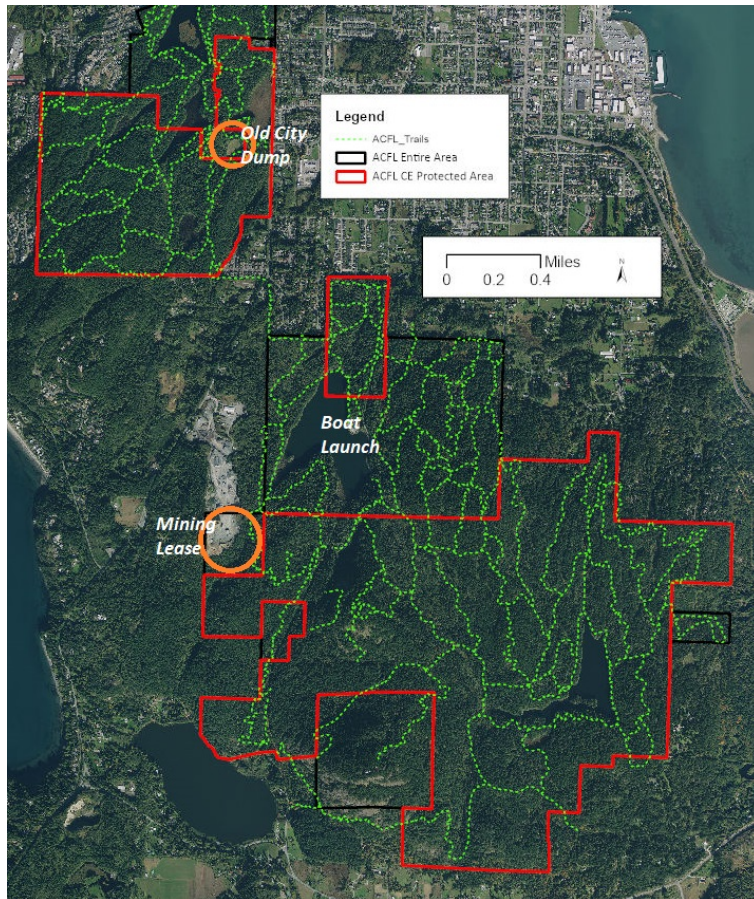
Condition of Property: Overall, the protected property is in good condition. In some areas, the access roads are still evident, but are no longer maintained. There is at least one location on the north shore of Whistle Lake, where heavy use has trampled all the understory vegetation, resulting in an area of bare ground between trees. Otherwise, the lakeshore and trails are in good condition.

Much of the property has been logged as recently as the 1970s. Consequently, the trees in the subarea are between 50 to 100 years old, with a few older trees scattered throughout, the exceptions being the old growth stand just south of Heart Lake and old growth trees on the upper slopes of Sugarloaf Mountain. An area immediately east of the north end of Cranberry Lake burned in 2016 (which is within the ACFL, but just outside of the easement protected area).

There are a couple of notable areas within the larger boundaries of the ACFL, that are not included in the conservation easement protected area. A portion of an excluded 40 acre area on the west side of Heart Lake is leased for mining. A portion of an excluded 10 acre area on the east side of the Cranberry Lake block includes the retired city dump. The site is no longer used as a dump and the surface has been capped with soil. Debris spilled over from the old city dump into the easement protected area immediately north of the dump, including large pieces of metal (perhaps a boiler), tires, and broken-up concrete. Along the edge of a wetland north of the dump there is a can and bottle dump, as well as large pieces, such as a hot water heater and more tires. The history of site disturbance has

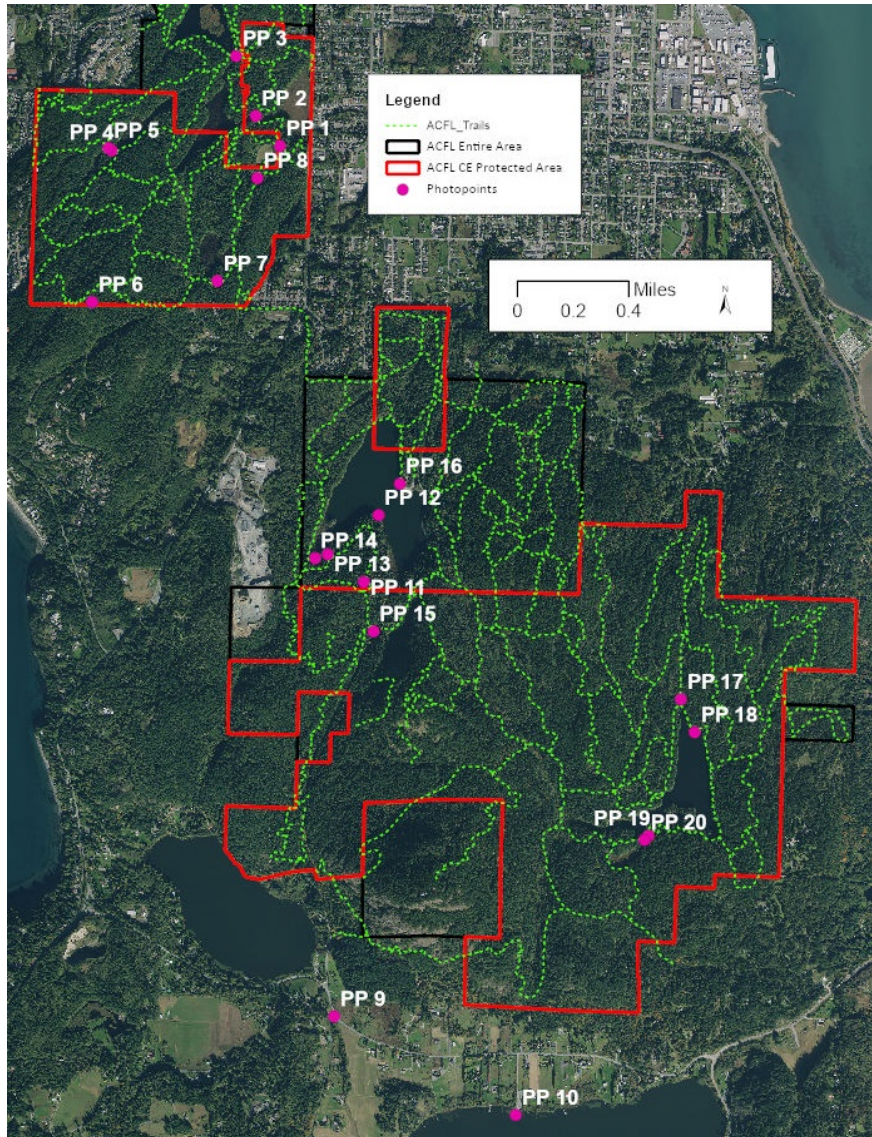
allowed several noxious weeds to establish (including scotch broom, knotweed, yellow flag iris, English holly, and herb-robert). There are former associated settling ponds located east of the old dump site, within the easement protected area (see map below for location of the settling ponds and other old dump site points of interest). The dump site is currently in WA Department of Ecology's database of known or suspected contaminated sites that will need remedial actions to meet requirements under the Model Toxics Control Act. There are established sampling sites around the old dump.

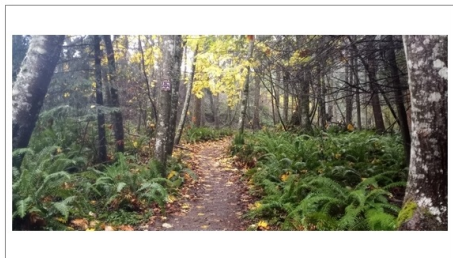
The City of Anacortes and Skagit Land Trust are not aware of any hazardous substances or the release or disposal of such in the easement area, and no signs of such were observed.



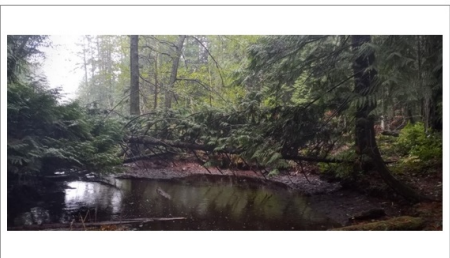
Map above: Map showing trail system and the location of several sites noted above.

Photopoints

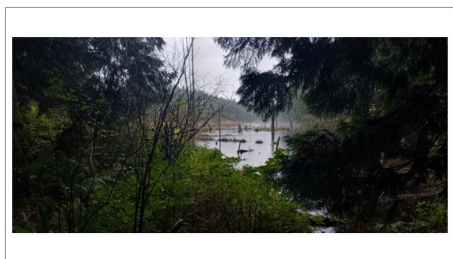




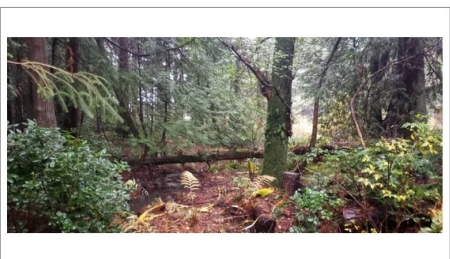
ACFL 2021.11.12 PP 1 W



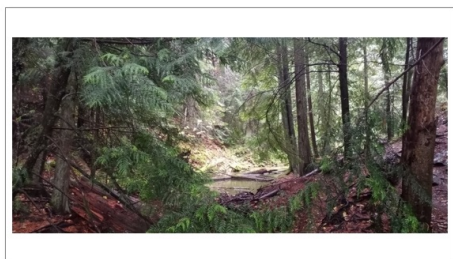
ACFL 2021.11.12 PP 2 E



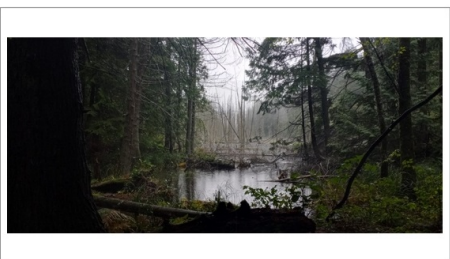
ACFL 2021.11.12 PP 2 W



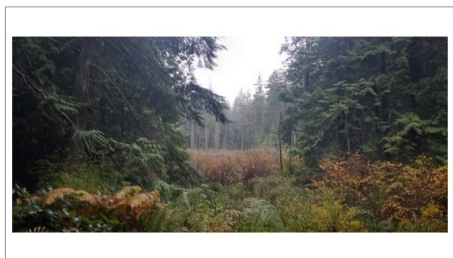
ACFL 2021.11.12 PP 3 NNW



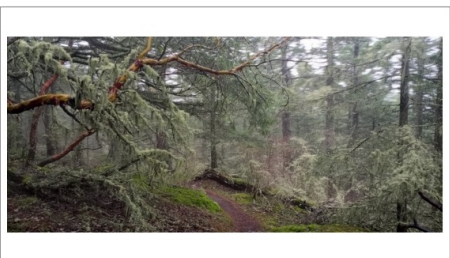
ACFL 2021.11.12 PP 3 SSE



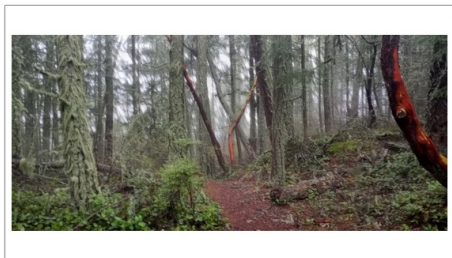
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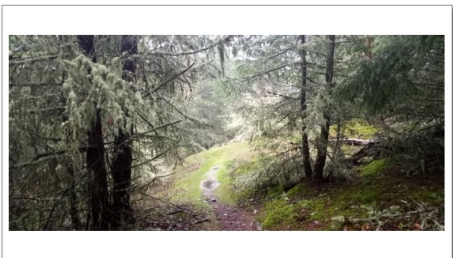
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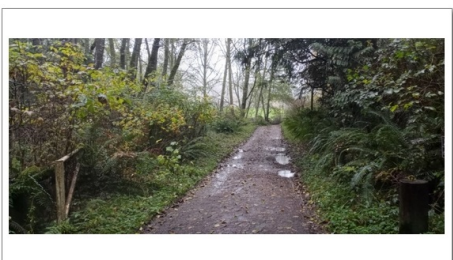
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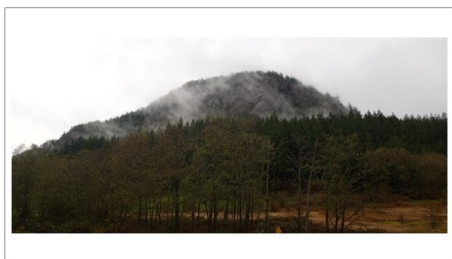
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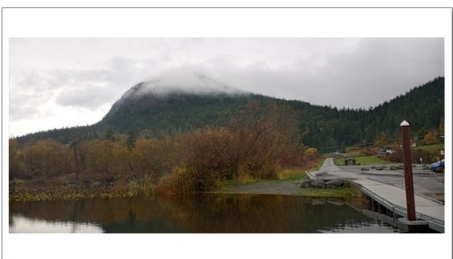
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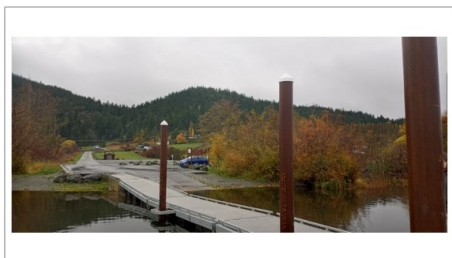
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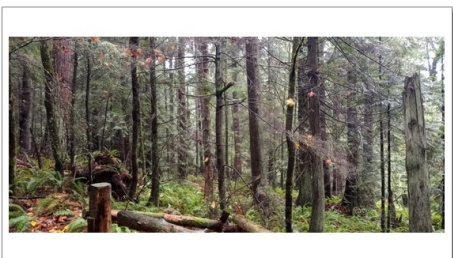
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ACFL 2021.11.12 PP 10 N



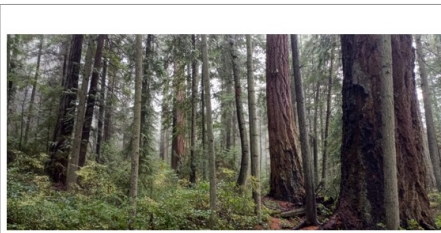
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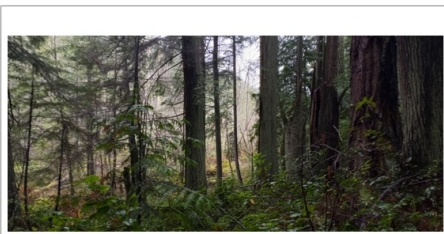
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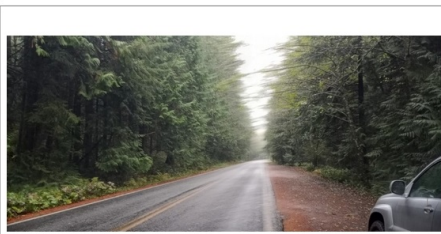
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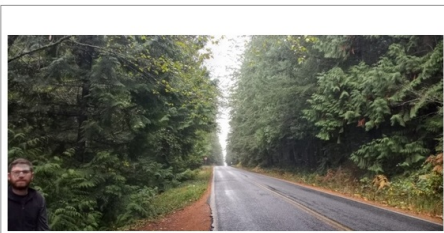
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ACFL 2021.11.12 PP 14 NNW



ACFL 2021.11.12 PP 15 N



ACFL 2021.11.12 PP 15 S



ACFL 2021.11.12 PP 16 NW



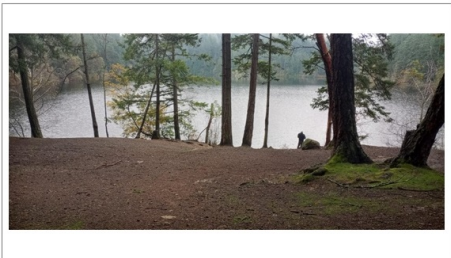
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ACFL 2021.11.12 PP 16 W



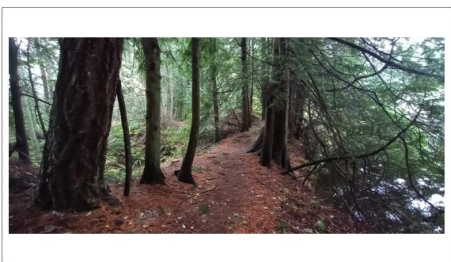
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ACFL 2021.11.20 PP 18 S



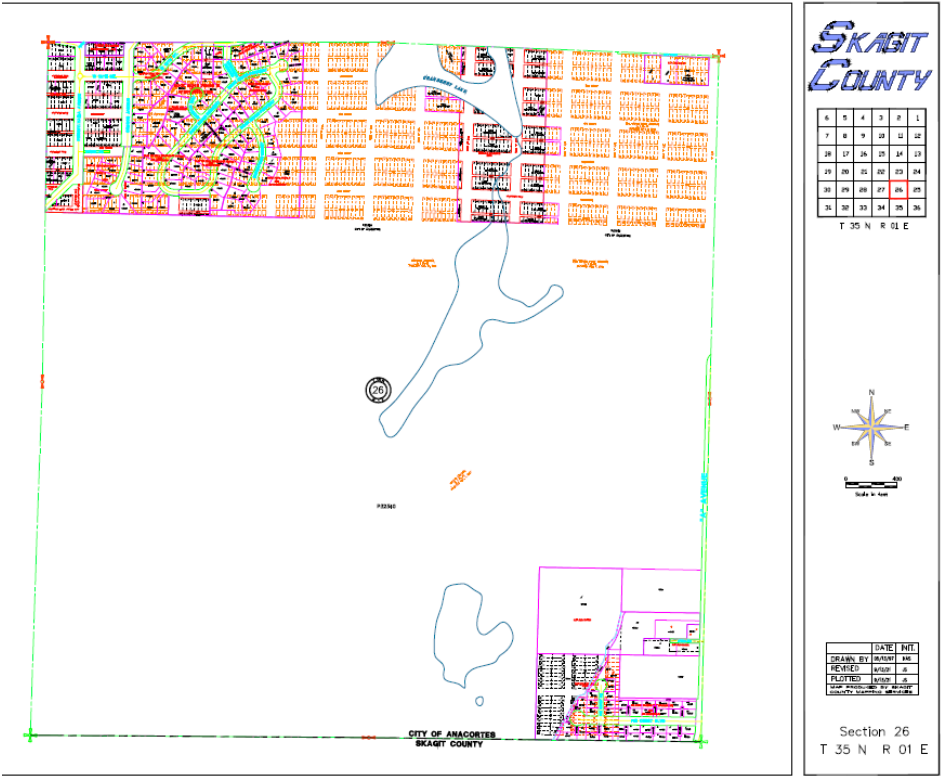
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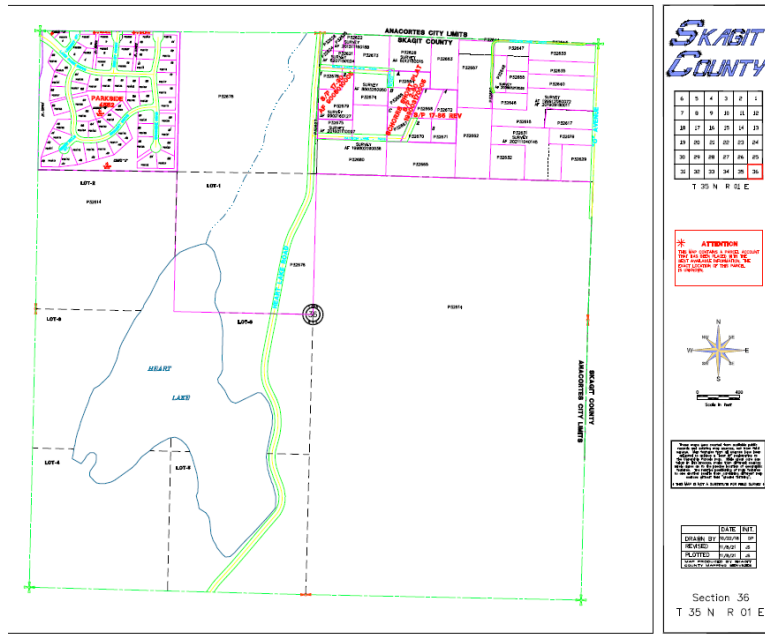


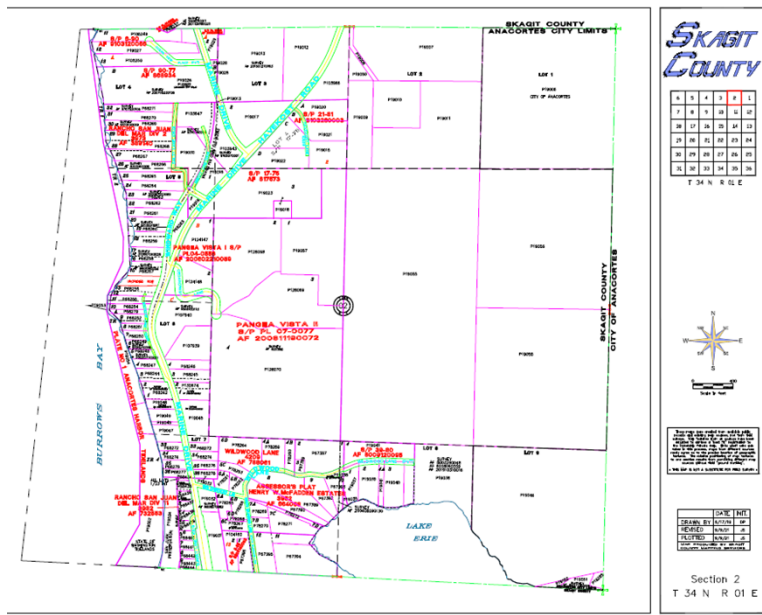
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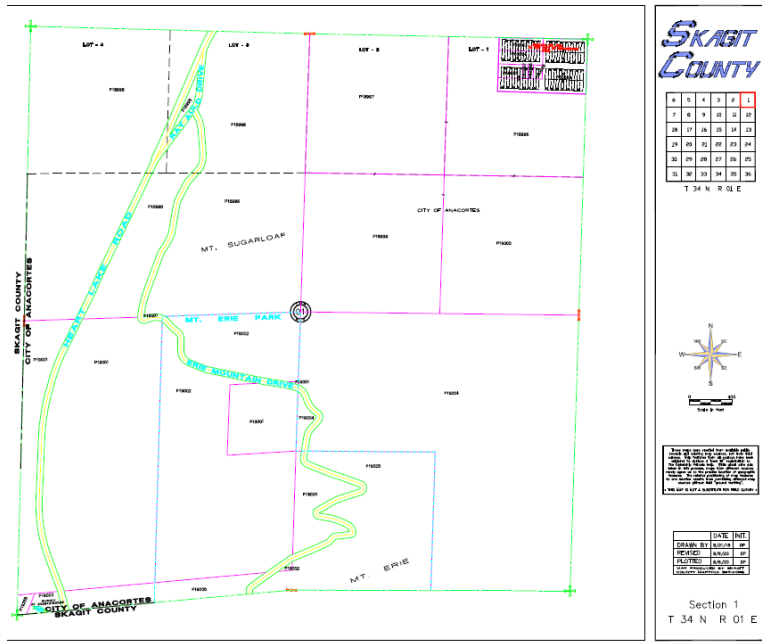
PP_Name	Direction	Lat	Long_	Date_Est	Notes
PP 1	W	48° 29' 33.37574173" N	122° 38' 18.85141498" W	2021	From trail intersection
PP 2	E, W	48° 29' 38.88974282" N	122° 38' 25.89541093" W	2021	From bridge
PP 3	NNW, SSE	48° 29' 50.03174157" N	122° 38' 31.74540947" W	2021	From bridge
PP 4	NE	48° 29' 31.86374879" N	122° 39' 06.17940939" W	2021	East of bridge
PP 5	S	48° 29' 32.28974620" N	122° 39' 07.24140666" W	2021	West of bridge
PP 6	NW, NNE, SSE	48° 29' 03.38174947" N	122° 39' 10.64341414" W	2021	From trail intersection
PP 7	NW	48° 29' 07.80374431" N	122° 38' 35.65741998" W	2021	Adjacent to edge of Mitten Pond
PP 8	N	48° 29' 27.32174359" N	122° 38' 25.04341787" W	2021	At gate and trail intersection
PP 9	NNE	48° 26' 50.68574822" N	122° 37' 57.79146351" W	2021	From east side of Donnell Rd, Tursi trail parking
PP 10	N, NE	48° 26' 33.06974247" N	122° 37' 06.10747536" W	2021	From end of public dock
PP 11	N	48° 28' 12.13574352" N	122° 37' 52.28344361" W	2021	Trail intersection, into old growth
PP 12	S	48° 28' 24.74773980" N	122° 37' 48.68943682" W	2021	From trail near point into Heart Lake
PP 13	S	48° 28' 17.13374425" N	122° 38' 02.62743806" W	2021	From trail
PP 14	NNW	48° 28' 16.36574382" N	122° 38' 06.35343557" W	2021	From trail
PP 15	N, S	48° 28' 02.97974244" N	122° 37' 49.36744465" W	2021	From road, at Heart Lake trail entrance
PP 16	S, W, NW	48° 28' 30.71774071" N	122° 37' 42.90544035" W	2021	From boat launch
PP 17	S	48° 27' 51.56773382" N	122° 36' 22.39745991" W	2021	At trail junction
PP 18	S	48° 27' 45.45373311" N	122° 36' 18.30546096" W	2021	From north side of bare spot
PP 19	NW	48° 27' 25.90573419" N	122° 36' 30.59346691" W	2021	From trail, just above 2 large Douglas fir trees
PP 20	W	48° 27' 25.07173500" N	122° 36' 31.79946745" W	2021	Towards old dam

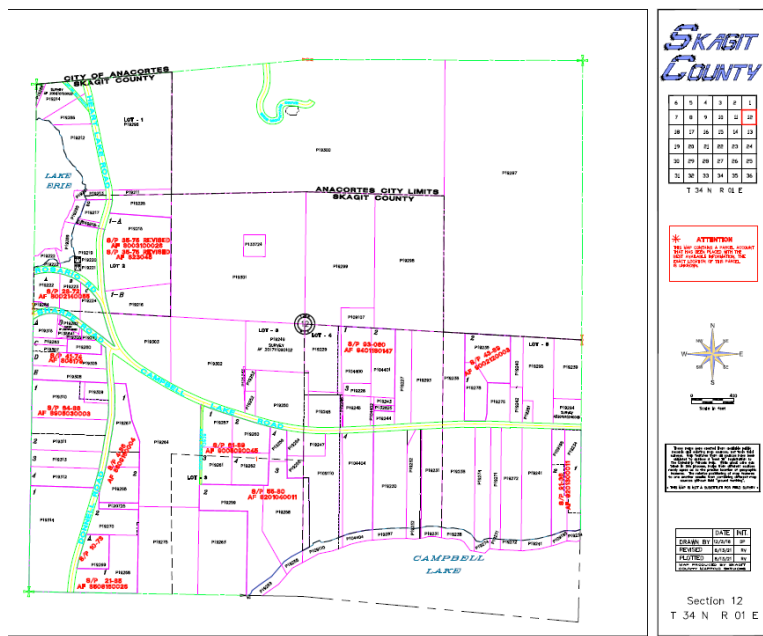
Assessors Maps

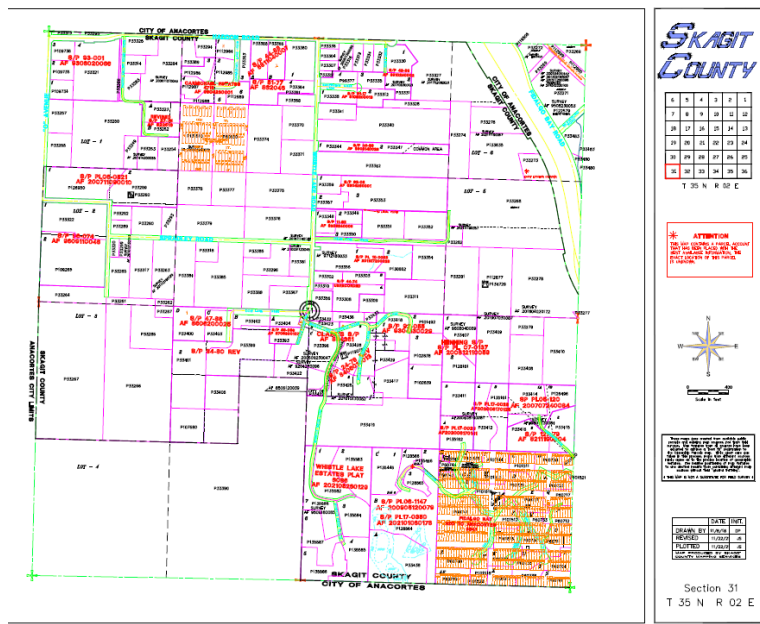


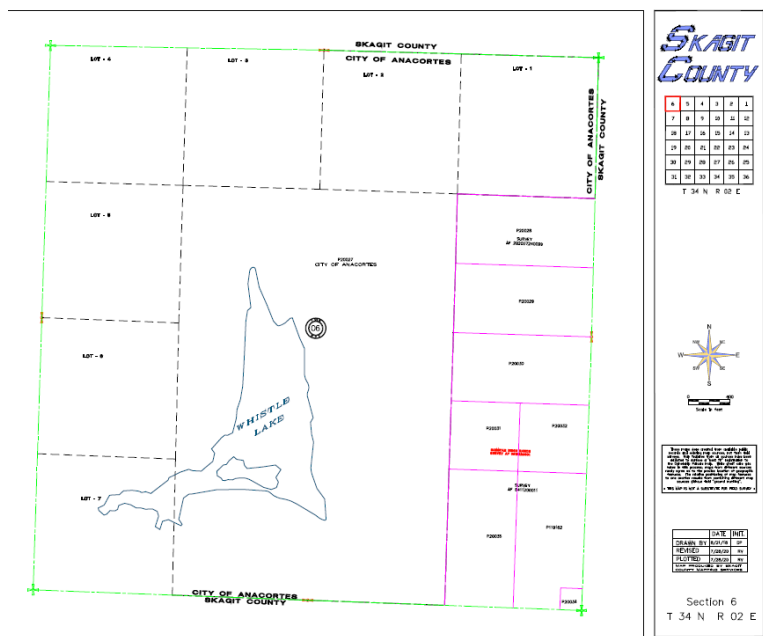


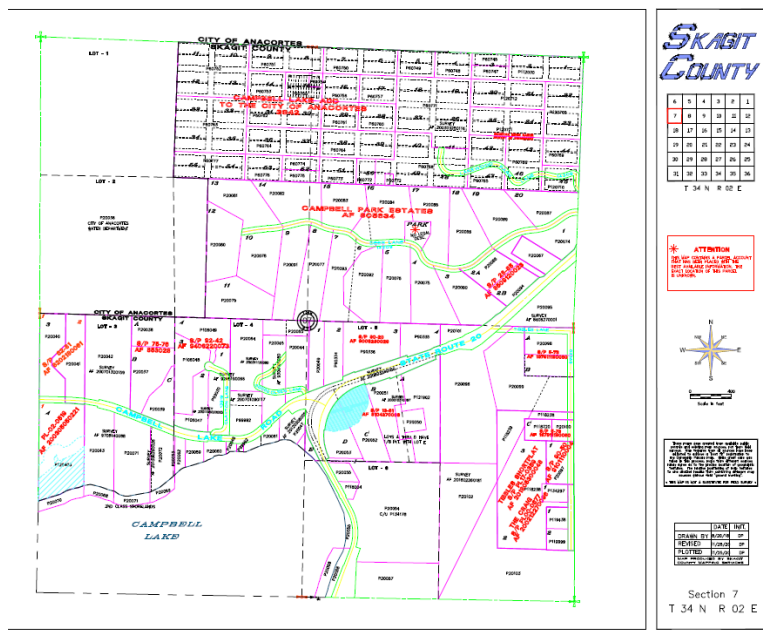












Additional documentation within the baseline file at Skagit Land Trust offices:

- Title report
- Photopoints (high resolution digital files)
- Plant species lists for different portions of the property, which were compiled by Friends of the Forest in 2001

References:

Rocchio, F., & Crawford, R. (Eds.). (2015). *Ecosystems of Washington State: A Guide to Identification* (Natural Heritage Report). WA: WA DNR.

Rocchio, J., & Crawford, R. (2019, May 01). Brief Summary of Ecological Integrity Assessments [Informational summary developed by WA DNR's staff responsible for the Washington Natural Heritage Program, a]. WA. https://www.dnr.wa.gov/publications/amp_nh_eia_summary.pdf?lyi3d4

USDA Natural Resources Conservation Service Web Soil Survey, 2021

Washington Information System for Architectural & Archeological Records Data, 2021

Washington State Department of Fish and Wildlife Priority Habitat and Species on the Web, 2021

*As well as the original ACFL baseline reports

In compliance with Section 1.170A-14(g)(5) of the federal tax regulations, this natural resources inventory is an accurate representation of the property at the time of conservation easement donation.

[CITY OF ANACORTES REPRESENTATIVE]

date: _____

Regina Wandler
Stewardship Director
Skagit Land Trust, Grantee

date: _____



CONSERVATION EASEMENT PROGRAM UPDATE

March 14, 2022

Background:

---The Conservation Easement Program began in 1998 with the passage of Resolution 1492 by City Council. It allowed for the protection of acreage in the Anacortes Community Forest Lands from logging, mining or development. Nearly 1700 acres have been conserved so far.

Fundraising & Conservation:

---For each \$1000 donated, one acre of land was conserved. The money donated goes into the Forest Endowment Fund, operated by the City of Anacortes. The principal is not spent but interest earnings are available for Forest Lands Management.

Public/Private Partnership:



Skagit Land Trust



Friends of the ACFL

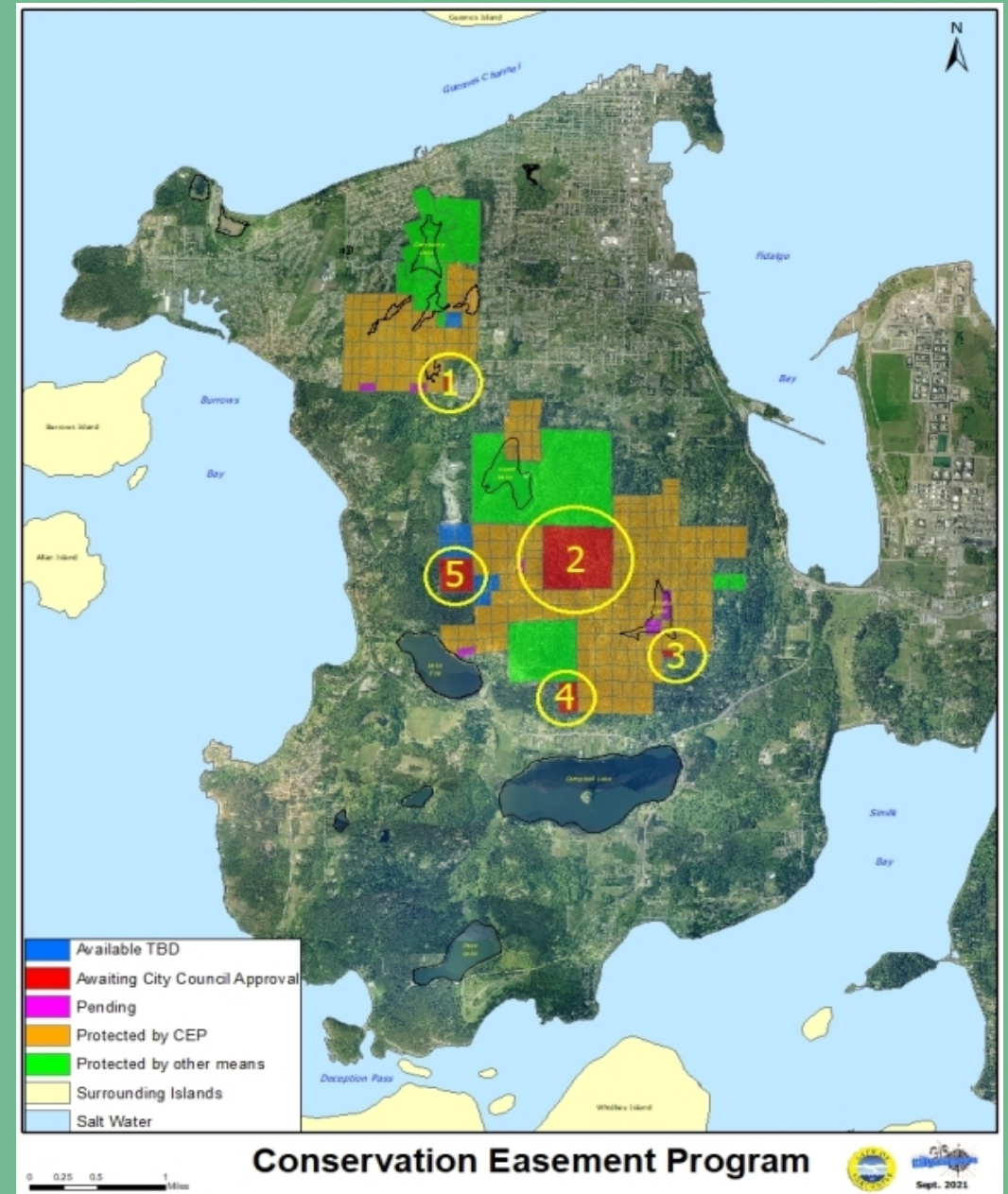


Conservation Easement Program Map

Totals Acres ACFL: 2940

Acres Conserved via CEP:
1682

Acres Conserved with approval
of Resolution 3076: 1,935



Commercial Use Provision:

3. **Prohibited Uses.** Any activity on or use of the Property inconsistent with the purpose of this Easement is prohibited. Without limiting the foregoing, the following uses are expressly prohibited.

- a) Conversion or use of the Property for timber harvesting, mining, or any commercial venture shall be prohibited; *provided*, however, that the prohibition on timber harvesting shall not be interpreted to prevent forestry management for ecological purposes in the manner provided for in Section 5 below; and *provided further*, however, that the prohibition on any commercial venture shall not be interpreted to prevent use of the Property for passive recreational or education activities that may have a de minimis commercial nexus (such as paid guided walks by educators, paid photography courses, or the like).

Managing for Change:

5. **Forest Stewardship**. Grantor may undertake habitat management, restoration or enhancement activities on both land and water resources of the Property to further the Purpose of this Conservation Easement, *provided* that such activities are conducted in accordance with sound conservation management practices, consistent with the Purposes, terms and conditions of this Conservation Easement, and in consultation with the Grantee for consistency with this Conservation Easement. Such activities may include, but not be limited to, tree and vegetation planting and restoration, removal and management of trees and vegetation, controlled burns, management of invasive weeds, and collection of biological specimens.

Questions?





City Council Agenda Bill

Meeting Date: March 14, 2022

Agenda Item: 6.c.

Agenda Item Title: Ordinance 4014: Amending Anacortes Municipal Code Table 19.41.050, Principle Uses permitted in mixed use and industrial zones, to eliminate "Self Service Storage" as a permitted use in the Commercial Use Zone

Staff Contact(s): DON MEASAMER

Approved for Submittal to Council by **Action Type**

DON MEASAMER

Motion

DARCY SWETNAM

Item Summary: Self Service Storage facilities are currently listed as a permitted use in the Commercial Use Zone per AMC Table 19.41.050. The Self Service Storage category consists of facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing property. The Self Service Storage category includes, but is not limited to, warehouse, self service, fully enclosed indoor multi-story storage, and mini warehouse. While there are building design standards and block frontage requirements, the maximum size of the structure could be well over 200,000 square feet and could have a significant impact on the Commercial Use Zone as a passive rather than an active use. The primary purpose of the Commercial Use Zone is to provide a wide variety of general services, retail, commercial and professional offices with multi-family above the first floor.

Budget Impact:

NA

Previous Action: The City Council passed a moratorium via Ordinance 3095 September 27, 2021 prohibiting Self Service Storage Facilities in the Commercial Use Zone tallow time for review by the Planning Commission/Public and city staff prior to confirming Self Service Storage as a permitted use in the Commercial Use Zone. At its February 23, 2022 meeting, the Planning Commission recommended to the City Council to amend AMC Table 19.41.050 to eliminate Self Service Storage as a permitted use in the Commercial Use Zone. Findings attached.

Recommended Motion: I move to approve Ordinance 4014 amending AMC Table 19.41.050 to eliminate Self Service Storage as a permitted use in the Commercial Use

Zone as presented.

Alternative Actions: Revise as needed

Attachments (listed in order presented):

1. Ordinance 4014 Self service Storage
2. Self Service Storage Excluded from Commercial Zone
3. Self Service Storage Facilities Power Point
4. Self Service Storage comments
5. Planning Commission Motion

Ordinance No. 4014

An Ordinance Amending the Development Regulations Contained in Anacortes Municipal Code Title 19, Unified Development Code, Table 19.41.050 Removing Self Service Storage as a Permitted Use in the Commercial Use Zone

Whereas, on July 18, 2016, the City Council adopted Ordinance 2982 adopting a new Comprehensive Plan pursuant to the City's periodic Growth Management Act Comprehensive Plan amendment and update process; and

Whereas, the Anacortes Comprehensive Plan provides guidance for amending the Anacortes Municipal Code (AMC) development regulations and official zoning map to implement its land use, housing, economic development, transportation, environment and conservation, and other goals and policies; and

Whereas, the proposed amendments to the development regulations and official zoning map were initiated by the City in accordance with the requirements of the Growth Management Act and AMC 19.16.030(B), subsequent to the adoption of the 2016 Comprehensive Plan; and

Whereas, the City Council adopted Ordinance 3040 adopting new Development Regulations; and

Whereas, the City Council desires to clarify Self Service Storage Facilities in the Commercial Use Zone; and

Whereas, the primary purpose of the Commercial Use Zone is to provide a wide variety general service, retail commercial, multifamily and professional offices;

Whereas, self service storage is a passive use detracting from the vitality of the Commercial Use Zone; and

Whereas, a public comment opportunity was provided for certain changes to AMC Table 19.41.050 at the February 23, 2022 Planning Commission meeting ; and

Whereas, the City Council considered the Planning Commission recommendation at a meeting on ;

Now, therefore, the City Council of the City of Anacortes does ordain as follows:

Section 1. Findings. The above recitals are hereby adopted by reference as legislative findings in support of this ordinance. The City Council further enters the following findings:

Section 2. **Development Regulation Amendments Adopted.** The Anacortes Municipal Code is amended as described in Attachment A.

Section 3. **Transmittal to State.** Pursuant to RCW 36.70A.106, a copy of this ordinance shall be submitted to the State Department of Commerce.

Section 4. **Severability.** If any section, sentence, clause, phrase, or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this ordinance.

Section 5. **Effective Date.** Consistent with RCW 35A.12.130, this ordinance takes effect on PASSED and APPROVED this ____ day of _____, 2022.

CITY OF ANACORTES:

Matt Miller, Mayor

Attest:

Steve Hoglund, City Clerk-Treasurer

Approved as to Form:

Darcy James Swetnam, City Attorney

19.41.050 Principal uses permitted in mixed-use and industrial zones.

Table 19.41.050 below provides the list of permitted principal uses in mixed-use and industrial zones.

Table 19.41.050

Principal uses permitted in mixed-use and industrial zones.

Principal Use	CBD	C	MMU	CM	CM2	LM	LM1	MS	I	HM	Reference
RESIDENTIAL											
<i>Note: Residential uses are not allowed on the ground floor facing a designated storefront street (see AMC Chapter 19.61). Lobbies for multifamily uses and live-work dwelling units are an exception, provided the units meet the standards in AMC 19.61.060.</i>											
Household Living, as listed below											AMC 19.43.010(A)
Single-family	C ^(X)	C ^(X)				C	P ^(X)				AMC 19.43.010(B) (^(X))AMC 19.43.010(B)(2)
Single-family, small lot											AMC 19.43.010(C)
Cottage housing											AMC 19.43.010(D)
Duplex											AMC 19.43.010(E)
Triplex											AMC 19.43.010(F)
Townhouse	P	P ^(X)	P ^(X)								AMC 19.43.010(G) (^(X))AMC 19.43.010(G)(3)
Multifamily dwellings, 4 or more units	P	P ^(X)	P ^(X)	C ^(X)		C		C ^(X)			AMC 19.43.010(H) (^(X))AMC 19.43.010(H)(3) — (H)(6)
Live-work	P	P	P					C			AMC 19.43.010(J)
Group Living, as listed below											AMC 19.43.020(A)
Adult family home	P ^(X)	P ^(X)				P ^(X)	P				AMC 19.43.020(B) (^(X)) AMC 19.43.020(B)(2)
Assisted living facility	P	P	P								AMC 19.43.020(C)

Principal Use	CBD	C	MMU	CM	CM2	LM	LM1	MS	I	HM	Reference
Nursing homes	C	C	C								AMC 19.43.020(D)
Rooming houses											AMC 19.43.020(E)
COMMERCIAL											
Day Care, as listed below											AMC 19.44.010(A)
Day care I facilities	P	P	P	P	P	P	P				AMC 19.44.010(B)
Day care II facilities	P	P	P	P			P				AMC 19.44.010(B)
General-Service, except as listed below	P	P	P	P	P		P				AMC 19.44.020(A)
Heavy service		P					P			P	AMC 19.44.020(C)
Public safety facility	C	P	C	P	C	P	P	C	P	P	AMC 19.44.020(E)
Medical, as listed below and based on gross floor area (GFA):											AMC 19.44.030(A)
<10,000 sq. ft. GFA	P	P	P								
10,000—20,000 sq. ft. GFA	C	C	C								
>20,000 sq. ft. GFA											
Hospital		C									AMC 19.44.030(C)
Office	P	P	P	P	P(X)		P(X)	P	P(X)	P	AMC 19.44.040(A) (X)AMC 19.44.040(B)
Overnight Lodging	P	P	P	P		C					AMC 19.44.050(A)
Parking	C	P	P	P	P	P	P	P	P	P	AMC 19.44.060(A)
Passenger Terminal, except as listed below	P	P	P	P	C	P					AMC 19.44.070(A)
Aeronautical use											AMC 19.41.080(A)(2)
Personal Service, except as listed below	P	P	P								AMC 19.44.080(A)
Animal care—indoor	C	P					P				AMC 19.44.080(B)
Animal care—outdoor		C					P				AMC 19.44.080(C)
Recreation, Indoor											AMC 19.44.090(A)

Attachment A

Principal Use	CBD	C	MMU	CM	CM2	LM	LM1	MS	I	HM	Reference
as listed below and based on net floor area (NFA):											
<10,000 sq. ft. NFA	P	P	P	P							
10,000—20,000 sq. ft. NFA	C	C	P	C							
>20,000 sq. ft. NFA	C	C	C	C							
Special indoor recreation uses:											AMC 19.44.090(B)
Adult concessions		P ^(X)					P ^(X)		P	P ^(X)	AMC 19.44.090(B)(1)
Shooting range							P				AMC 19.44.090(B)(2)
Recreation, Outdoor, except as listed below							P ^(X)				AMC 19.44.100(A) and (B)
Campground				C			C				AMC 19.44.100(C)
Golf course							P				AMC 19.44.100(D)
Marinas and boat moorage			P	P	P	P	C	C	C		AMC 19.44.100(E)
Recreational vehicle park				C							AMC 19.44.100(F)
Shooting range											AMC 19.44.100(G)
Restaurant/Bar	P	P	P	P	C	P		C			AMC 19.44.110(A)
Food truck	P	P	P	P	P	P	P	P	P	P	AMC 19.44.110(C)
Retail Sales, as listed below and based on net floor area (NFA)/individual use											AMC 19.44.120
<5,000 sq. ft. NFA	P	P	P	P	P		P ^(X)	P		P ^(X)	^(X) AMC 19.44.120(D)
5,000—25,000 sq. ft. NFA	P	P	P	P				C			
25,001—50,000 sq. ft. NFA	P	P	P								
>50,000 sq. ft. NFA											
Special retail sales uses:											AMC 19.44.120(F)
Heavy retail		C					P			P	AMC 19.44.120(F)(1)

Principal Use	CBD	C	MMU	CM	CM2	LM	LM1	MS	I	HM	Reference
Marijuana, retail		P ^(X)					P				AMC 19.44.120(F)(2) ^(X) AMC 19.44.120(F)(2)(b)
Gas station		P	C				P				AMC 19.44.120(F)(3)
Vehicle Sales/Rental, except as listed below		P					P				AMC 19.44.130(A) and (B)
Marine sales/rental		P	P	P	P		P	P	P		AMC 19.44.130(C)
INDUSTRIAL											
Heavy Industrial, except as listed below					C			P	P	P	AMC 19.45.010(A) AMC 19.69.060
Petroleum and oil refineries					C					P	
Chemical manufacturing					C					P	
Light Industrial, except as listed below		C	C		C	P	P	P	P	P	AMC 19.45.020(A) AMC 19.69.060
Marijuana, processing		P ^(X)					P				AMC 19.45.020(B) ^(X) AMC 19.45.020(B)
Light Manufacturing, except as listed below		C	C		C	P	P	P	P	P	AMC 19.45.030(A)
Artisan manufacturing	P	P	P	P	P	P	P	P	P	P	AMC 19.45.030(B)
Research and Development	P ^(X)	P ^(X)	P ^(X)	P	P	P	P	P	P	P	AMC 19.45.040(A) ^(X) AMC 19.45.040(B)
Self-Service Storage		P^(X)		P			P				AMC 19.45.050(A) ^(X) AMC 19.45.050(B)
Warehouse and Distribution					C	P	P	P	P	P	AMC 19.45.060(A)
Waste Related Services, except as listed below											AMC 19.45.070(A)
Recycling facility							P		P	P	AMC 19.45.070(B)
Water-Oriented Industrial Uses, except as listed below			C	P	P	P		P	P	P	AMC 19.45.080(A)

Principal Use	CBD	C	MMU	CM	CM2	LM	LM1	MS	I	HM	Reference
Dry stack boat storage			C	P	P				P	P	AMC 19.45.080(B)
Boat launch facility			P	P	P	P		P	P	P	AMC 19.45.080(C)
Wholesale Trade							P				AMC 19.45.090(A)
PUBLIC, INSTITUTIONAL AND OPEN SPACE USES											
Agriculture, except as listed below											AMC 19.46.010(A)
Aquaculture						C	P				AMC 19.46.010(C)
Marijuana, production		P ^(X)					P				AMC 19.46.010(D) (^(X)) AMC 19.46.010(D)(2)(b)
Nurseries		C					P				AMC 19.46.010(E)
Civic, except as listed below and based on gross floor area (GFA)											AMC 19.46.020(A) and (B)
<10,000 sq. ft. GFA	P	P	P	P							
10,000—20,000 sq. ft. GFA	P	P	P	P							
>20,000 sq. ft. GFA	P	P	P	P							
Special civic uses:											AMC 19.46.020(C)
Cemetery/columbarium											AMC 19.46.020(C)(1)
College, community college, or university											AMC 19.46.020(C)(2)
Community center	P	P	P	P					C		AMC 19.46.020(C)(3)
Museum	P	P	P	P				C			AMC 19.46.020(C)(4)
Private recreational, civic, social and/or cultural clubs	P	P	P	P	P		P				AMC 19.46.020(C)(5)
Schools, public or private (K-12)	C	C	C								AMC 19.46.020(C)(6)
Parks, Plazas, Open Spaces, and Natural Areas	P	P	P	P	P	P	P	P	P	P	AMC 19.46.030(A) and (B)
Utilities											AMC 19.46.040

Principal Use	CBD	C	MMU	CM	CM2	LM	LM1	MS	I	HM	Reference
Utilities, major	C	C	C	C	C	C	C	C	C	C	AMC 19.46.040(A)
Utilities, minor	P	P	P	P	P	P	P	P	P	P	AMC 19.46.040(B)
Sustainable energy generation system		C	C	C	C	C	P	P	P	P	AMC 19.46.040(C)
Wireless Telecommunications Towers and Antennas	See AMC Chapter 19.68 , Wireless Service Facilities										

(Ord. 3040 § 2 (Att. A), 2019)

The Anacortes Municipal Code is current through Ordinance 4008, passed January 10, 2022.

Disclaimer: The city attorney's office has the official version of the Anacortes Municipal Code. Users should contact the city attorney's office for ordinances passed subsequent to the ordinance cited here.

Note: This site does not support Internet Explorer. To view this site, Code Publishing Company recommends using one of the following browsers: Google Chrome, Firefox, or Safari.

[City Website: www.cityofanacortes.org](http://www.cityofanacortes.org)

City Telephone: (360) 293-1900

[Code Publishing Company](#)

Self Service Storage Facilities in the Commercial Use Zone



[This Photo](#) by Unknown Author is licensed under [CC BY](#)

19.41.050 Principal uses permitted in mixed-use and industrial zones.

Principal Use	CBD	C	MMU	CM	CM2	LM	LM1	MS	I	HM	Reference
Vehicle Sales/Rental, except as listed below		P					P				AMC 19.44.130(A) and (B)
Marine sales/rental		P	P	P	P		P	P	P		AMC 19.44.130(C)
INDUSTRIAL											
Heavy Industrial, except as listed below					C			P	P	P	AMC 19.45.010(A) AMC 19.69.060
Petroleum and oil refineries					C					P	
Chemical manufacturing					C					P	
Light Industrial, except as listed below		C	C		C	P	P	P	P	P	AMC 19.45.020(A) AMC 19.69.060
Marijuana, processing		p(X)					P				AMC 19.45.020(B) (X) AMC 19.45.020(B)
Light Manufacturing, except as listed below		C	C		C	P	P	P	P	P	AMC 19.45.030(A)
Artisan manufacturing	P	P	P	P	P	P	P	P	P	P	AMC 19.45.030(B)
Research and Development	p(X)	p(X)	p(X)	P	P	P	P	P	P	P	AMC 19.45.040(A) (X) AMC 19.45.040(B)
Self-Service Storage		p(X)		P			P				AMC 19.45.050(A) (X) AMC 19.45.050(B)
Warehouse and Distribution					C	P	P	P	P	P	AMC 19.45.060(A)

Listed as an
allowed use in
the Commercial
Use Zone AMC
Table 19.41.050

Allowed Uses AMC Table
19.41.050 Partial

Self Service Storage Standards

- ◆ **19.45.050 Self-service storage.**

- ◆ **A. Self-Service Storage Category.** Facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property. The self-service storage category includes, but is not limited to, the following uses:

- ◆ 1. Warehouse, self-service.
- ◆ 2. Fully enclosed indoor multistory storage.
- ◆ 3. Mini-warehouse.

- ◆ **B. Self-Service Storage Standards.** Uses in the C zone are limited to fully enclosed indoor facilities (all storage units are only accessible from indoors).

- ◆ (Ord. 3040 § 2 (Att. A), 2019)

No Maximum size building

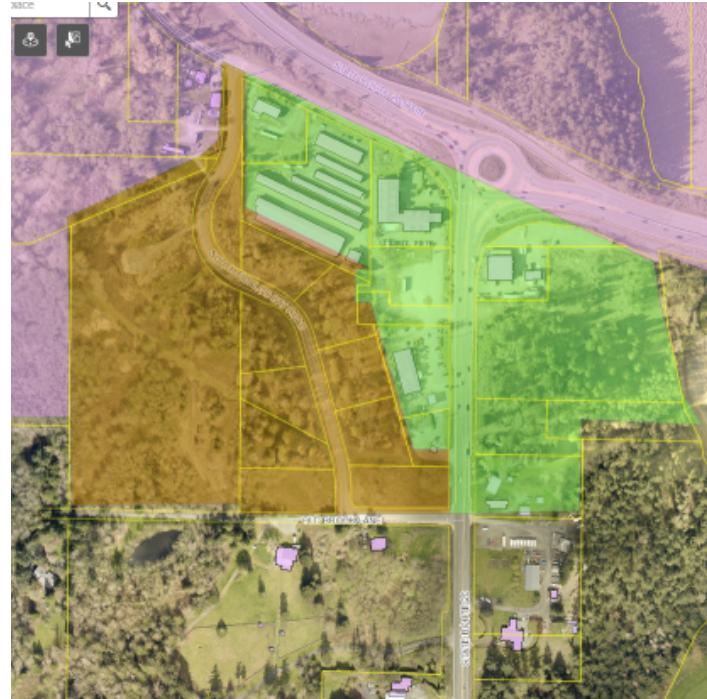
Table 19.42.030

Form and intensity standards for mixed-use and industrial zones.

Measure	CBD	C	MMU	CM	CM2	LM	LM1	MS	I	HM	Conditions/Reference
LOT SIZE AND DEVELOPMENT INTENSITY											
Density minimum (dwelling units/gross acre)	15	15	15 ^(X)								See AMC 19.42.100 (X) East of Q Avenue only
Maximum building size without a conditional use permit (gross floor area)					200,000		300,000		200,000		
Landscaped area, minimum percentage	10%	10%	10%	15%	15%	10%	10%		10%	10%	See AMC 19.65.030 for landscaped area provisions
HEIGHT (feet)—PRINCIPAL STRUCTURES											
Height, base maximum	50	40	35—45	35	50	35—50	50	50	50	50	See AMC 19.42.120 for building height exceptions and modifications

Eliminate Self Service Storage in the Commercial Use Zone from Table 19.41.050

Principal Use	CBD	C	MMU	CM	CM2	LM	LMI	MS	I	HM	Reference
Marijuana, retail		P ^(X)					P				AMC 19.44.120(F)(2) (X) AMC 19.44.120(F)(2)(b)
Gas station		P	C				P				AMC 19.44.120(F)(3)
Vehicle Sales/Rental, except as listed below		P					P				AMC 19.44.130(A) and (B)
Marine sales/rental		P	P	P	P		P	P	P		AMC 19.44.130(C)
INDUSTRIAL											
Heavy Industrial, except as listed below					C			P	P	P	AMC 19.45.010(A) AMC 19.69.060
Petroleum and oil refineries					C					P	
Chemical manufacturing					C					P	
Light Industrial, except as listed below		C	C		C	P	P	P	P	P	AMC 19.45.020(A) AMC 19.69.060
Marijuana, processing		P ^(X)					P				AMC 19.45.020(B) (X) AMC 19.45.020(B)
Light Manufacturing, except as listed below		C	C		C	P	P	P	P	P	AMC 19.45.030(A)
Artisan manufacturing	P	P	P	P	P	P	P	P	P	P	AMC 19.45.030(B)
Research and Development	P ^(X)	P ^(X)	P ^(X)	P	P	P	P	P	P	P	AMC 19.45.040(A) (X) AMC 19.45.040(B)
Self-Service Storage		P^(X)		P			P				AMC 19.45.050(A) (X) AMC 19.45.050(B)
Warehouse and Distribution					C	P	P	P	P	P	AMC 19.45.060(A)
Waste Related Services, except as listed below											AMC 19.45.070(A)



Commercial Use Zone Map

Measamer, Don

From: Cynthia Richardson <richrson@cnw.com>
Sent: Friday, February 4, 2022 9:20 PM
To: Measamer, Don
Subject: Code change regarding self-service storage buildings in the Commercial zone

I am submitting the following comments regarding removing self-service storage building in the Commercial Zone for the Planning Commission's consideration at their February 23, 2022 meeting. I support this proposed code change.

The current Municipal Code allows self-service storage buildings in the Commercial zone as follows:

19.45.050 Self-service storage.

A. Self-Service Storage Category. Facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property. The self-service storage category includes, but is not limited to, the following uses:

1. Warehouse, self-service.
2. Fully enclosed indoor multistory storage.
3. Mini-warehouse.

B. **Self-Service Storage Standards.** Uses in the C zone are limited to fully enclosed indoor facilities (all storage units are only accessible from indoors). (Ord. 3040 § 2 (Att. A), 2019)

I support deleting the self-service storage use from the Commercial zone for the following reasons:

- The primary purpose of the Commercial zone is to provide for commercial types of services needed by residents and visitors. These are active uses, with customers coming and going, and provide employment for many people as well as opportunities for a variety of businesses to thrive.

- The multifamily housing allowed in the Commercial zone provides places for people to live close to the various services that they need, as well as customers for the businesses.
- This combination of services and housing allows for the development of a thriving, active South Commercial neighborhood over time.
- A self-storage building is basically a big box to keep things in. It is a passive use that adds nothing to the vitality of the Commercial district and employs very few people compared to other uses that could occupy that space.
- Even if attractively designed (and there's no guarantee that it would be), it can take up a lot of valuable land that could be used for businesses that provide services needed by people on a regular basis as well as numerous jobs, or for much-needed housing close to those businesses.
- Chapter 19.45 lists self-service storage in the section for Industrial uses, not the section for Commercial uses - an acknowledgement that this use is not appropriate for the Commercial zone.
- There is apparently no size limit for such a building. There are very few large sites in the Commercial zone. Most of the Commercial zone is only a block-and-a-half wide. Using up a prime commercial site for this passive use limits the potential for new business that could serve other community needs.

Self storage units are useful for many people's needs. They can also be a good investment for the building owner because they are cheap to build (no bathrooms, kitchens or balconies, minimal heating, minimal staff, minimal wear and tear as the boxes just sit there, minimal parking), and bring in a steady income month after month.

But these facilities shouldn't be occupying land needed for active uses and housing close to the heart of town.

Thank you for considering this issue. I urge you to recommend this code change to the City Council for approval.

Cynthia Richardson
315 V Avenue
Anacortes, WA 98221

360-708-5617

Measamer, Don

From: Gene Derig <gderig@me.com>
Sent: Friday, February 4, 2022 5:33 PM
To: Measamer, Don
Cc: Ruether, Sarah; Molyneaux, Gary; Graf, Jeffrey; MacKenzie, Ward; Curtis, Jack; Jeretzky, Frank; Martin, Linda
Subject: We support the City of Anacortes proposal re: self storage

Dear Mr. Measamer,

We are writing to voice our approval of the City's proposal to prohibit new "Self-service storage facilities" in the Commercial Zone.

Thanks for your time.

Gene and Marilyn Derig
1302 K Avenue
Anacortes, WA 98221
360-298-1960



**Anacortes Planning Commission
Recorded Motion Regarding an Amendment to the
Development Regulations**

Proposal Description:	The proposed non-project legislative action is to amend the Development Regulations AMC Table 19.41.050 Principle Uses Permitted in the Mixed Use and Industrial Zones to prohibit new Self-Service Storage facilities in the Commercial Use Zone
Public hearing body:	Anacortes Planning Commission
Public hearing date:	February 23, 2022
PC deliberations:	February 23, 2022

After considering the written and spoken comments and considering the record before it, the Planning Commission enters the following findings of fact, reasons for action, and recommendations to the Anacortes City Council.

A. Findings of Fact

Procedural & Public Engagement

1. The proposed amendment to the Development Regulations was initiated by the City based on concerns from the public of a possible Self Service Storage Facility in the Commercial Use Zone providing no active uses within the site.
2. The Planning Commission held a public hearing on February 23, 2022 to review the proposed amendment, take public comment, deliberate and make a recommendation to City Council. The meeting was broadcast on Channel 10 and streamed live on the City's website.
3. The proposed amendments were transmitted to the Washington State Department of Commerce for state agency expedited review in accordance with RCW 36.70A.106 on February 22, 2022, and have met the Growth Management notice to state agency requirements.
4. A State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) was issued for the proposal on February 9, 2022. The SEPA public comment and appeal deadline was February 23, 2022. No comments or appeals were received.

5. Timely and sufficient notice of public hearings and written comment periods was provided in accordance with AMC 19.16.070, including publishing notice on the project website on February 9, 2022, and publishing a paid notice in the February 9, 2022, Anacortes American. The notice was also posted in City Hall, and the Public Library.

A Public hearing was held before the Planning Commission on February 23, 2022. There were no public comments at the meeting.

6. The written comment period ended on February 23, 2022. 2 individuals provided written comment by email, over the course of the project process.
7. The Planning Commission deliberated on the proposal on February 23, 2022.

Criteria for Approval

8. The proposed amendments are legislative actions under AMC Chapter 19.16, which applies to adoption and amendment of implementing critical area regulations.
9. AMC 19.16.080(B) provides the elements that the Planning Commission must consider in making its recommendation to City Council. These elements are:

- a. Public hearing testimony and written comment received during any public comment period;**

The public engagement process undertaken is outlined in the Procedural and Public Engagement section of these findings. Written public comments received were compiled by city staff and transmitted to the Planning Commission.

- b. Staff recommendations and analysis;**

Throughout the Planning Commission meeting, based on feedback received during the meeting, the project team provided recommendations containing analysis and potential options for Planning Commission consideration and direction. The discussions were helpful to the Planning Commission in refining their recommendation.

- c. Legal advice;**

The Planning Commission has considered the advice of the City Attorney's office in making these findings.

The City utilized the State Attorney General Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property for evaluating constitutional issues, in conjunction with and to inform its review of the proposal to assure that proposed regulatory or administrative actions did not result in an unconstitutional taking of private property, consistent with RCW 36.70A.370(2).

d. Consistency of the proposal with the Comprehensive Plan.

The Development Regulation amendment objective is to implement key goals and policies of the 2016 Anacortes Comprehensive Plan. The goals and policies provide guidance and policy direction in the establishment of said regulations.

The Planning Commission finds and concludes that the Development Regulation Amendment proposed in attachment A is consistent with the Comprehensive Plan goals and policies as detailed below.

Consistency with the Anacortes Comprehensive Plan

10. The proposal integrates strategic updates to improve organization and usability, clarity, and new content to implement the 2016 Comprehensive Plan, which is supported by the following Comprehensive Plan policies:

LU-7.2. Strengthen the visual appearance and economic vitality of South Commercial Avenue.

A. Maintain and strengthen the function of the corridor for retail, commercial and service uses.

B Encourage residential development on side streets and in the form of mixed-use buildings (housing over shops) complimentary to retail and service uses.

C. Craft and apply form – based design standards for South Commercial Avenue.

B. Reasons for Action

Having made the Findings set forth above, the Planning Commission makes the following conclusions:

1. The proposed Development Regulation was reviewed through the review process as required by AMC 19.16 Legislative Actions. The Planning Commission is responsible for reviewing and making a recommendation to City Council on development regulations.
2. The Planning Commission determined that the proposed amendments are consistent with the:
 - Anacortes Comprehensive Plan
 - Anacortes Municipal Code (Chapter 19.16 Legislative Actions)

C. Recommendation

The Planning Commission recommends that the City Council:

1. Approve the proposed amendment to the development regulations as presented in **Attachment A.**
2. **This recorded motion** approved February 23, 2022:

Commission Vote	Support	Oppose	Absent	Abstain
Ward MacKenzie, Chair	x			
Jeffery Graf			x	
Sarah Ruether	x			
Linda Martin	x			
Frank Jeretzky	x			
Jack Curtis	x			
Gary Molyneaux	x			
Total	7	0	0	0

ANACORTES PLANNING COMMISSION
ANACORTES, WASHINGTON



Ward MacKenzie, Planning Commission Chair

02/28/22
Date



City Council Agenda Bill

Meeting Date: March 14, 2022 **Agenda Item:** 6.d.

Agenda Item Title: Contract Modification: Water Quality Assessment and Planning Project #21-184-WTR-001

Staff Contact(s): BRIAN MCDANIEL, FRED BUCKENMEYER

<u>Approved for Submittal to Council by</u>	<u>Action Type</u>
GREG FRANCIOCH	Contract Modification
DARCY SWETNAM	

Item Summary: The purpose of this modification is to partner with Confluence Engineering LLC to execute Phase 2 of the project, which will involve development of Water Quality Monitoring Plans for the Skagit River Source Water, the Filtration Facility, and the Water Distribution System. These plans will enable the City to fill data gaps identified in Phase 1 and support the development of recommended responses.

Background:

1. **Reason for Contract Change:** Phase 1 of this work evaluated available data and operational information and developed a set of observations and recommendations. This extension will facilitate execution of Phase 2 of this project, which will provide actionable responses to Phase 1 work and assist the water utility to address areas of concern. This work also includes an update to the City's Coliform Monitoring Plan to reflect changes that have occurred in federal regulations.
2. **History:** The City has experienced increasing customer complaints and operational challenges related to periodic discolored water in recent years. Discoloration has been noted in certain infrastructure, and the cause of this discoloration is currently under investigation.
3. **Key Terms:**
 - Work will be performed on a time and materials basis not-to-exceed \$144,960.00
4. **Competitive Bidding:** Per RCW 39.80 this engineering consultant was selected from the City's MRSC Architectural, Landscape Architectural, and Engineering Service Roster to provide a proposal for this scope of work, after which a price was negotiated.

Budget Impact:

Contractor	Confluence Engineering
Original Agreement Amount	\$44,982.00
Current Agreement Amount	\$44,982.00
Change Per this Modification	\$99,978.00
Total After Modification	\$144,960.00
All Mods % of Total Contract Amount	69%
Earmarked Funds	\$145,000.00
BARS #	401.730.534.10.31
Paid on Contract as of 3/7/22	\$39,407.00
Total left to be charged to 2022 budget	\$105,553.00
Budget Amendment Required?	No
Start Date	8/9/2021
End Date	12/31/2022

Previous Action: N/A

Recommended Motion: I move that City Council authorize the Mayor to sign a modification to contract 21-184-WTR-001 with Confluence Engineering Group LLC in the amount of \$99,978.00, increasing the total contract price to \$144,960.00.

Alternative Actions: Not approve the modification.

Attachments (listed in order presented):

1. 21-184-WTR-001 Mod 02
2. Staff Slide Presentation



Contract Number 21-184-WTR-001
MODIFICATION 02

Date March 14, 2022
Page 1 of 1 Pages

Contract Title WATER QUALITY ASSESSMENT & PLANNING PROJECT
Vendor CONFLUENCE ENGINEERING GROUP LLC

BACKGROUND

This modification is issued in accordance with Article 22, Changes/Additional Work and provides for an addition to the Scope of Work to include Phase 2 of the Water Quality Assessment and Planning Project. Accordingly, the contract price is increased from \$44,982.00 by \$99,978.00 to \$144,960.00, and the following changes are incorporated under this contract:

ARTICLE 1. Scope Of Work. The following second paragraph is added:

“Per Modification 02, the Contractor shall perform the Water Quality Assessment and Planning Project – Phase 2, as detailed in Exhibit B, which is attached hereto and incorporated by reference.”

ARTICLE 3. Price. Is revised to read:

“The services provided under this Agreement shall be on a time and materials basis not to exceed **One Hundred Forty-Four Thousand Nine Hundred Sixty Dollars (\$144,960.00)**. The billable rates for services provided shall be in accordance with Exhibits A and B.”

All other terms of the contract remain unchanged.

CITY OF ANACORTES

CONFLUENCE ENGINEERING GROUP LLC

By _____
Matt Miller, Mayor

By _____

Date _____

Date _____

Original Agreement Amount	<u>\$44,982.00</u>	Original Contract Completion Date	<u>12/31/2021</u>
Current Agreement Amount	<u>\$44,982.00</u>	Current Contract Completion Date	<u>12/31/2022</u>
Change Per this Modification	<u>\$99,978.00</u>	Net Change	<u>0</u>
Total After Modification	<u>\$144,960.00</u>	Contract Completion Date After Change	<u>12/31/2022</u>

City of Anacortes Water Quality Assessment & Planning Project Phase 2 - Scope of Work

Background

The City of Anacortes (City) has experienced increasing customer complaints and operational challenges related to periodic discolored water in recent years. Discoloration has been noted in certain infrastructure, and the cause of this discoloration is currently under investigation.

Phase 1 of this work evaluated available data and operational information and developed a set of observations and recommendations. This scope outline identifies actionable responses to Phase 1 work and assists the water utility to address areas of concern. This work also includes an update to the City's Coliform Monitoring Plan to reflect changes that have occurred in federal regulations.

Scope of Work – Water Quality Assessment & Planning Project – Phase 2

Task 1 – Water Quality Monitoring Plans (WQMPs) Development and Data Analysis

Objective

The purpose of this task is for Confluence to develop WQMPs for the Skagit River Source Water, the Filtration Facility, and the Water Distribution System(DS). These plans will enable the City to fill data gaps identified in Phase 1 and support the development of recommended responses. An outline of expected task activities is:

Activities

1. Prepare a Source and Treatment WQMP to include components for the following:
 - a. Baseline water quality conditions
 - b. Treatment Trials (if modifications to treatment processes are evaluated)
 - c. Event based monitoring, including monitoring in response to identified triggers.
2. Prepare a DS WQMP to include:
 - a. Baseline water quality conditions
 - b. Event-based monitoring, including monitoring in response to identified triggers.
3. Provide on-site technical assistance to support uniform and consistent monitoring technique and approach.
4. Analyze & Interpret collected data and revise plan as needed; revisions may include the parameters of interest, sampling frequency, or sampling locations.
5. Summarize findings in an interactive presentation.
6. Provide and approximately 10-page Technical Memorandum(TM) with data analysis, conclusions & recommendations.



Deliverables

1. DRAFT and FINAL WQMPs (under Task Items 1.1 and 1.2). The plans will include proposed schedules and outcome objectives.

City's Responsibilities

1. Complete reviews of the DRAFT WQMPs and provide a consolidated set of review comments.
2. Obtain necessary field equipment and reagents.
3. Implement monitoring plan and provide results to Confluence in an Excel format.
4. All laboratory-related fees and/or analytical costs.

Task 2 – Pilot Unidirectional Flushing (UDF) and Foam Swabbing (Swabbing).

Objective

Complete targeted cleaning trials of mains to better understand legacy accumulation, hydraulic mobility, and relative cleaning performance, and to inform recommended alternatives for ongoing system operations and maintenance in representative locations in the system. An outline of expected task activities is:

Activities

1. Review data and information from Task 2, discussion with operations personnel about previous work to identify candidate pilot areas for main cleaning trials. Review candidate areas with the City to select two pilot test areas.
2. Conduct an on-line virtual meeting (estimated up to 2 hours duration) with City staff to review equipment needs, protocols, and site selection options.
3. Develop main cleaning trials, including flush and swab journals, and monitoring plans, including estimates of operational duration.
4. On-site tests: Two Confluence staff members will travel to Anacortes to implement the DS UDF and Swabbing trials. Confluence staff will guide the operation of field activities, in coordination with City needs, and guide the collection of samples during the test period.
5. Organize, review, and develop materials for an interactive, on-line presentation of findings and recommendations from field trials, and prepare system specific UDF and Swabbing Standard Operating Procedures (SOPs)

Deliverables

1. Summarized list of key equipment and resource needs for the UDF and swabbing trials.
2. UDF and Swabbing SOPs.
3. Main Cleaning Trial Plans, flush journals, monitoring plans, lab analysis support, and planning Meeting Agenda
4. Materials for, and presentation of an online report and discussion of findings and recommendations from flushing & swabbing trials.



City's Responsibilities

1. Participate in Planning Meeting and on-line presentation of findings.
2. Provide staff/crew support for the DS flushing and swabbing trials. Procure additional resources, equipment, consumables, etc. as needed. Conduct all necessary system valving, hydrant operations, and other system operations needed to support flushing and swabbing trials.
3. Coordinate with Confluence on selection of location of the problem area for UDF and swabbing trials. Based on developed and documented flushing loops, pre-inspect areas to confirm assets are operable and water disposal can be accommodated, and procure necessary equipment.
4. All laboratory-related fees and/or analytical costs.
5. Participate in the online presentation of findings and recommendations from the field trials.

Task 3 – Coliform Monitoring Plan

Objective

Analyze and update the existing Coliform Monitoring Plan as needed for compliance with WAC 246-290-300 (3)(b), and City requirements, and update as needed to be in compliance with the Revised Total Coliform Rule. An outline of expected task activities is:

Activities

1. Review the current Coliform Monitoring Plan.
2. Coordinate and identify City objectives (required and desired content) for the revised Coliform Monitoring Plan (RCMP).
3. Prepare the draft RCMP for submittal to the City, to enable the City to submit the Plan to the Washington Department of Health (WDOH).
4. Revise the DRAFT plan to incorporate City and WDOH comments.

Assumptions

1. The RCMP content will meet the requirements of WAC 246-290-300 (3)(b).

Deliverables

1. DRAFT and FINAL Coliform Monitoring Plan

City's Responsibilities

1. Review the DRAFT plan and provide a consolidated comment set from City review.
2. Submit draft RCMP to WDOH.
3. Assist with addressing WDOH comments.



Task 4– Project Management

Objective

Organize and manage the project to fulfill the project objectives described in this Scope and provide in-person presentations (as directed by the City) of overall project findings.

Activities

1. Manage project team, budget, and schedule.
2. Prepare monthly progress reports and invoices.
3. Conduct quality control (QC) reviews of project deliverables.

Deliverables

1. Monthly progress reports and invoices.

City's Responsibilities

1. Review invoices and submit payment per the terms provided with the invoice.

OPTIONAL Task 5 – Distribution Main Cleaning Program Design & Training

Objective

Building on information from Task 2, Confluence will assist the City to develop a Distribution Main Cleaning program design and provide identified training. This scope will involve facilitating the work to frame the extent of the program, in terms of system coverage and cleaning approaches. This will be followed by development of the Unidirectional Flush sequence process for one area within the DS, and training for City Staff in the process of developing zone definitions within the area, and layout of flush sequences. This work will require support from City staff for mapping and hydraulic modeling details in order to implement the plan across the selected area of interest.

This task will collate all the components parts from Tasks 2 into a single program document. An outline of expected task activities is:

Activities

1. Together with City personnel, using an online meeting format, scope the main cleaning program geographic extent, identifying the area within the DS to be included. (Current assumption is that the full retail service area will ultimately be included in the long-term plan).
2. Define the applicable cleaning strategies and develop cleaning sequences (2 zones, up to 20 miles of pipe) and provide training to City Personnel in DS zone selection & sequence development. Training anticipated to be up to 8 hours on site.
3. Prepare DRAFT and FINAL Main Cleaning Program Plans. This will include documentation of program purpose, design, program elements, and recommended staffing requirements for program implementation, as well as SOPs, and tools for monitoring and data collection. An up to 2-hour online presentation of the Plan will be provided to City Personnel to aid in their review process.



4. Supplemental Project Management Support.

Deliverables

1. Agenda and Presentation materials for plan scoping meeting (Task 5.1).
2. DRAFT and FINAL Main Cleaning Program Plan (Task 5.4).
3. Agenda and Presentation materials for DRAFT Main Cleaning Program Plan overview meeting (Task 5.4).

City's Responsibilities

1. Participate in Plan Scoping Meeting and on-line presentation of findings.
2. Provide personnel for onsite training related to Mains Cleaning area selection and sequence design.
3. Review the DRAFT Plan and provide a consolidated set of review comments.
4. Implement the process for development of main cleaning sequences through the remainder of the distribution system.



Fee Estimate

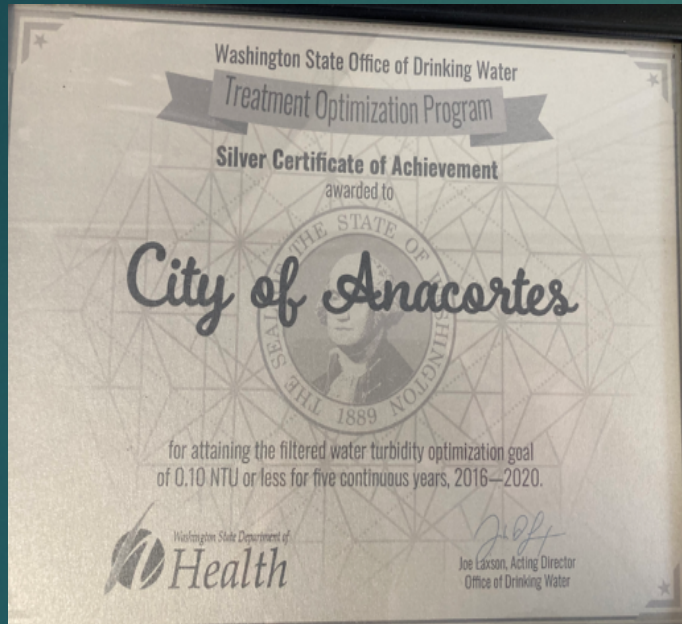
The fee estimate for this Scope Items 1- 4 is **\$99,978**. The additional fee estimate for OPTIONAL Task 5 is **\$40,422**, available only as separately authorized. The detailed build-up of this fee is provided in the tables below.

Water Quality Assessment & Planning Project - Phase 2										
Fee Estimate										
	Melinda Friedman	Chris McMeen	Alex Mofidi	Michael Hallett/ Al Vetrovs	Virpi	Danbi Won				
	Project Principal/QC	Project Manager	Technical Lead	Field/ Business	Project Engineer	Project Engineer	Total Hours	Total Labor	Total Direct Costs ⁽¹⁾	Total
Task	\$279	\$251	\$247	\$174	\$174	\$120		(\$)	(\$)	(\$)
1.0 Develop Water Quality Monitoring Plans (WQMPs)	8	88	0	22	64	16	198	\$41,204	\$110	\$41,314
1.1 Source and Treatment WQMP	2	18		8	24		52	\$10,644		
1.2 Distribution System WQMP	2	18		4	24		48	\$9,948		
1.3 Provide on-site technical assistance (monitoring)		8		8			16	\$3,400	\$110	
1.4 Analyze & Interpret collected data		8				16	24	\$3,928		
1.5 Summarize findings in an interactive presentation		12		2	8		22	\$4,752		
1.6 Provide 10 pg Tech Memo	4	24			8		36	\$8,532		
2.0 Main Cleaning Trials	2	12	32	156	0	56	258	\$38,618	\$480	\$39,098
2.1 Review data - establish candidate sites			8	32			40	\$7,544		
2.2 Conduct Planning Meeting (Teams or Zoom) (2 hr)		4	4	4			12	\$2,688		
2.3 Develop Main cleaning trial plans for 2 areas		4	4	40			48	\$8,952		
2.4 Conduct field work with concurrent program support		4	4	56			64	\$11,736	\$480	
2.5 Summarize findings in an interactive presentation	2		12	24			38	\$7,698		
3.0 Coliform Monitoring Plan (CMP)	2	12	0	0	18	28	60	\$10,062	\$0	\$10,062
3.1 Review the CMP		2				4	6	\$982		
3.2 Develop City Objectives for the CMP		4				4	8	\$1,484		
3.3 Update the Plan for submittal to WDOH	2	4			16	16	38	\$6,266		
3.4 Finalize CMP		2			2	4	8	\$1,330		
4.0 Project Management	4	20	8	8	0	0	40	\$9,504	\$0	\$9,504
4.1 Manage team, budget and schedule		12					12	\$3,012		
4.2 Prepare monthly progress reports		8		8			16	\$3,400		
4.3 Conduct QC review of deliverables	4		8				12	\$3,092		
Totals	16	132	40	186	82	100	556			
Costs	\$4,464	\$33,132	\$9,880	\$32,364	\$14,268	\$12,000		\$106,108	\$590	\$99,978
5.0 OPTIONAL Distribution Main Cleaning Program	6	86	0	98	0	0	190	\$40,312	\$110	\$40,422
5.1 Scope main cleaning program extent		8		8				\$3,400		
5.2 Define the applicable cleaning strategies, area & sequence Development & training		30		60				\$17,970	\$110	
5.3 Prepare Main Cleaning Program Documentation	4	40		24				\$15,332		
5.4 Supplemental Project Management Support	2	8		6				\$3,610		
Totals	6	86	0	98	0	0	190			
Costs (OPTIONAL Task 5)	\$1,674	\$21,586	\$0	\$17,052	\$0	\$0		\$40,312	\$110	\$40,422
Total Costs (with OPTIONAL TASK 5)										\$140,400

Notes 1. Includes travel, meals, equipment fee for field analytical equipment, if applicable
 Excludes commercial laboratory fees, which are to be paid directly from City to lab(s).

Water Quality Assessment & Planning Project - Phase 2										
Other Direct Costs										
#	Task	Days	Rental Car Rate	Cost	Gas Cost	Meals \$25/day/person	Lodging \$125/night	Analytical Equip. Days	Rate	Total Cost
1	1.4	1.0	\$40	\$40	\$20	\$50				\$110
2	2.4	3.0	\$40	\$120	\$60	\$150		3	\$50	\$480
3	5.2 (OPTIONAL)	1.0	\$40	\$40	\$20	\$50				\$110

Water Quality Assessment and Planning



CITY OF ANACORTES
PUBLIC WORKS



City of Anacortes

2020 Annual Water Quality Report



The City of Anacortes is pleased to present this report on your drinking water. Safe, high quality water is our top priority and we can say with pride that our water far surpasses Federal and State requirements for safety and quality.

In accordance with the Federal Safe Drinking Water Act, this report contains information about where your water comes from and how it's treated, monitored, and protected.

Water analysis is, necessarily, technical. But we hope you will find this report interesting and informative as well.

The next time you enjoy a refreshing glass of water, you'll know why you can rest assured of its safety and quality.

Anacortes Historical High-Water Quality

Water
Source

- Glacier Supplied

Chlorine
Residuals

- Exceeds required levels throughout system

Coliform
Control

- 528 water samples tested each year

Soft Water

- pH control – maintained at 7.5 - not corrosive

Maintaining High Water Quality

Production

- Source Control
- Monitoring programs
- Treatment techniques

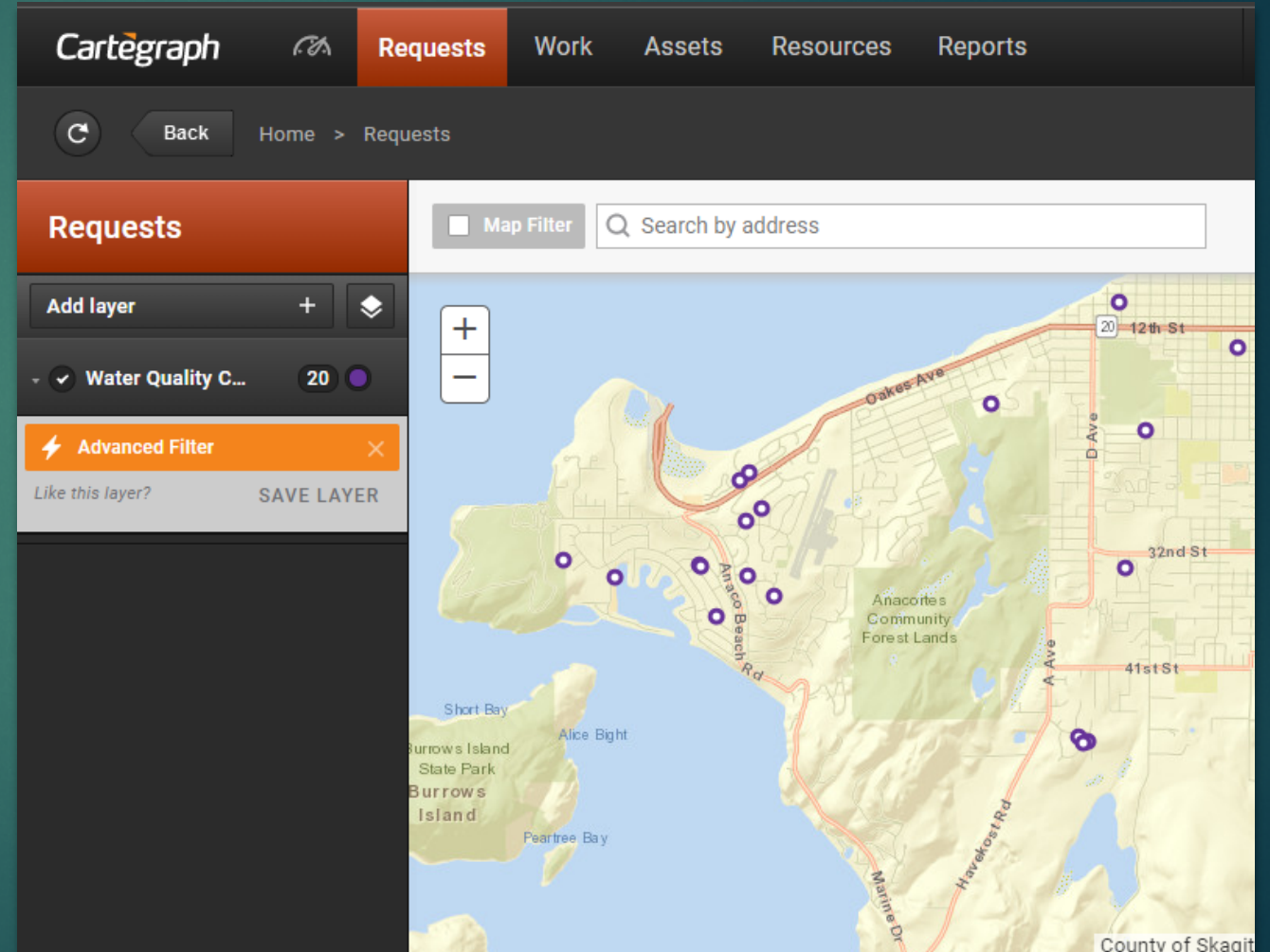
Distribution

- Monitoring programs
- Water Quality Maintenance

Asset Performance

Leading up to today

- ◆ Trending Cartegraph
 - ◆ Data driven decisions
- ◆ Reporting requirements Monthly Water Plant reports
- ◆ Annual Cross-connection report
- ◆ Operator observations



Evaluation – Looking Closer

- ◆ Initial evaluation June 2021 –During Clearwell construction
 - ◆ Aluminum (Al) & Manganese (Mn)
 - ◆ Inert
 - ◆ Meets drinking water standards
 - ◆ Sediments can shield micro-organisms from the disinfecting power of chlorine.
- ◆ Study July 2021
 - ◆ Identify causes
 - ◆ Identify Information gaps
 - ◆ Roadmap for mitigation



Assessment Report

- ◆ Source water tabletop evaluation
 - ◆ Sources of metals indicate episodic availability of metals
- ◆ Source sampled annually
- ◆ Coagulant dosage
- ◆ Pre-chlorination
- ◆ Distribution
 - ◆ Types of complaints



Next Steps

- ◆ Water Quality Monitoring Plan
- ◆ Establish baseline water quality conditions
 - ◆ Source water
 - ◆ Distribution system
 - ◆ Coliform Monitoring Plan
- ◆ Water main cleaning trials
 - ◆ Evaluate methods
 - ◆ Swabbing
 - ◆ Uni-Directional Flushing (UDF)
- ◆ Optional Tasks – In house

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City of Anacortes
Water Quality Assessment & Planning Project
Phase 2 - Scope of Work

Background

The City of Anacortes (City) has experienced increasing customer complaints and operational challenges related to periodic discolored water in recent years. Discoloration has been noted in certain infrastructure, and the cause of this discoloration is currently under investigation.

Phase 1 of this work evaluated available data and operational information and developed a set of observations and recommendations. This scope outline identifies actionable responses to Phase 1 work and assists the water utility to address areas of concern. This work also includes an update to the City's Coliform Monitoring Plan to reflect changes that have occurred in federal regulations.

Scope of Work – Water Quality Assessment & Planning Project – Phase 2



Propose contract award March 14

Fee \$99,978



Concurrently Q2 –Q3

Source monitoring plan development
Water Main Cleaning Trials



Full scale distribution cleaning
2023

Schedule

Questions?



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Thank You

Brian McDaniel Water System Manager