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

June 26, 2024
6:00 PM

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

1. **Roll Call**
2. **Minutes**
 - a. There were no minutes submitted for review.
3. **Public Comment**
4. **Public Hearings**
5. **Other Business**
 - a. Anacortes Shoreline Permit Monitoring Project
 - b. Planning Commission Procedures
6. **Planning Department Update**
7. **Adjournment**

**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.*

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Planning Commission Agenda Bill

Meeting Date: June 26, 2024

Agenda Item: 5.a.

Subject: Anacortes Shoreline Permit Monitoring Project

Staff Contact: LIBBY GRAGE

Approved for Submittal to Commission by

LIBBY GRAGE

John Coleman

Action Type

Presentation

Summary Statement: The City received grant funding from the Washington State Department of Ecology to develop and implement a "Shoreline Permit Monitoring Project". The overall goal of the project was to understand if development within the shoreline area is being authorized consistent with the Shoreline Master Program (SMP) and whether projects, as built, comply with the issued permits. The project reviewed a sampling of shoreline authorizations for SMP compliance, identified gaps in the City's permitting system, and identified possible solutions for improving implementation.

Alex Capron, Senior Planner with Facet, the city's contracted consultant assisting on the project, will attend the 6/26/24 PC meeting virtually to present the project and its findings.

Background: The Shoreline Management Act was enacted in 1972 to provide for the management and protection of the state's shoreline area resources by planning for reasonable and appropriate uses. The law provides a two-tier planning and regulatory program by the state and local government. By law, the City is responsible for:

- A. Preparation of a "Master Program" in accordance with the policies and requirements of the Act and the State Shoreline Guidelines (WAC 173-26).
- B. Development of a permit system in accordance with the requirements of the Act.

The City adopted the 2010 Anacortes Shoreline Master Program in 2010. A periodic update to the SMP is currently underway. The City's shoreline permit system is outlined in the Anacortes Municipal Code (AMC) Ch. 18.16, Shoreline Master Plan, and Ch. 19.20 Application Procedures.

Previous Action: N/A

Competing Viewpoints Considered: N/A

Recommended Motion: N/A - This is an informational presentation only.

Alternative Actions: N/A

Attachments (listed in order presented):

1. PC Cover Memo_2024.06.24
2. Shoreline Master Program Compliance Assessment_2024.06.21
3. Presentation Slides



Date: June 21, 2024

To: Libby Grage, Planning Manager - City of Anacortes Planning, Community & Development Department

From: Alex Capron, AICP, Senior Planner

Project Name: Anacortes SMP Permit Monitoring

Ecology Grant: SEASMP CZMP-2224-Anacor-00003

Subject: Anacortes SMP Permit Monitoring Project

In the fall of 2023 the City of Anacortes began working with Facet (formerly DCG/Watershed) to establish a Shoreline Master Program (SMP) Permit Monitoring Database to track SMP compliance for current and future shoreline permit authorizations. The intent with this database is to quantify impacts both waterward and landward the Ordinary High Water Mark (OHWM) as well as mitigation effectiveness for projects within roughly 200-feet adjacent to all marine shorelines, Lake Shannon, Little Cranberry Lake, Heart Lake, Lake Erie (NE portion) and Whistle Lake (Shorelines of the State).

This project concludes with the following:

1. Comprehensive review spreadsheet of 35 shoreline permits (since SMP Comprehensive Update adoption in 2010).
2. Completed internal database including 35 entered permits, as-built and 5-year mitigation monitoring (where required and documented), color-coded by due date.
3. SMP Compliance Assessment Report
 - a. Summary Review of Permit Findings
 - b. Shoreline Permit Checklist

Items #1 and #2 (internal City documents) and item #3 will all be discussed as part of this June 26th presentation to Planning Commission.



FACET
Formerly DCG / Watershed

Shoreline Master Program Compliance Assessment

CITY OF ANACORTES

JUNE 21, 2024

Prepared for:

Department of Ecology, Shorelands

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Prepared on behalf of:

City of Anacortes

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Agreement Number: SEASMP CPCZM-2224-Anacor-00003

Facet Reference: 2108.0182.00

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This report was prepared by Facet and the City of Anacortes using federal funds under Washington State Coastal Zone Management Award NA20NOS4190065 from the NOAA Office for Coastal Management, U.S. Department of Commerce. The statements, findings, conclusions, and recommendations are those of the authors and do not necessarily reflect the views of NOAA or the U.S. Department of Commerce.

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APPENDIX A: Review of Permit Findings

APPENDIX B: Shoreline Permit Checklist

1. Project Overview

1.1 Background

In 2022, the Washington State Department of Ecology (Ecology) awarded funding to jurisdictions across the state under the Shoreline Planning Competitive Grant Program to be used to support local government shoreline planning efforts. The City of Anacortes (City) elected to use awarded funds to implement a Shoreline Permit Monitoring Program to better assist the City with tracking and implementation of shoreline permits. The City contracted Facet¹ to assist with the project and determine if development within shoreline jurisdiction is being authorized consistent with regulations of the City's Shoreline Master Program (SMP) and whether completed authorized projects are compliant with issued permits.

The primary focus of the project was to ascertain whether SMP requirements are achieving no net loss of shoreline ecological functions (NNL). To determine this, shoreline authorizations issued over the past 14 years (since SMP adoption in 2010) were reviewed for SMP compliance and compensatory mitigation. A summary of findings from this review was compiled into a spreadsheet and analyzed to help identify compliance gaps. A permit tracking system was developed to collect important project details, assist City staff in determining if mitigation sequencing and compensatory mitigation are required, track receipt of as-built and monitoring reports (when required), and ultimately help to ensure no net loss of shoreline ecological functions.

1.2 Applicability

The current SMP is the September 2010 City of Anacortes Shoreline Master Program. The SMP applies to the waters within City limits, all lands extending landward 200 feet in all directions from the ordinary high-water mark (OHWM), and associated wetlands. Waterbodies and shorelines regulated under the City's SMP include the following:

- Lake Shannon
- Little Cranberry Lake
- Heart Lake
- Lake Erie
- Whistle Lake
- Burrows Bay
- Fidalgo Bay
- Flounder Bay
- Guemes Channel
- Padilla Bay

¹ Formerly DCG/Watershed

1.3 SMP No Net Loss Standards

No net loss provisions are located throughout the City's SMP, including the following sections:

- 6.3 – Impacts, Mitigation, Bonding
- 6.5 – Vegetation Conservation
- 6.6 – Critical Areas – General
- 6.7 – Fish and Wildlife Habitat Conservation Areas
- 6.8 – Frequently Flooded Areas and Tsunami Inundation Areas
- 6.9 – Geologically Hazardous Areas
- 6.10 – Wetlands
- Chapter 9 – Specific Shoreline Modification Policies and Development Regulations

2. Methodology

Shoreline permits issued within the past 14 years were selected using a randomized Microsoft Excel spreadsheet. A total of 35 issued permits were reviewed, including six pilot permits to establish a permit evaluation methodology, followed by 29 additional permits. A review of all permit documents provided by the City, such as site plans, supplemental reports, findings of fact, and issued permits, was completed to assess whether issued permits have been meeting the no net loss standards established in the City's 2010 SMP. The results of each permit review were compiled into a spreadsheet for consistency. Information collected included permit number, permit type, project description, if mitigation sequencing was necessary/provided, if mitigation was required/provided, if as-built documentation was provided, and no net loss observations. It should be noted that of the permits reviewed, one was denied (SDP-2015-0004a), one permit has not yet been issued (SLX-2022-0030), and two permits have not been started/completed to date (SDP-2020-0002 and SDP-2015-0001). Upon reviewing permits, information gathered was analyzed and documented in a Memo of Shoreline Permit Review Findings (Appendix A) and further used to develop a permit tracking spreadsheet using Microsoft Excel.

3. Compliance Assessment

3.1 Permit Review Findings

Of the 35 permits reviewed, 20 were substantial shoreline development permits and 15 were letters of shoreline exemption. Issued letters of shoreline exemption were found to meet the exemption criteria listed in SMP Section 2.4. Twenty-five permits required a demonstration of mitigation sequencing based on the type of development, proposed impacts, and/or presence of critical areas; however, 68%

of these permits did not include documentation that demonstrated mitigation sequencing was performed. Submitted site plans generally lacked existing and proposed conditions, identification of critical areas, and/or quantified impacts, making project-related impact assessments difficult to determine. When landscape and mitigation plans were included with the permit application, they did not consistently meet landscaping standards outlined in the Vegetation Conservation Regulations subsection (SMP 6.5(C)), specifically Development Regulations (DR) DR-6.5.7 and DR-6.5.8.

Many of the projects reviewed appeared to be within 300 feet of a Fish and Wildlife Habitat Conservation Area (FWHCA), though it was unclear from the application packages whether this possible critical area impact was fully understood. Per the Critical Areas Regulations in Appendix A of the SMP, a critical areas report is required for projects located within 300 feet of a critical area. Pursuant to SMP Appendix A, Section A-5.2.C.(5), a critical area report for projects adjacent to FWHCAs require a discussion addressing avoidance, minimization, and mitigation measures proposed to preserve existing habitats and restore any habitat that was degraded prior to the current proposed land use activity. Further, SMP DR-6.7.6 relies on a critical area report to establish the extent of additional vegetated buffer areas adjacent to FWHCAs. Based on our review, critical area reports were infrequently required by the City and were often not included in the application materials to determine whether there was a species with primary association to or adjacent to a given project site. While some permit submittals included a Biological Evaluation (BE) or Habitat Assessment, these reports inconsistently provided an impact analysis and/or mitigation recommendations. BEs generally assess project impacts associated with federally listed and endangered species and are not a substitute for a critical areas report to demonstrate compliance with the SMP.

Based on the SMP development regulations (SMP Section 6.3), mitigation for shoreline impacts was required for 21 permits. However, mitigation plans and as-built reports were inconsistently provided. Further, DR-6.3.10 requires periodic monitoring for up to five years as a condition of approval. These requirements appear to be lumped into a blanket condition of approval that states, *"The Project shall comply with all applicable SMP regulations, including Chapter 5, Shoreline Environments and Associated Policies and Regulations, Chapter 6, Environmental Protection General Regulations, Chapter 8, Specific Use Policies and Development Regulations and Chapter 9, Specific Shoreline Modification Policies and Development Regulations."* Given these requirements do not appear to be consistently met from project to project, it may be beneficial to clearly require as-built documentation within six months of installation (tied to the project's clearing and grading or construction permit) and periodic monitoring reports for up to five years as individual conditions of permit, rather than grouped into a general statement.

3.2 Project Tracking Spreadsheet

The permit tracking spreadsheet was designed to capture project details and specific information to help City staff consistently administer SMP standards through shoreline permit approvals and ensuring no net loss of ecological functions. Some of the fields listed in the permit tracking spreadsheet can be included as required fields on the permit application so the onus of providing the information is on the applicant. See Section 3.3 below for suggestions on information to be collected by applicants. While

completing the project tracking spreadsheet will require additional work from City staff, in the long term it will help ensure the City is receiving required documentation consistent with SMP provisions and no net loss standards.

Additionally, the spreadsheet has a tab dedicated to tracking monitoring requirements. As built documentation and monitoring reports were inconsistently provided to the City. Based on the response to *Mitigation Required* in the permit database tab, the permits requiring as built and monitoring reports will populate in the Monitoring Tracking tab with additional details to be filled in. Should the City upgrade to a different permitting software in the future, this information could be used to send email or notification reminders to permit applicants whose projects require mitigation monitoring for up to five years.

3.3 Permit Applications

The City uses SmartGOV software for permit applications. SmartGOV allows the City to add custom fields, additional text, or drop-down options for the applicant to fill out. Some of the required fields that are currently under the Details tab include:

- Present zone designation
- Are there critical areas or buffers on site?
- Shoreline Environment Designation
- Shoreline Substantial Development type
- Flood Zone

Based on our review of recent permits and development of the permit tracking spreadsheet, modifications to the Details tab that would benefit City staff and help ensure no net loss of shoreline ecological functions could include the following:

- An additional field that asks for the waterbody (For example: *List the waterbody the project is within or adjacent to.*)
- A drop down to the question, *Are there critical areas or critical area buffers on site?* If the answer is Yes, a Yes/No drop down asking *Has a Critical Areas Report been prepared by a Qualified Professional?* should follow. If an applicant selects No to this question, a second drop-down asking, *Explain why a Critical Areas Report is not applicable* could follow.
- An additional field that asks, *Does the project have unavoidable impacts to the shoreline setback?* If the answer is Yes, a Yes/No drop-down asking, *Has a mitigation plan been prepared to compensate for unavoidable impacts?* If an applicant selects No to this question, a second drop-down asking, *Explain why mitigation is not required* could follow.
- An additional field that asks, *Does the project result in new clearing of vegetation within a critical area buffer or shoreline setback?* If the applicant selects Yes to this question, a drop-down asking, *Explain*, should follow.

Ultimately, the City could require the applicant to provide some or all of the details identified on the permit tracking spreadsheet. The more information the City requires the applicant to provide during the applicant process, the more efficient filling out the spreadsheet will be for City staff. However, the application process should be fairly straightforward so that it does not become burdensome to applicants. Handout type documents like Frequently Asked Questions, permit flow charts, and other guidance documents may be useful in assisting applicants with providing the necessary information and submitting the appropriate documentation.

3.4 SMP Review

SMP Section 6.5 – Vegetation Conservation

The vast majority of upland development requires some form of clearing and grading to establish a development footprint. For development (including replacement of structures) of any kind within 200-feet of a marine or lake OHWM, a landscape plan must be provided unless explicitly waived by the City. This is supported by DR—6.5.7 stating, *“Clearing and grading within shoreline jurisdiction shall only be permitted upon approval of a detailed landscape plan for revegetation.”*

Based upon the review of shoreline permits, the City is not consistently requiring or receiving landscape plans. Separate standards under DR-6.5.8 dictate that for any project abutting a shoreline, a project’s length in total linear feet must provide a 10-foot wide by 10-foot long minimum vegetation conservation area within 15-feet of the OHWM consisting of native plantings that are saltwater tolerant if adjacent to marine shorelines. For new development, this includes 50% of project’s shoreline length in linear feet and 25% of project’s shoreline length for redevelopment projects. The DR 6.5.8 requirement only occurs when a project ‘abuts’ or is adjacent to the OHWM, whereas clearing and grading requires a landscape plan for any new development within shoreline jurisdiction, per DR-6.5.7. Abut is not defined within the SMP, whether this is exclusively within the shoreline setback or not.

Further, DR-6.5.7 includes specific revegetation landscaping standards, such as nursery stock requirements and survival standards. However, much of the project work is varied in how mitigation is considered. For example, there were several projects including derelict creosote-treated pile removal that were considered self-mitigating, and spawning gravel placement for bulkhead repair where no landscape plan was submitted. Based on the provision above, a landscape plan was required in 61% of the permits reviewed; with 42% of permits reviewed included a landscape or planting plan. The remaining 39% of permits (14 total) reviewed were either self-mitigating, repair, or included beach nourishment and did not appear to trigger mitigation within the vegetation conservation area or waterward of the OHWM.

To establish a more bright line standard improving degraded shoreline vegetation City-wide, the City could also be more explicit in the status of shoreline vegetation (or lack thereof) and establish that degraded shoreline setbacks represent a nonconforming situation relating to the policies and development regulations within SMP 6.5 Vegetation Management. A definition would need to be more readily established for what this condition constitutes, followed by more specific instructions for revegetation plans, including whether the entire shoreline setback (save for proposed development)

should be revegetated to alleviate a nonconforming condition. This has parallels with the existing Critical Areas Appendix A (SMP A-5.3(G)), specifically establishment of Fish and Wildlife Habitat Conservation Area buffers by a qualified professional's critical areas report establishing that, "...*buffer widths shall reflect the nature of existing vegetation, sensitivity of the habitat, and the type and intensity of human activity proposed to be conducted nearby.*"

SMP Section 5.9 – Shoreline Residential

For developments within the shoreline residential environment, DR-5.9.11 requires lots where riparian vegetation does not exist or is degraded to replant or retain at least 15 percent of the total lot area with native vegetation. This regulation further specifies that for lots that border the OHWM, all revegetation must take place within the shoreline setback. Of the permits reviewed, eight were within the shoreline residential environment. Only one permit included riparian plantings and the plantings did not constitute 15 percent of the lot size. Submitted site plans did not contain comprehensive existing conditions and vegetation was not included; therefore, determining existing riparian conditions and compliance with the above regulations was not possible.

To ensure no net loss of shoreline ecological functions, it is good practice to require native vegetation to be maintained or planted within shoreline setbacks. For example, the Restoration and Permitting Program for Lake Washington and Lake Sammamish in King County requires a minimum of two trees and three shrubs to be planted within 10 feet of the OHWM for all shoreline related projects. Based on aerial photographs and site plans that were submitted, residential shorelines in the City generally lack riparian vegetation and are often already developed, which could be interpreted as degraded conditions.

The City may consider amending the SMP to include a simpler requirement for riparian revegetation in the shoreline residential environment. Additionally, the City should require a separate revegetation calculation that quantifies 15 percent of the lot area and demonstrates compliance with the standards of DR-5.9.11 through retention or replanting. Until this amendment/clarification to the SMP is made, the City should require site plans to include existing vegetative conditions for all projects within the shoreline residential environment, regardless of impacts proposed to clearly establish baseline conditions.

SMP Section 6.3 – Impacts, Mitigation, and Bonding

SMP Section 6.3 includes development regulations that state all shoreline development and activity must be located, designed, constructed, and managed in a manner that avoids, minimizes and/or mitigates adverse impacts to the environment and that the preferred mitigation sequence shall follow that listed in WAC 173-26-201((2)(e) [DR-6.3.1]. Additionally, Section DR-6.3.2 states, "*If impacts cannot be avoided through design modifications, the City shall require mitigation commensurate with the project's adverse impacts.*" However, the SMP is not clear on *when* a demonstration of mitigation sequencing and no net loss is required. The lack of mitigation sequencing and mitigation plans received by the City from permit applicants indicates this is likely unclear for both applicants and City staff.

Per Shoreline No Net Loss and Mitigation guidance published by Ecology (May 2023), applicants must demonstrate how mitigation sequencing will be applied to achieve no net loss. Further, unavoidable impacts within the shoreline setback generally require compensatory mitigation. Project categories that require a NNL analysis because they do not typically avoid all impacts include:

- Use or development occurring waterward of the OHWM;
- Use or development occurring within a shoreline buffer (or setback);
- Use or development occurring on a site with a critical area or critical area buffer;
- Use or development requiring a shoreline conditional use permit or shoreline variance; and
- Use or development required by the SMP to document mitigation sequencing.

A demonstration of mitigation sequencing can be documented through a number of means but is most commonly provided through a combination of application materials, such as site plans, project narratives, and SEPA checklists. For some projects, the City may want to require a more robust demonstration of how mitigation sequencing was applied to achieve no net loss, such as a No Net Loss Analysis. The City should consider including an amendment to the SMP that clearly states a demonstration of mitigation sequencing is always required for shoreline developments to ensure the proposal meets no net loss standards. The SMP should also specify when a more detailed demonstration, such as a NNL Analysis, is required. The City could consider adding similar language to its SMP to provide clarity and guidance on when an analysis of no net loss is required and what the report shall entail.

4. Conclusions

Overall, the City does not always receive appropriate documentation that demonstrates mitigation sequencing or addresses critical areas pursuant to the SMP. Several existing permits within initial permit review note that conditioning SMP mitigation requirements is inconsistently done. Finally, few as-built reports and no monitoring reports verifying mitigation installation, maintenance, and monitoring were included in the permit materials, though they may exist within other e-mail accounts at the City. The SMP itself is not clear on when a demonstration of mitigation sequencing and no net loss is required, nor does it describe what a no net loss analysis should include. As a result, City compliance with no net loss standards of the SMP is inconclusive but is most likely not being achieved.

The City can begin implementation of the permit tracking spreadsheet and make adjustments to the permit application itself in SmartGOV to require more specific information and project details that will ultimately assist the City in determining if a project is meeting no net loss of shoreline ecological functions. Specifically, the SmartGOV application must require applicants to enter existing conditions, quantified impacts, subsequent mitigation area, and details regarding landscape or planting plans. Further, the developed permit monitoring spreadsheet can track and remind staff of as-built and maintenance and monitoring deadlines.

Finally, the City may consider amendments to the SMP in its Periodic Update to provide clarity on what is considered a nonconforming situation regarding vegetation conservation areas within the shoreline setback, as well a demonstration of mitigation sequencing for all new shoreline development and addressing no net loss of shoreline ecological function for critical area reports.

5. Recommendations

1. Amend the SMP to clearly state that a demonstration of how mitigation sequencing will be applied to achieve no net loss is always required and when a more detailed demonstration of how a project meets no net loss is required.
2. Require necessary documentation during application submittal:
 - a. Critical Area Reports for projects adjacent to or within Fish and Wildlife Habitat Conservation Areas (and other projects with critical areas) in order to assess impacts to species that have a primary association to the project area.
 - b. Site plans must include a description of existing conditions, including existing vegetation.
 - c. Landscaping plans for revegetation.
3. Require a project's length in total linear feet to meet compliance with vegetation conservation standards for new development (50% of project's shoreline length in linear feet) and redevelopment (25% of project's shoreline length) (DR-6.5.8).
4. Require a revegetation calculation for projects in the shoreline residential environment to demonstrate retention or planting area that equates to 15 percent of the lot size.
 - a. Consider establishing a clear nonconforming definition as it relates to degraded vegetation conservation areas within shoreline setbacks, and what constitutes conformance with the SMP in development scenarios.
5. Require as-built documentation and annual monitoring reports as separate conditions of permit to ensure mitigation was implemented according to the approved plans, including installation of native plantings.
 - a. Consider requiring performance bonds, as necessary.
 - b. Establish checkpoints within the permitting documentation to ensure monitoring performance standards are met prior to release of maintenance bonds, as applicable.
6. Add fields to permit application to collect additional details from the applicant.
7. Develop handouts like Frequently Asked Questions, permit submittal checklists, permit flow charts, and other guidance documents.

References

City of Anacortes Shoreline Master Program. September 2010. (anacorteswa.gov/1095/SMP-Update).

Washington State Department of Ecology. Shoreline No Net Loss and Mitigation Guidance for Local Governments. May 2023.

APPENDIX A: Review of Permit Findings

TECHNICAL MEMORANDUM



Date: February 26, 2024

To: Libby Grage, City of Anacortes Planning Manager

From: Alex Capron, AICP, Senior Planner | Devin Melville, Environmental Planner

Project Name: City of Anacortes SMP Permit Monitoring

Project Number: 2108.0182.00

Subject: Shoreline Permit Review Findings

The City of Anacortes contracted DCG/Watershed to assist with implementation of the City's Shoreline Permit Monitoring Program project to determine if development within shoreline jurisdiction is being authorized consistent with regulations of the City's Shoreline Master Program (SMP) and whether completed authorized projects comply with the issued permits. The project primarily focuses on whether SMP requirements are achieving no net loss of shoreline ecological functions (NNL). Information gathered during permit review was analyzed for compliance with the SMP and to help identify compliance gaps. Ultimately, the City will develop a final report that documents methods and results for the proposed permit tracking system, as well as adaptive management techniques to address any compliance gaps identified.

Methodology

Shoreline permits issued within the past five years were selected using a randomized Microsoft Excel spreadsheet. A review of all permit documents, including site plans, supplemental reports, findings of fact, issued permits, as-builts, and monitoring reports was completed to assess whether the issued permits have been meeting no net loss standards established in the City's 2010 SMP. The results of each review were compiled into a spreadsheet for consistency.

Findings

A total of 36 issued permits were reviewed, including six pilot permits and 30 additional permits. Of the 36 permits, 21 were substantial shoreline development permits and 15 were shoreline exemption permits. Issued shoreline exemptions met the exemption criteria listed in Section 2.4 of the SMP. 26 permits required mitigation sequencing based on the type of development, proposed impacts, and presence of critical areas. Our review found that 42% of the permits included documentation that demonstrated mitigation sequencing, while 58% of the permits did not. It should be noted that one of these permits was denied (SDP-2015-0004a).

Site plans generally lacked existing and proposed conditions, identification of critical areas, and/or quantified impacts, making project-related impact assessments difficult to determine. When landscape and mitigation plans were included in the permit application, they did not always appear to meet species and density criteria outlined in the Environmental Protection General Regulations section of the SMP. Based on the SMP development regulations, mitigation for shoreline impacts was required for 21 permits. However, mitigation was infrequently included in the conditions for approval and only a handful of as-built reports were provided. Further, Development Regulation 6.3.10 of the SMP requires periodic monitoring for up to five years as a condition of approval. This requirement was not included as a condition of approval on any of the shoreline permits reviewed. It should be noted that of these permits, one permit has not yet been issued (SLX-2022-0030) and two permits have not been started/completed to date (SDP-2020-0002 and SDP-2015-0001). Thus, no as-built or monitoring reports would even be possible for these permits. This may also be the case for other projects.

Most of the projects reviewed were within 300 feet of a Fish and Wildlife Habitat Conservation Area (FWHCA). Per the Critical Areas Regulations in Appendix A of the SMP, a critical area report is required for projects located within 300 feet of a critical area. Pursuant to SMP Appendix A, Section A-5.2(C)(5), a Critical Area Reports for projects adjacent to FWHCAs require a discussion addressing avoidance, minimization, and mitigation measures proposed to preserve existing habitats and restore any habitat that was degraded prior to the current proposed land use activity. Further, SMP DR-6.7.6 relies on a Critical Areas Report to establish the extent of additional vegetated buffer areas adjacent to FWHCAs. Based on our review, Critical Area Reports were infrequently required by the City and therefore were not often included in the application materials. Some permit submittals included a Biological Evaluation (BE) or Habitat Assessment, however these reports inconsistently provided an impact analysis and/or mitigation recommendations. BEs typically assess project impacts associated with federally listed and endangered species and do not address project impacts specific to shoreline ecological functions.

Conclusions

The City is not always consistently receiving documentation that demonstrates mitigation sequencing or addresses critical areas pursuant to the SMP. Further, conditioning these requirements within shoreline authorizations is also inconsistently done. Submitted documents sometimes lack required information, such as quantified impacts, subsequent mitigation, and landscape or planting plans. Finally, few as-built reports and no monitoring reports verifying

mitigation installation, maintenance, and monitoring were included in the permit materials. Therefore, it cannot be concluded that the City is meeting no net loss standards of the SMP.

Recommendations

To ensure no net loss of shoreline ecological functions during future development activities, the following recommendations should be considered:

1. Require that mitigation sequencing be clearly demonstrated for the entire shoreline environment, or reasons why it isn't applicable.
2. Require Critical Area Reports for projects adjacent to Fish and Wildlife Habitat Conservation Areas in order to assess impacts to species that have a primary association to the project area.
3. Require as-built documentation as a condition of permit to ensure mitigation was implemented according to the approved plans, including installation of native plantings.
 - a. Consider requiring performance bonds, as necessary.
4. Require periodic monitoring for up to five years and annual monitoring reports to ensure success of the required mitigation.
 - a. Establish checkpoints within the permitting documentation to ensure monitoring performance standards are met prior to release of maintenance bonds, as applicable.

APPENDIX B: Shoreline Permit Checklist

APPLICATION CHECKLIST

Please use the following checklist to ensure you provide all the items required under the City of Anacortes SMP ([2010 Adopted SMP](#), and [Shoreline Environment Designation Map](#)). If you believe that an item is not applicable, write N/A and explain why in the blank. All of the blanks under “Applicant Use” must be filled in for this application to be accepted as complete and for the review process to begin.

Applicant Use	Application Requirements	City Use Only
☐	Assessor’s Map that clearly identifies the subject site and any contiguous properties in the same ownership. To find your parcel, click here to go to the City’s interactive map gallery page.	
☐	Site Plan no larger than 11” x 17” on paper showing the following: (See attached example) ☐ Drawn to standard engineering scale, e.g., 1”= 20”. Provide scale bar and north arrow ☐ Parcel/property boundaries, lot dimensions, and area of lot (square feet or acres) _____ Square footage of new or replaced impacts (i.e. vegetation conversion, construction, impervious surface) to shoreline setback (landward of Ordinary High Water Mark (OHWM)) _____ Square footage of new in-water impacts _____ Linear feet distance between OHWM and proposed landward development _____ Square footage of mitigation area proposed _____ Linear feet of new or replaced shoreline stabilization ☐ Name of all roads bordering the property and beach access if applicable ☐ Where appropriate, proposed land contours using five-foot intervals in water area below the OHWM and ten-foot intervals on areas beyond the OHWM, if development involves grading, filling, or other alteration of land contours. ☐ Location of existing and proposed utilities such as sewer, septic tank(s), drainfield(s), water, gas, electric, etc. ☐ Location of the OHWM of the regulated waterbody ☐ Waterbody buffer, steep slope buffer, and shoreline setback relevant to the shoreline designation for the parcel(s) ☐ Location and square footage of all existing and proposed structures (including decks) ☐ Distance from any existing and proposed structures to the OHWM and property lines ☐ If reduced setback is proposed, structures on adjacent lots must be shown ☐ Source, composition, and volume of fill materials ☐ Composition and volume of any extracted materials and proposed disposal area. ☐ Location of known wetlands, wildlife habitats, or other critical areas ☐ Top of toe of all slopes/bluffs and distance of proposed development to these features ☐ Existing and proposed impervious surfaces: Location and amount (includes building footprint, roof overhangs, driveways, walkways) within 200 feet of the OHWM. ☐ Show which areas are within shoreline jurisdiction. Click here to view the Shoreline Jurisdiction and Environment Designation Map.	
☐	Vicinity Map ☐ Indicated site location using natural points of reference (roads, state highways, etc.) ☐ If the development involves the removal of any soils by dredging or otherwise, identify the proposed disposal site on the vicinity map. If the disposal site is beyond the confines	

	of the map, provide another vicinity map showing the locations of the site and its distance to the nearest city or town. ☐ Provide a brief narrative description of the general nature of the improvements and land use within 1000 feet in all directions from the development site (i.e. residential to the north, commercial to the south, etc).	
☐	Basic Elevation/Cross Section drawings that provide a visual diagram of the finished project (paper size no larger than 11"x17"). Elevation drawings need to include: • Existing ground elevations • Proposed ground elevations • Height of existing structures • Height of proposed structures	
☐	Septic System: For septic systems, Skagit County Health Department Permit.	
☐	Shoreline Buffer Enhancement may be required for proposed developments within the river buffer and/or shoreline setbacks, including addition of 200 + sf of impervious areas.	
☐	Shoreline designations for subject parcel(s): (Click here for map)	

*Please contact CED for assistance locating the Ordinary High Water Mark

In filing this checklist, the applicant agrees to notify CED if, during excavation or development, objects or materials of possible historical or archaeological significance are uncovered; and to cease all work in the discovery area, until such time as a site inspection can be accomplished by a licensed archaeologist or qualified historian.

8/18/2016 10:30 AM

Anacortes Shoreline Master Program Permit Monitoring

Planning Commission Presentation

June 26, 2024



ANACORTES
WASHINGTON

Agenda

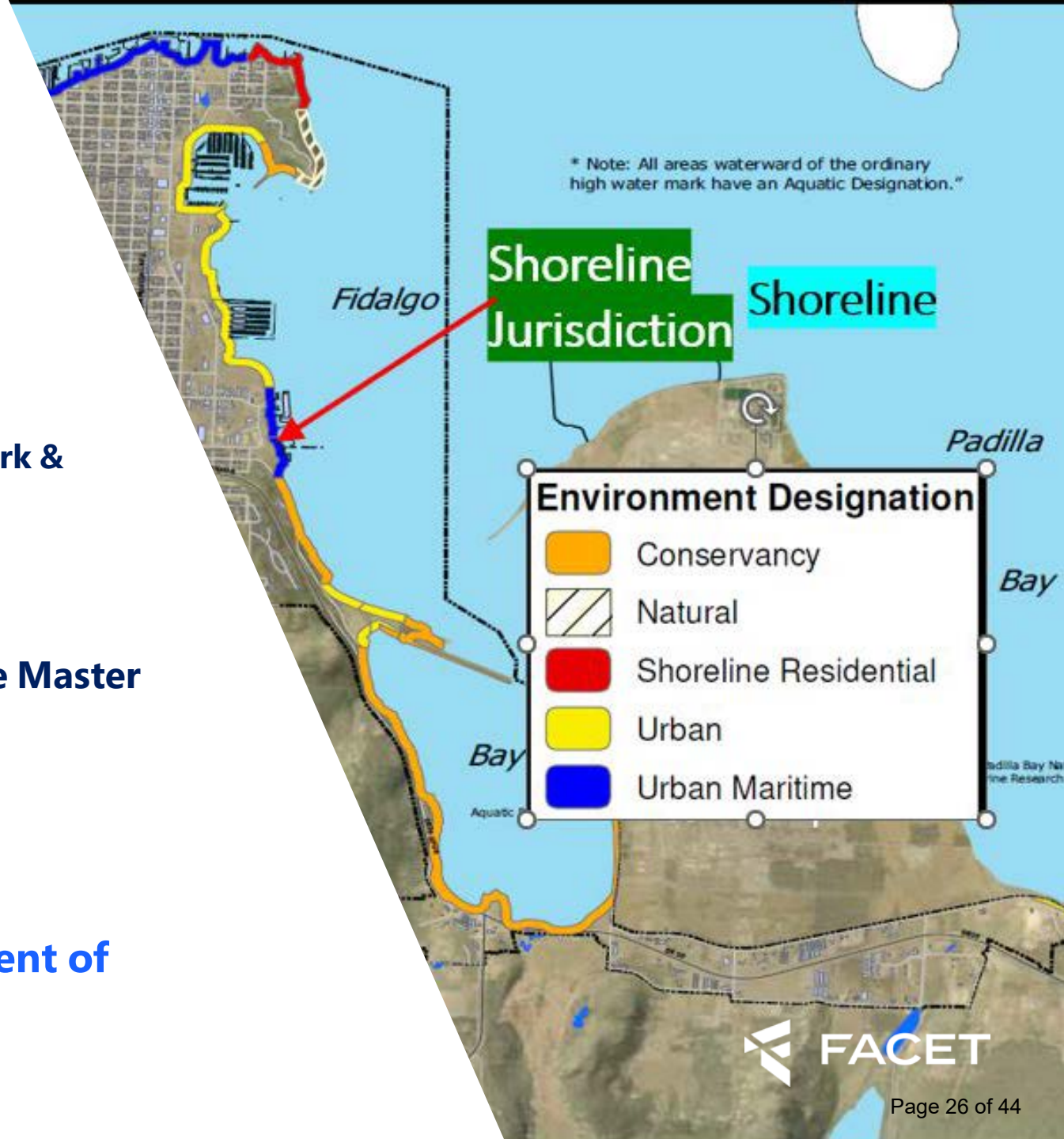
- **Background**
- **Purpose**
- **Approach**
- **Monitoring Database**
- **Compliance Assessment**
- **Q & A**



Background

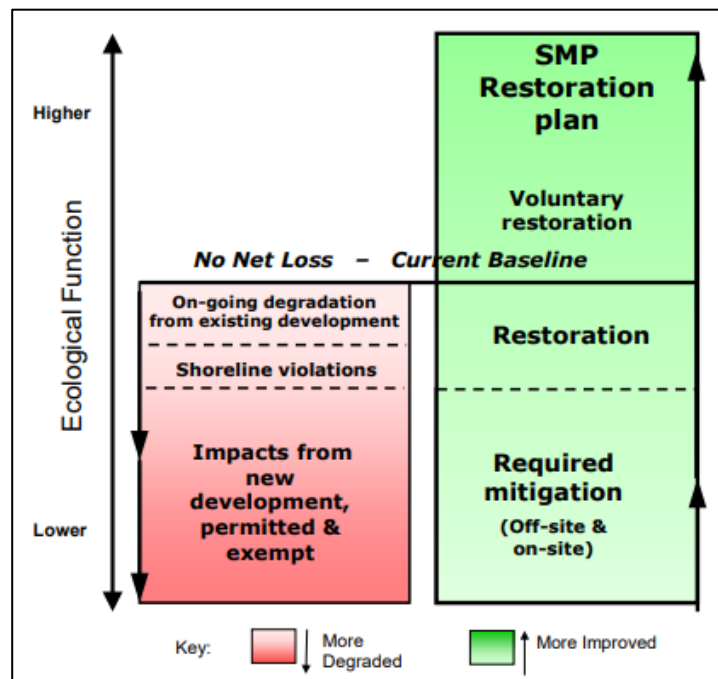
- **SMP Regulates 'Shorelines of the State':**
 - 200-foot landward of Ordinary High Watermark & Aquatic Areas
 - All Marine Shorelines
 - All Lakes in City Limits
- **City Completed a Comprehensive Shoreline Master Program (SMP) Update in 2010.**
- **Periodic Update is ongoing, pending Comprehensive Plan effort.**

Funded through a Washington Department of Ecology Grant



Purpose

- Allows the City to better document No-Net Loss of Shoreline Ecological Function.

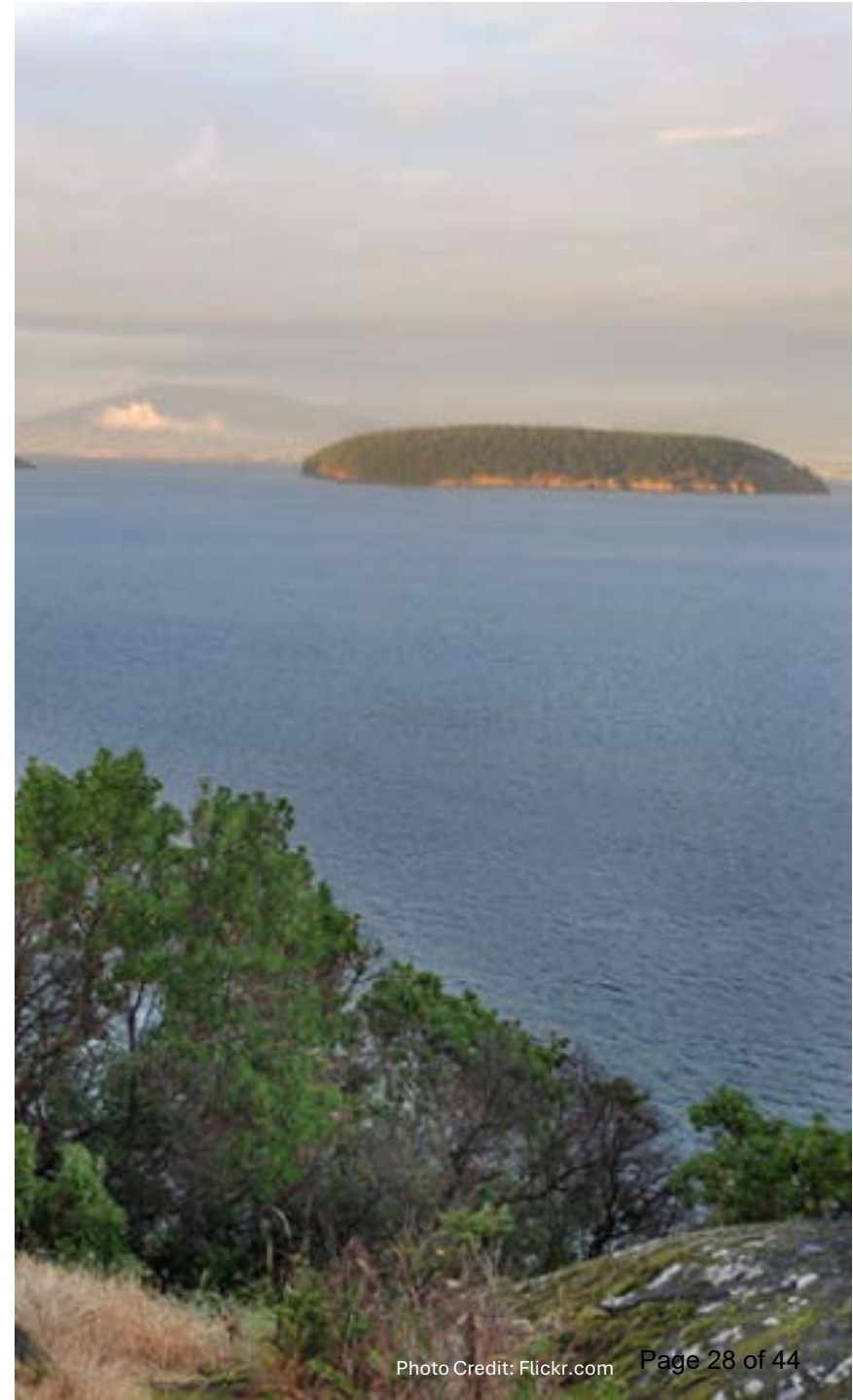


Source: Dept of Ecology

Source: Yelp.com

Approach

- **Review of 35 Shoreline Permits**
- **Check against Mitigation Sequencing**
 - **Avoid, minimize, mitigate**
- **Whether mitigation plan and demonstrated compliance are present**



Approach – Permit Review

10				
Permit #	SDP-2015-0001	Type:	SSDP, SCUP	
Description:	Construction of three mixed-use buildings totaling 18,500 SF. The proposal will replace existing development; existing structures are abandoned or outdated. Project includes replacement of existing paved waterfront esplanade with 10 foot wide concrete. All construction is located upland and will be a minimum of 25 feet from the waterbody.			
Mitigation Sequencing Necessary? (Y/N)		N	If Yes, mitigation sequencing	N/A
Is Mitigation Required? (Y/N)	N			
As-Built provided? (Y/N)	N			
Other observations (including from a NNL perspective)	City of Anacortes landscaping code requires 15% of gross site be landscaped using plantings representative of the Puget Sound and to consist of coastal, drought tolerant, and low maintenance varieties. Seems like there should be as-built documentation to ensure this occurred. *Work may not yet be completed.			
11				
Permit #	SLX-2022-0024	Type:	Shoreline Exemption	
	Service electromechanical systems of the crane, (inspection, lubrication, and addition of wired controller) and install			

Permit Monitoring Database

Excel dropdowns for ease of entry

Development Type	Waterbody	Shoreline Environment Designation	Shoreline Environment Designation 2	Environmental R
Repair/Replace/Redevelop	Fidalgo Bay	Urban		Fidalgo Bay Marinas
Repair/Replace/Redevelop	Guemes Channel	Urban		Cap Sante Boat Haven
Environmental Restoration	Fidalgo Bay	Urban		Weaverling Spit

Shoreline Use and/or Modification (SMP Table 5.1)

Breakwater

Commercial Development

Dock/Pier/Float

Dredging

Fill

Forest Practices

Industrial & Port Facilities

Jetty & Groin

Marinas

Mooring Buoy

Parking Facilities

Recreational Facilities

Recreational Facilities

Permit Monitoring Database

='1- Permit Database'!E6												
Permit No.	Parcel No.	Street Address	Applicant Last Name	Is mitigation required? (Y/N)	Construction Completion (date)	As-Built Documentation Submitted (date)	Recommended Monitoring Period (years)	Year 1 Report Recommended Deadline (date per As-Built Report)	Year 1 Report (date)	Was monitoring and report completed?	Were performance standards met?	Compliance Notes
SDP-2016-1004	P33440, P33271	4701 FIDALGO BAY RD	Cooper	Yes				[enter date]				
SDP-2021-0012	P53862, P56860, F	600 T Avenue	Anderson	Yes				[enter date]				
SDP-2011-0002	P55033	1012 2nd St	Thoman	Yes				[enter date]				
SLX-2011-0001	0	Fidalgo Bay Rd	Beltramini	Yes				[enter date]				
SLX-2011-0003	P79149 to P79318	1600 5th St	Richards	Yes				[enter date]				
SDP-2011-0003	P78007, P32979, F	2800 Block of T Ave	Blais	Yes				[enter date]				
SDP-2012-005	P32868, P56526, F	North of 3rd St, between	Port of Anacortes	Yes				[enter date]				
SDP-2012-007	P78006, P32975, F	2601 T Ave.	Blais	Yes				[enter date]				
SDP-2021-0004	P83309	4909 Croatian Way	Amos	Yes		1/1/2023	5	1/1/2024		No	No	
SDP-2021-0001	P32971, P78000, F	1920 Q Ave	Blais	Yes		1/1/2023	5	1/1/2024				
SLX-2022-0031	P59589	1910 Cay Way	Carlson	Yes		1/1/2024	5	1/1/2025				
SLX-2022-0028	P112900	Fidalgo bay	Lunsford	Yes		1/1/2024	5	1/1/2025				
SDP-2018-0002	P32960	1019 Q Avenue	Tchang	Yes		5/25/2020	5	5/25/2021	7/20/2021	Yes	Yes	Large Woody Debris - n
SDP-2020-0002	P32370	2410 Skyline Way	Bergquist	Yes				[enter date]				
SDP-2019-0003	P31551	6300 Sunset Avenue	Jonn P.	Yes			5	[enter date]				
SDP-2020-0001	P32865, P56457	416 2nd Street	Jackson	Yes			5	[enter date]				

Where 'Mitigation Required' = Y

Color Coded Entry for Report Due Dates



FACET

SMP Amendments & Recommendations

- Clearly define No-Net Loss in the SMP (2023 Ecology Guidance)
- Refine shoreline permit submittal requirements:
 - Clarify when a critical areas report is required (i.e. when site specific critical fish or wildlife habitats are present)
 - Include existing vegetation and landscaping plans for revegetation
- Consider establishing a clear nonconforming definition to degraded vegetation conservation areas
 - What amount of landscaping constitutes conformance with code?
- Consider requiring mitigation performance bonds, as necessary

Questions & Discussion

—
*City Contact – Libby Grage, Planning Manager –
LibbyB@cityofanacortes.org*



ANACORTES
WASHINGTON



Planning Commission Agenda Bill

Meeting Date: June 26, 2024

Agenda Item: 5.b.

Subject: Planning Commission Procedures

Staff Contact: John Coleman

Approved for Submittal to Commission by

LIBBY GRAGE

John Coleman

Action Type

Discussion

Summary Statement: Rules of Procedure define the process the Planning Commission shall follow when holding a public meeting. The Planning Commission Rules of Procedure has not been updated in the recent past. Staff has drafted a major rewrite of the Rules of Procedure that reflects current regulations and city processes. The updated procedures specify the duties of the commission members, the election of a Chairperson and Chairperson pro tem, the public hearing procedures and other processes. If passed, the updated Rules of Procedure will supersede any previously adopted. As drafted, the PC cannot vote on the proposed procedures unless all the PC members are present at the meeting.

The Planning Commission discussed revisions to the draft Procedures at its May 22, 2024 meeting and suggested amendments. Chairperson Martin drafted revisions based on that May 22 discussion; the amended draft Procedures are attached. Staff recommends that the Planning Commission review the proposed amended draft, discuss any changes that the PC may like to have included, and make a motion to adopt the updated Rules of Procedure. If all Planning Commission members are not at the meeting, the amendments may be discussed, but the Planning Commission cannot vote to approve the Rules of Procedures.

Background: The existing Planning Commission Rules of Procedure are outdated, thus it is recommended that updated Rules of Procedure be adopted.

Previous Action:

Competing Viewpoints Considered:

Recommended Motion: Make a motion to adopt the updated Planning Commission Rules of Procedure which shall supersede any previously adopted Rules of Procedure.

Alternative Actions:

Attachments (listed in order presented):

1. PC Rules of Procedure DRAFT 4 (LM)

Anacortes Planning Commission

Rules of Procedure

1	General Provisions	
1.1	Authority.....	
1.2	<u>Roles of the Planning Commission</u> Mission Statement	
2	Organization Of The Planning Commission.....	
2.1	Membership.....	
2.2	<u>Quorum</u>	
2.3	2 Election of Officers.....	
2.4	3 Duties of Chairperson and Vice-Chairperson.....	
3	Meetings.....	
4	Agenda.....	
5	Work Sessions.....	
6	General Public Comment.....	
7	Public Hearing Procedures.....	
8	Conflict of Interest and Appearance of Fairness.....	
9	Code of Ethics and Decorum.....	
10	Amending Rules of Procedure.....	

1. GENERAL PROVISIONS

1.1 Authority. The Planning Commission has all the powers and performs each and all the duties specified in Anacortes Municipal Code (AMC) Title 19, Title 2.42, and RCW 35.63.

~~1.2 Roles of the Planning Commission~~ ~~Mission Statement~~.

The Planning Commission is an appointed independent review body of local citizens that provides recommendations to the Anacortes City Council. The Planning Commission also provides guidance and direction for Anacortes' future growth through continued review and improvement to the City's comprehensive land-use plan, zoning code, shoreline management, environmental protection, and related land-use documents.

The Planning Commission is tasked with considering the long-term growth and development of the community. Commissioners also consider the impact of land-use decisions on community livability, economic opportunity, housing affordability, public services, and the environment. The Commission brings a long-term community perspective to land-use policy and is responsible for maintaining an accessible and transparent process that informs and educates the public.

~~The primary mission of the Anacortes Planning Commission is to thoroughly review and refine the City's Comprehensive Plan and Development Regulations in order to ensure that growth in Anacortes will bring us to what the community has decided is the vision for the city. The Planning Commission seeks out public involvement in updating the vision for the city. As the population grows, public services must be provided for, using means established by the Planning Commission and the City Council. The Planning Commission's role in updating the Comprehensive Plan and Development Regulations ensures that developments are consistent with what the community envisions for Anacortes. The Planning Commission will also advise the City Council on policy and guide the development of the City.~~

~~The Planning Commission will perform application review and/or public hearings as specified in Title 19 AMC. The Planning Commission will make determinations on permit applications or make recommendations to the City Council on various permit types as specified in Title 19, as it may be amended from time to time.~~

~~The Planning Commission shall carry out the responsibilities designated by ordinance and other duties assigned by the City Council. The members of the Planning Commission accept the responsibility of the office and declare their intention to execute the duties defined under the State and Municipal law to the best of their ability and to respect and observe the requirements established by the City Council.~~

2. ORGANIZATON OF THE PLANNING COMMISSION

2.1 Membership:

- a) The Planning Commission consists of seven members with a term of office of six years.
- b) When vacancies occur or terms expire, the Mayor shall appoint new members or reappoint existing members pursuant to AMC 2.42.020.
- c) If a Commission member has more than four (4) ~~total~~ unexcused absences from regularly scheduled meetings in a calendar year, the Chair shall inform the Mayor who may appoint a new Commission member to fill complete the member's term.
- d) No person shall hold the office or be a member of the Planning Commission unless that person is a resident of the city or the urban growth area.
- e) If a member of the Planning Commission ceases to be a resident of the city or urban growth area, the office must be vacated.

2.2 Quorum

- a) *A quorum will consist of four (4) members of the Commission, and no action can be taken in the absence of a quorum except to adjourn the meeting to a subsequent date.*

2.3 Election of Officers:

- a) ~~*The officers of the Commission will consist of a Chair and a Vice-Chair . must be elected by a majority of the Commission members at the first regular meeting of each year. A quorum must be present to elect the Chairperson and Vice-Chairperson. The newly elected officers must assume their role at beginning of the next meeting.*~~
- b) Officers *are elected* ~~must be appointed~~ each year at the Planning Commission's first regular meeting of the year. This ~~is~~ *must be* done by nomination and voting *of the Commissioners*. Nominations are made by members; members do not nominate themselves unless no nominations are made.
- c) If ~~either the term of the Chair or ends prior to the election of the Chairperson and the Vice-Chair~~ *positions become vacant during the calendar year*, the Commission must elect an ~~interim Chairperson~~ *a replacement to serve* until the ~~next~~ regularly- scheduled election.
- d) ~~In the absence of the Chairperson and the Vice-Chairperson, a Chairperson pro tem must be elected informally by the members present to conduct the meeting.~~
- e) ~~In the event of the resignation of the Chairperson or the Vice-Chairperson, the Commission must expeditiously elect a new officer to fill the vacancy for the unexpired term.~~
- f) The Planning Commission, ~~by majority vote of those present,~~ may create special committees and assign ~~one or more up to three~~ members to such committees.

2.4 Duties of the Chair and Vice-Chair:

- a) *The Planning Commission Chair, or in his or her absence, the Planning Commission Vice-Chair, shall be the Presiding Officer of the Planning Commission. In the absence of both the Chair and the Vice-Chair, the Commission shall appoint one of the other members of the Commission to act as a temporary Presiding Officer.*
- b) The Chair calls meetings to order, records attendance into the record, and assigns subcommittees and duties as needed.
- c) The Chair keeps *the meeting to its order of business, controls discussion in an orderly manner, and permits audience participation at the appropriate times. Every Commissioner who wishes an opportunity to speak must be recognized by the Chair.* ~~members on track with the agenda and ensures that the Planning Commission moves through its tasks punctually.~~
- d) The Chair opens the floor for motions made by members, asks for discussion from members, asks for seconds to the motions, calls for voting by reading the motion into the record and may state in the record the vote of each member.

- e) ~~The Chairperson presides at all Commission meetings and has the powers generally assigned such office in conducting the meetings.~~
- f) It is the Chair's duty to see that the transaction of the Planning Commission's business is in accord with these Procedures.
- g) ~~The Vice-Chairperson must, in the absence of the Chairperson, perform all of the duties of the Chairperson at a regular or special meeting.~~
- h) ~~In the absence of the Chairperson and Vice-Chairperson, the present members may elect a temporary Chairperson to preside at the meeting.~~

3. MEETINGS

- a) The Planning Commission and City staff shall ~~must~~ determine a regular meeting time (time, place, and frequency) as necessary.
- b) All meetings of the Planning Commission are ~~must be~~ open to the public.
- c) Executive sessions may be held only in accord with the requirements imposed by RCW 42.30.110 and RCW 42.30.140.
- d) ~~To conduct official Planning Commission business, a quorum must be present. If no quorum exists due to members leaving the meeting, no official action can be taken.~~
- e) The Planning Commission meetings are ~~must be~~ governed by ~~the guidelines and procedures contained in~~ the current edition of *Roberts Rules of Order*.
- f) To the extent it does not violate public notice requirements, the printed agenda of a regular meeting may be modified, supplemented, or revised at the beginning of the meeting by the affirmative vote of the majority of Commission members present.
- g) ~~The Planning Commission may devote part of its meetings to an informational study session during which no comments from the public will be permitted, unless the Chair or a majority, on a case-by-case basis, decides otherwise.~~
- h) Action is taken by a majority vote of the members present ~~and voting~~. Any member may abstain from voting. A tie vote means a motion fails.
- i) After 9:00 PM, the Planning Commission must hear no new agenda items unless a majority of the Commissioners present decide otherwise.
- j) A city staff person will be responsible for the written recording of all Planning Commission meetings.
- k) All approved minutes will be retained by the City of Anacortes in accordance with retention requirements under the Public Records Act at Chapter 42.56 of the Revised Code of Washington.

4. AGENDA

- a) The preparation of the agenda will be the duty of the Planning Director or his/her designee, and he or she will coordinate that preparation with the Chairperson.
- b) The agenda may be divided into sections and continue until subsequent meetings when it is apparent that one meeting will not be sufficient to complete the scheduled business.
- c) Copies of the agenda and final meeting packet materials will be available to all Planning Commission members at least two days prior to a regular meeting date.
- d) The agenda will indicate whether the Planning Commission intends to take formal action on a particular matter.
- e) The Planning Commission may continue a public hearing to a future date for reasonable purposes. A continued public hearing does not require new public notice.
- f) Once a public hearing is closed, it cannot be re-opened without issuance of a new public notice.

5. STUDY SESSIONS

- a) The Planning Commission may conduct informal study sessions to carry out its duties.
- b) The Commission may consider information and recommendations from staff and comments from the public during the study session.

6. PUBLIC COMMENT

- a) An opportunity for public comment will be provided at each Planning Commission meeting consistent with the requirements of Chapter 42.30 of the Revised Code of Washington.
- b) The Public Comment period is for comments not related to items on that meeting's agenda, while specifically pertaining to the City of Anacortes.
- c) If appropriate, there will be an opportunity for the public to comment on agenda items as they are addressed by the Commission.
- d) Each speaker is limited to 3 minutes speaking time.
- e) Members of the public wishing to provide comment may only speak if acknowledged by the Chair.
- f) If audience comment or behavior becomes disruptive, the Chair may recess or adjourn the meeting.

7. PUBLIC HEARING PROCEDURES

- a) The Chair must open the public hearing on the subject case by identifying the proposal.
- b) The Chair must state that the testimony and input will be taken in the prescribed fashion.
- c) All persons wishing to speak on the matter before the Planning Commission must ~~first~~ be recognized by the Chair.
- d) Any commenter must state his or her name and city of residence address for the record, as well as any group or organization he or she represents.
- e) All statements by the speaker must be addressed to the Planning Commission.
- f) The Chair may limit the amount of time allowed to any person or group to allow efficient and thorough hearing procedures.
- g) The Chair may limit input to avoid duplication.
- h) There will be no cross-examination of or dialogue with speakers.
- i) The presentation order will be as follows:
 - 1) Staff Planner: Presentation of staff report and other materials and correspondences into the record.
 - 2) Proponent: Presentation and statements by representatives of the proponent/applicant.
 - 3) Chair: Open public hearing.
 - 4) Members of the Public: Presentations and statements by the public who wish to speak for or against the proposal/application. The hearing is to gather information; questions from the public are not answered at the public hearing. Questions about the proposal/application must be addressed to staff during regular city hall business hours or in writing to the Planning, Community and Economic Development Department.
- j) After the public testimony portion, the public hearing is then closed.
- k) Planning Commissioners then deliberate on the proposal/application and the testimony received.
- l) Commissioners may ask questions of staff and applicants to clarify their understanding of relevant points or to gather additional information. All questions shall be posed through the Chair~~person~~ who shall ask the appropriate party for answers.
- m) A motion for disposition may then be made. For proposals that require a recommendation

from the Planning Commission to the City Council, the motion may be to continue the hearing to gather more information, to recommend approval, approval with conditions, denial of the proposal/application, or to forward to the City Council with no recommendation. For proposals/applications that require a decision by the Planning Commission, the motion may be to continue the hearing to gather more information, to approve, approve with conditions, or to deny the proposal/application.

- n) Planning Commission recommendations must be transmitted to the City Council in writing and must include the recommendation, findings of fact, the planning staff report, other correspondences, if any, and a summary of testimony presented to the Planning Commission. ~~Planning Commission decisions must be in writing and must include the decision, findings of fact, the planning staff report, other correspondences, if any, and a summary of testimony presented to the Planning Commission.~~

8. CONFLICT OF INTEREST AND APPEARANCE OF FAIRNESS

All members of the Planning Commission must act in accordance with the Appearance of Fairness Doctrine at Chapter 42.36 of the Revised Code of Washington. If any Commissioner has a personal interest in any matter before the Planning Commission that would prejudice their actions, they must publicly disclose the conflict of interest and recuse himself or herself from participating in the proceedings and voting on the matter.

9. CODE OF ETHICS AND DECORUM

- a) A Planning Commissioner is a representative of the City of Anacortes and, therefore, a Commissioner's actions should reflect that representation.
- b) Members of the Planning Commission must fully comply with RCW Chapter 42.23, the Code of Ethics for Municipal Officers.
- c) Members of the Planning Commission must fully comply with RCW Chapter 42.30, Open Public Meetings Act, including RCW 42.30.205 which requires training on the OPMA's requirements. Question: Should public records training be mentioned?
- d) While the Planning Commission is in session, a Commission member must neither, by conversation or otherwise, delay or interrupt the meeting or the peace of the Planning Commission, nor disrupt any Commission member while speaking nor refuse to obey the orders of the Chairperson.
- e) To preserve the integrity of the Planning Commission, if a Commission member reasonably believes that he/she has a conflict of interest in regard to a matter before the Planning Commission, the Commissioner should recuse himself/herself from discussion or vote on the matter and must leave the Council Chambers while the matter is under consideration. A Commission member may seek advice from the City Attorney in making this determination.

10. AMENDING RULES OF PROCEDURE

- a) The Planning Commission, at a regularly scheduled meeting, may amend these Rules of Procedure by a vote.
- b) All members must be present to amend the Rules of Procedure.

Planning Commission Chair

Date

