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- To watch, listen to, or participate in the meeting live, visit <https://us02web.zoom.us/j/84685300609> or telephone 1-253-215-8782 and enter Meeting ID 846 8530 0609.
- The public is encouraged to comment via email to pced@cityofanacortes.org, via written comment addressed to PCED, P.O. Box 547, Anacortes, WA 98221. Public comments received prior to 3:00 p.m. the day of the meeting will become part of the record for the meeting, just as if presented in person.
- Complete guidelines for virtual participation in Anacortes Planning Commission meetings are available [here](#) (page 2). View the quick video example for connecting to the meeting [here](#).

Anacortes Planning Commission
Municipal Building - Council Chambers
904 6th Street

September 27, 2023
6:00 PM

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

1. **Roll Call**
2. **Executive Session**
 - a. Potential Litigation or Litigation per RCW 42.30.110(1)(i) (15 minutes)
3. **Public Comment***
4. **Public Hearings**
 - a. Proposed Amendment to AMC 19.70.040(B) Exempt Activities

**Citizens wishing to comment on items not on the agenda may do so under Public Comment. Citizens wishing to comment during a public hearing may do so as those items are considered by the Planning Commission 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.



Planning Commission Agenda Bill

Meeting Date: September 27, 2023 **Agenda Item:** 4.a.

Subject: Proposed Amendment to AMC 19.70.040(B) Exempt Activities

Staff Contact: DARCY SWETNAM

Approved for Submittal to Commission by

LIBBY GRAGE
DARCY SWETNAM

Action Type

Public Hearing

Summary Statement: The ordinance is the result of a settlement agreement in the matter of Ian Munce v. City of Anacortes before the Growth Management Hearings Board. The Parties agreed to amend the Code as presented in the ordinance to resolve concerns over protections of critical areas, especially with regard to exempt activities allowed in wetland buffers.

The proposed amendment is subject to the procedures in [AMC 19.16 Legislative Actions](#). A public hearing has been advertised for September 27, 2023. Per [AMC 19.16.080](#), after the public hearing, the Planning Commission must deliberate and make a recommendation on the proposal to City Council.

Background:

Previous Action: None

Competing Viewpoints Considered: To date, the City has received one written comment from the Washington State Department of Natural Resources. No written comments from the general public have been received. Any comments received between the preparation of the agenda packet and the 9/27/23 meeting will be forwarded to the Commissioners. Public comment will be taken at the public hearing.

Recommended Motion: I move to recommend that the City Council adopt the proposed amendment to AMC 19.70.040(B) Exempt Activities, as presented.

Alternative Actions: Do not recommend adoption of the proposed amendment, or recommend adoption subject to changes.

Attachments (listed in order presented):

1. Draft Ord. 4058 Amending AMC 19.70.040(B)
2. Draft PC Recorded Motion
3. 20230818 DNR Comment

Ordinance No. 4058

An Ordinance Amending the Critical Area Regulations Contained in Anacortes Municipal Code Subsection 19.70.040(B) regarding Exempt Activities.

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 City Council adopted Ordinance 3064 updating the Critical Areas Regulations July 26, 2021; and

Whereas, the City Council adopted Ordinance 4025 amending the updated Critical Areas Regulations on October 17, 2022; and

Whereas, the City Council desires to further amend one subsection of the Critical Area regulations as described in Section 2 below to address potential impacts to critical areas;

Whereas, the proposed amendment to the Critical Areas regulations are in the best interest of the City of Anacortes residents; and

Whereas, the proposed amendment to the Critical Area Regulations set forth herein has been processed, reviewed, considered, and adopted in material compliance with all applicable state and local procedural requirements, standards and requirements, standards, and criteria, including but not limited to the requirements of Chapter 36.70A RCW.

Whereas, a public comment opportunity was provided for the proposed change to Section 19.70.040(B) at the September 27, 2023 Planning Commission meeting; and

Whereas, the City Council considered the Planning Commission recommendation at a meeting on _____, 2023; and

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.

Section 2. Development Regulation Amendments Adopted. The Anacortes Municipal Code at Section 19.70.040(B) is hereby amended to read as follows:

To be exempt from this chapter does not give permission to degrade a critical area or buffer or to ignore risk from natural hazards. All exempt activities must use reasonable methods to avoid potential impacts to critical areas and buffers. In every case, ~~harm~~ disturbance to the critical area's ~~functions and values~~ must be avoided if possible and minimized to the greatest extent possible. Disturbances ~~must be~~ minimized through best management practices and the use of low-impact equipment.

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 5 days after publication.

Section 6. PASSED and APPROVED this ____ day of _____, 2023.

CITY OF ANACORTES:

Matt Miller, Mayor

Attest:

Steve Hoglund, City Clerk-Treasurer

Approved as to Form:

Darcy James Swetnam, City Attorney



Anacortes Planning Commission
Recorded Motion Regarding Amendments to AMC 19.70.040(B) Related to
Exempt Activities in Critical Areas and Buffers

Proposal name:	Amend Anacortes Municipal Code Chapter 19.70 Critical Areas at Section 19.70.040(B) Exempt Activities
File Number:	LEG-2023-01
Documents available at:	https://www.anacorteswa.gov/1547/Legislative-Planning-Updates
Public hearing body:	Anacortes Planning Commission
Public hearing date:	September 27, 2023
PC deliberations:	September 27, 2023

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.

Findings of Fact and Reasons for Action

1. The City of Anacortes SEPA Responsible Official determined the proposal to be categorically exempt from SEPA review per WAC 197-11-800(19).
2. The City notified the State of Washington of its intent to adopt amendments to its development regulations on August 17, 2023 (Submittal ID 2023-S-6342). The 60-day notice period ends on October 16, 2023.
3. Public notice of the proposal and the public hearing was provided consistent with AMC 19.16.070, including publication on the Planning, Community & Economic Development Department webpage, email notice to the department's email list, and paid notice in the city's official newspaper.
4. The Planning Commission held a public hearing to take oral and/or written comments on the proposed amendments on September 27, 2023.
5. The Planning Commission deliberated and considered all relevant matters including public hearing testimony and written comments, staff recommendations and analysis, legal advice, and consistency with the Anacortes Comprehensive Plan.
6. Based upon a review of the public testimony, the staff recommendations and analysis, and legal advice, the Planning Commission finds that the proposed amendments

consistent with the Anacortes Comprehensive Plan and the City of Anacortes' local regulations and policies.

Recommendation

The Planning Commission recommends that the City Council adopt the proposed amendment to AMC 19.70.040(B) related to exempt activities as presented.

This recorded motion approved September 27, 2023.

Commission Vote	Support	Oppose	Absent	Abstain
Ward MacKenzie, Chair				
Jeffrey Graf				
Paul Ryan				
Frank Jeretzky				
Linda Martin				
James Stoneman				
William McCombs				
Total				

ANACORTES PLANNING COMMISSION
ANACORTES, WASHINGTON

Ward MacKenzie, Planning Commission Chair

Date

Libby Grage

From: Sears, Tricia (DNR) <Tricia.Sears@dnr.wa.gov>
Sent: Friday, August 18, 2023 8:43 AM
To: Libby Grage
Cc: Sears, Tricia (DNR); Long, Lexine (COM)
Subject: Anacortes Critical Areas Ordinance amendment: WGS comments

***** This email is from outside the City of Anacortes network. Please use caution when clicking on links, opening attachments, or replying. *****

8/18/23

Hello Libby,

In keeping with the interagency correspondence principles, I am providing you with draft comments on Anacortes's Critical Areas Ordinance update (Commerce ID# 2023-S-6342).

I looked at the entire proposal and focused on areas related to WGS work.

There are no changes related to mineral resource lands. There are no changes to geologically hazardous areas in the text. There is one change regarding exempt activities. Kudos to you for making this change!

With that in mind, there are a couple things I will note for your consideration, related to geologically hazardous areas.

If you have not checked our interactive database, the WGS Geologic Information Portal, lately, you may wish to do so. [Geologic Information Portal | WA - DNR](#)

If you have not checked out our Geologic Planning page, you may wish to do so. [Geologic Planning | WA - DNR](#)

Thank you for considering our comments. If you have any questions or need additional information, please contact me. For your convenience, if there are no concerns or follow-up discussion, you may consider these comments to be final as of the 60-day comment deadline of 10/16/23.

Cheerio,
Tricia

Tricia R. Sears (she/her/hers)
Geologic Planning Liaison
Washington Geological Survey (WGS)
Washington Department of Natural Resources (DNR)
Cell: 360-628-2867 | Email: tricia.sears@dnr.wa.gov