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- The public is encouraged to comment via email to [cityclerk@cityofanacortes.org](mailto: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.
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**Anacortes City Council**  
Municipal Building Council Chambers  
904 6th Street

**August 5, 2024**  
**6:00 PM**

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

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Executive Session**
  - a. Potential Real Estate Transaction per RCW 42.30.110(1) (15 minutes) (Discussion)
4. **Announcements and Committee Reports**
  - a. Fiber Committee (Report)
  - b. Housing Affordability and Community Services Committee (Report)
  - c. Finance Committee (Report)
  - d. Economic Development Committee (Report)
5. **Public Comment**
6. **Consent Agenda**
  - a. Minutes of July 22, 2024 (Action)
  - b. Approval of claims in the amount of \$1,300,436.14 (Action)
  - c. Contract Award: WTP Filter and Backwash Study #24-208-WTR-001 (Action)
  - d. Contract Award: WWTP Pump Station 4 Flowmeter Vault #24-209-SEW-001 (Action)
  - e. Contract Award: WWTP Pump Station 14 Replacement Pump #24-210-SEW-001 (Action)
  - f. Reimbursement Agreement IAA25207 for Blake Decision 7/1/24-6/30/25 #24-211-MCT-001 (Action)
  - g. Resolution 3161: Establishing a Docket for the 2025 Comprehensive Plan and

*Per the council rules of procedure, a person who wishes to provide public comment at this meeting may do so:*

- *On matters pertaining to a particular agenda item at the invitation of the chair at the time the City Council takes up discussion of that agenda item. Items open for public comment are indicated with an asterisk (\*)*
- *On any other matter specifically pertaining to the City of Anacortes during the Public Comment agenda item.*

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.

Development Regulations Periodic Update (Action)

- h. Contract Award: Commercial Ave Corridor Plan Phase 1 WSDOT Project Reviews #19-095-TRN-004 (Action)
- i. Contract Award: 22nd Street Pedestrian Improvement Project #24-216-TRN-001 (Action)
- 7. **Public Hearings**
  - a. \* 2024-2029 Capital Facilities Plan Amendment (Discussion)
- 8. **Other Business**
  - a. Ordinance 4084: 2024-2029 CFP Amendment (Discussion)
  - b. \* Ordinance 4085: 2024 2Q Budget Amendment (Discussion)
  - c. Wastewater Treatment Plant Outfall Relocation Project Update (Report)
- 9. **Adjournment**

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**August 5, 2024**  
**6:00 p.m.**

*Please print your name legibly so we can recognize you correctly in the minutes. Thank you!*

Name

### Topic

~~Caddy~~ ~~try~~

~~Resolution 3161/Pocket~~

## **Anacortes City Council Minutes - July 22, 2024**

### **Call to Order**

Mayor Matt Miller called to order the Anacortes City Council meeting of July 22, 2024 at 6:00 p.m. Councilmembers TJ Fantini, Ryan Walters, Anthony Young, Christine Cleland-McGrath, Carolyn Moulton, and Amanda Hubik were present. Councilmember Bruce McDougall was absent.

Ms. Moulton moved, seconded by Mr. Hubik, to excuse the absence of Mr. McDougall. The motion carried unanimously by voice vote.

### **Pledge of Allegiance**

The assembly joined in the Pledge of Allegiance.

### **Announcements and Committee Reports**

Mayor Miller announced that there will be no City Council meeting on July 29th, that the Guemes Island Ferry parking lot will be closed from July 30th - July 31st for landscaping maintenance, and the Department of Ecology awarded the Wastewater Treatment Plant with the 2023 Wastewater Treatment Plant outstanding performance award.

#### **Housing Affordability and Community Services and Planning Committee**

Mr. Walters reported from the Housing Affordability and Community Services Committee meeting held last week and the Planning Committee held earlier in the evening. The principal topic discussed included reviewing the list of measures in the Housing Action Plan to put forward to the full Council for inclusion in the Comprehensive Plan update.

#### **Economic Development Committee**

Mr. Young reported from the Economic Development Committee meeting held July 16th. The topics discussed included a review and finalization of the agreement with the Western Washington University Economic Development Center and the key questions the committee would seek to answer related to economic development in Anacortes.

#### **Library Committee**

Mr. Fantini reported from the Library Committee meeting held last week. The topics discussed included the summer reading program in partnership with the Anacortes School District, adult programming, teen area renovation progress, the Skagit Library Consortium agreement to achieve a shared catalog system, and upcoming community events.

#### **4th of July Parade Awards**

Mayor Miller and Sylvia Cooper announced the winners and runners-up for the best float and marching group for the 4th of July parade. Mayor Miller presented each group with a certificate commemorating their achievement.

### **Public Comment**

Mayor Miller invited the public to comment on any item not on the agenda.

Public comment was given as follows:

Pat Gardner of Anacortes asked about zoning and noise levels in the vicinity of the port and commented on the potential effect of the MJB development on eastward views, and the lack of family indoor activities in the winter months.

Steve Anderson of Anacortes commented on the Anacortes Community Forest Lands, asking when a bridge replacement would be complete and the status of the earthen dam on Whistle Lake.

### **Consent Agenda**

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

a. Minutes of July 15, 2022

b. Approval of claims in the amount of \$952,287.56

The following vouchers/checks were approved for payment:

EFT numbers: 109932 through 109970, total \$611,577.09

Check numbers: 109971 through 109997, total \$325,990.58

Wire transfer numbers: 350914 through 351337, total \$14,719.89

c. Resolution 3159: Setting the Date for a Public Hearing for the Vacation of Right of Way

### **Public Hearings**

#### **2025 Comprehensive Plan Update Docket**

Planning, Community, and Economic Development Director John Coleman introduced the 2025 Comprehensive Plan update docket, providing a high-level recap of the July 15th Council work session. He then introduced Resolution 3161, explaining that Attachment B contains all proposed amendments and that Attachment A would contain those items that are docketed for further study and consideration.

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

Public comment was given as follows:

Rick Eggerth of Bellingham, the co-chair of the Mount Baker Group of the Sierra Club, expressed support for the Evergreen Islands' July 5th letter regarding the March Point refineries, addressing the uncertain future of the facilities and asking what capacity the operating companies would have to clean up and compensate for polluting events. He mentioned legislation that other jurisdictions in the Puget Sound region have enacted to regulate new petroleum industry activities and establish an improved environmental review and public permitting process for existing operations. He urged the Council to adopt the Comprehensive Plan amendments described in the Evergreen Islands letter.

Kathleen Lorence Flanagan of Anacortes commented on the petition process for docketing of items and the overwhelming amount of information included in the agenda packet for the meeting. She asked about the staff recommendation process for Comprehensive Plan update petitions. She mentioned that making development regulation changes for specific developers is a very slippery slope and asked that the criteria for staff determination be included in all petitions. She finally asked where the MJB permit application process stood.

Robert Miller of Anacortes commented on potential development on the MJB property, remarking that the permit approval process has been lengthy. He expressed concern that properties in that area could become unaffordable as time goes on, particularly for those residents who would like to downsize and stay in Anacortes. He then asked for clarification regarding the status of the MJB development process.

Marlene Finley of Anacortes and president of Evergreen Islands addressed two points of emphasis from the organization's submission to the Council for the Comprehensive Plan update, pointing out that Skagit County conducts the permitting for development on March Point, though being that the area lies within the Anacortes urban growth area, the county follows city zoning and Comprehensive Plan, so it is important that the Council should proactively enact development regulations and Comprehensive Plan elements that have specific

expectations and processes. She asserted that the March Point area is more vulnerable compared to the other regional facilities that have adopted more protective development code. Ms. Finley then pointed out that there are significant community concerns regarding the MJB property development, including obstruction of views, limiting waterfront access and environmental impacts. She asked that the Council carefully consider any proposals for the area.

Pat Gardner of Anacortes remarked that the traffic on R Avenue and Q Avenue will intensify significantly with the development of the MJB property.

Tom Glade of Anacortes and a member of Evergreen Islands commented on potential oil refinery shutdowns and the effects on the local economy and environment as society transitions away from fossil fuels. He encouraged the Council to consider this when planning for the future of March Point.

Brian Wetcher of Anacortes urged the Council to carefully consider the comments that Evergreen Islands submitted for the Comprehensive Plan review. He then addressed March Point, citing that the current Fidalgo Bay-wide plan should guide future development and regulations due to the overlapping jurisdiction of Skagit County and Anacortes. He suggested that the petroleum industry is on the way out of Anacortes and that the Council should proactively seek future economic opportunities for the site, including green hydrogen.

Jimmy Blais of Kirkland, representing MJB Properties, thanked the Council for considering the docketing requests. He pointed out that the requested changes to the development regulations would affect all similarly zoned properties across the city and that the changes represent a cleanup of the code that was supposed to occur two years after the revised development regulations went into effect. He suggested that the requested changes would enable sensible development.

Erik Bowman of Anacortes reminded the Council that he requested that indoor recreation be a permitted use in the LM-1 zone and asked that his proposal be included on the docket.

Christopher Collins of Signal Hill Family Limited Partnership and Scott Cameron of Land Advisors outlined the request to include the 132-acre Scimitar Ranch site comprised of 21 parcels in the urban growth area. Mr. Collins mentioned that he had submitted answers to questions from Mr. Fantini and Mr. Young regarding open space and trail connectivity.

At 6:56 pm, Mayor Miller closed the public hearing.

#### Comprehensive Plan Amendment Proposals

Submitted items cataloged in Attachment B of draft Resolution 3161 Establishing a Docket for the 2025 Anacortes Comprehensive Plan and Development Regulations Periodic Update

##### Items A-1 - A-10 (Councilmember Walters)

RYAN WALTERS moved to include Comprehensive Plan Amendment proposals A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-8, A-9, and A-10. There were no objections from the Council.

##### Item B-1 (Scimitar Ranch Urban Growth Area (UGA) Expansion - Signal Hill Family Limited Partnership)

- Discussion topics included:
  - Urban growth area expansion process and timelines.
  - Cost and staff time associated with the proposal.
  - Sewer plan update.
  - Discussion of this area and others in front of the full Council and community.

- Exclude unless the city needs additional land to realize urban growth.
- The cost of infrastructure is paid for by the developer.
- How to accomplish density within city limits.
- Development would bring additional revenue for the city.
- The council would determine how to zone the property.
- Skagit County could have flexibility with the city regarding July 1, 2025 deadline for submission in the Comprehensive Plan and studying individual parcels..
- Next consideration of UGA expansion would be 2035.
- Priority for new housing should be in-fill within current city limits
- Uncertainty about zoning and use of Sharpes Corner property.
- Criteria for staff recommendation.
- Staff capacity for considering the proposal.
- UGA expansion criteria include emergency services, utilities, transportation.
- Development of western parcels versus eastern parcels.
- Consider east parcels P20014, P20013, P19979 due to favorable topography.
- Focus discussion on what can accommodate urban growth.
- Open the entire area to public discussion.
- Ability to accommodate single home 1-acre lots.
- No vetting of proposals at the committee level.

ANTHONY YOUNG moved, seconded by TJ FANTINI, to include the entire area specified in Comprehensive Plan Amendment proposal B-1.

Vote: Ayes - ANTHONY YOUNG, TJ FANTINI. Nays - RYAN WALTERS, CHRISTINE CLELAND-MCGRATH, CAROLYN MOULTON, AMANDA HUBIK. Result: Failed

RYAN WALTERS moved, seconded by AMANDA HUBIK, to include Comprehensive Plan Amendment proposal B-1, but limited to eastern parcels P20014, P20013, and P19979.

Vote: Ayes - TJ FANTINI, RYAN WALTERS, CHRISTINE CLELAND-MCGRATH, AMANDA HUBIK. Nays - CAROLYN MOULTON, ANTHONY YOUNG. Result: Passed

#### Items B-2 (Fidalgo Park & Recreation), B-3 - B-5 (Port of Anacortes)

RYAN WALTERS moved, seconded by CAROLYN MOULTON to include Comprehensive Plan Amendment proposals B-2, B-3, B-4, and B-5. The motion carried unanimously by voice vote.

#### Development Regulation Proposals

Submitted items cataloged in Attachment B of draft Resolution 3161 Establishing a Docket for the 2025 Anacortes Comprehensive Plan and Development Regulations Periodic Update

#### Items A-1 - A-10 (Councilmember Walters)

Discussion topics included:

- Code revisions in A-8, A-9 and A-10 will be accomplished via ordinance that will come before the Council outside the docketing process.
- Shoreline Master Program Update (Item A-3) in progress.
- Tree preservation (Item A-7) re-write a major undertaking.

RYAN WALTERS moved to exclude A-8, A-9, and A-10. There were no objections from the Council.

RYAN WALTERS moved to exclude development regulation proposal item A-3 and defer A-7. There were no objections from the Council.

RYAN WALTERS moved, seconded by CAROLYN MOULTON to include development regulation proposal items A-1, A-2, A-4, A-5, A-6. The motion carried unanimously by voice vote.

Items B-6a.-h. (MJB Properties)

Discussion topics included:

- Open space and landscaping.
- Workforce housing in the industrial zone.
- Industrial zone definition, purpose, and conservation.
- Possibly including certain parcels east of R Avenue in the R-4 zone.
- The permitting process.
- Equity in zoning for protection from undesirable effects of industrial activities.
- Timing of zoning discussions and decisions.
- Urban renewal area.

CHRISTINE CLELAND-MCGRATH moved, seconded by TJ FANTINI to include B-6a. - B-6h.

RYAN WALTERS moved, seconded by CAROLYN MOULTON to amend the motion to exclude "workforce housing" from item B-6a., and include development regulation proposal items B-6a.-h. Vote: Ayes - TJ FANTINI, ANTHONY YOUNG, RYAN WALTERS, CHRISTINE CLELAND-MCGRATH, CAROLYN MOULTON, AMANDA HUBIK. Nays - None. Result: Passed

Item B-7 (Erik Bowman)

Mayor Miller asked the Council for objections to include Item B-7 (Indoor recreation uses in the LM1 zone). There were no objections from the Council.

Items B-8 - B-18 (Ian Munce)

Discussion topics included:

- Findings of fact for cottage housing.
- Wastewater treatment plant capacity.
- Critical Areas Ordinance.

CAROLYN MOULTON moved, seconded by AMANDA HUBIK, to exclude development regulation proposal items B-8 - B-18.

Vote: Ayes - RYAN WALTERS, CHRISTINE CLELAND-MCGRATH, CAROLYN MOULTON, AMANDA HUBIK. Nays - ANTHONY YOUNG, TJ FANTINI. Result: Passed

Items B-19a. - f. (Bill Turner)

Discussion topics included:

- None of the proposals are development regulations.

RYAN WALTERS moved, seconded by AMANDA HUBIK, to exclude development regulation proposals

B-19a. - f.

Vote: Ayes - TJ FANTINI, ANTHONY YOUNG, RYAN WALTERS, CHRISTINE CLELAND-MCGRATH, CAROLYN MOULTON, AMANDA HUBIK. Nays - None. Result: Passed

### **Other Business**

#### **Request to Modify Cinema Lease**

City Attorney Darcy Swetnam detailed the requested change to paragraph 18 of the ground lease between the City of Anacortes and Radius Anacortes Properties LLC. She then introduced Nancy Saunders, Managing Member of Radius Anacortes Properties LLC, who presented the request to the Council.

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

Public comment was delivered as follows:

John Prosser of Anacortes spoke in support of the amendment in order to facilitate the sale of the building.

Discussion topics included:

- Debt taken on to construct the building was approximately \$1 million.
- Heritage Construction assigned the lease to Radius Anacortes Properties LLC in 2001. Radius was part of Heritage Construction.
- Current debt on the building - \$300,000.
- Clarify the requested change in lease language.
- How does the language guarantee the security of the sub lessee?
- Potential buyers.
- History of lease change proposals and negotiations with the arts group.
- Determining the success or failure of a business.
- The city owns land underneath the building.
- November 2022 memo from Mr. Walters regarding negotiations with the arts group.

Mr. Walters called the question.

RYAN WALTERS moved, seconded by CHRISTINE CLELAND-MCGRATH, to enter into an executive session to discuss matters pertaining to potential litigation and real estate acquisition under RCW 42.30.110.

Vote: Ayes - TJ FANTINI, RYAN WALTERS, CHRISTINE CLELAND-MCGRATH, CAROLYN MOULTON, AMANDA HUBIK. Nays - ANTHONY YOUNG. Result: Passed

Mr. Fantini raised a point of order. Mayor Miller denied the point of order.

At 9:10 pm, Mayor Miller announced that the Council would enter into executive session for approximately 15 minutes to discuss litigation or potential litigation under RCW 42.30.110.

At 9:25 pm, Mayor Miller reconvened the meeting with the Council having taken no action in the executive session.

RYAN WALTERS moved, seconded by TJ FANTINI, to postpone consideration of this agenda item for two weeks.

Vote: Ayes - ANTHONY YOUNG, RYAN WALTERS, CHRISTINE CLELAND-MCGRATH, CAROLYN MOULTON, AMANDA HUBIK, TJ FANTINI. Nays - None. Result: Passed

**Anacortes City Council Minutes - July 22, 2024**

### **Agreed Order with Department of Ecology on A Avenue Landfill Site**

City Attorney Darcy Swetnam presented the agreed order with the Department of Ecology, which provides the road map for how the City will evaluate and take any necessary cleanup action for the A Avenue landfill site under the Model Toxics Control Act. She reported that staff recommend approval of the agreed order. She then introduced Julia Fitts of Anchor QEA who outlined the process under the proposed agreed order and recounted the public process that led up to the current negotiated agreement.

Discussion topics included:

- Will contract modification cover the agreed order? - Covers remedial investigation work plan through April 2025.
- Health of solid waste fund.

ANTHONY YOUNG moved, seconded by RYAN WALTERS, to authorize the mayor to sign the agreed order with the Department of Ecology for the A Avenue Landfill Site.

Vote: Ayes - ANTHONY YOUNG, RYAN WALTERS, CHRISTINE CLELAND-MCGRATH, CAROLYN MOULTON, AMANDA HUBIK, TJ FANTINI. Nays - None. Result: Passed

### **Contract Modification: Anchor QEA - Master Services Agreement #21-024-LEG-001**

City Attorney Darcy Swetnam presented the proposed modification with Anchor QEA to contract #21-024-LEG-001, expressing appreciation for the vendor's maintenance of key relationships with the Department of Ecology on the A Avenue Landfill site and the Water Treatment Plant cleanup projects, adding that staff recommends approval.

Discussion topics included:

- Scope of contract includes both A Avenue Landfill and Water Treatment Plant projects.

CAROLYN MOULTON moved, seconded by TJ FANTINI, to authorize the mayor to sign modification to contract #21-024-LEG-001 with Anchor QEA.

Vote: Ayes - ANTHONY YOUNG, RYAN WALTERS, CHRISTINE CLELAND-MCGRATH, CAROLYN MOULTON, AMANDA HUBIK, TJ FANTINI. Nays - None. Result: Passed

### **Interlocal Agreement #25-001-AFD-001 with Skagit County and Providers for the Provision of Emergency Medical Services**

Fire Chief Bill Harris introduced the interlocal agreement #25-001-AFD-001 with Skagit County and Providers for the provision of emergency medical services, referring to a slide presentation that was added to the packet materials for the meeting.

Discussion topics included:

- The payment schedule was not available to the council at the time of the levy.

TJ FANTINI moved, seconded by AMANDA HUBIK, to authorize the mayor to execute interlocal agreement #25-001-AFD-001 with Skagit County and Providers.

Vote: Ayes - ANTHONY YOUNG, RYAN WALTERS, CHRISTINE CLELAND-MCGRATH, CAROLYN MOULTON, AMANDA HUBIK, TJ FANTINI. Nays - None. Result: Passed



**Contract Modification: R Avenue Long-Term Improvement Project #20-127-TRN-004**

Public Works Director Andrew Rheume introduced the proposed modification to contract #20-127-TRN-004 - R Avenue Long-Term Improvement Project with SRV Construction.

CAROLYN MOULTON moved, seconded by ANTHONY YOUNG, to authorize the mayor to sign modification to contract #20-127-TRN-004 with SRV Construction.

Vote: Ayes - ANTHONY YOUNG, CHRISTINE CLELAND-MCGRATH, CAROLYN MOULTON, AMANDA HUBIK, TJ FANTINI. Nays - RYAN WALTERS. Result: Passed

**Ordinance 4083: Amending Anacortes Municipal Code Chapter 10.12 and 10.18**

Public Works Director Andrew Rheume re-introduced Ordinance 4083: Amending Anacortes Municipal Code Chapter 10.12 and 10.18, referring to a slide presentation that was 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.

AMANDA HUBIK moved, seconded by RYAN WALTERS, to approve Ordinance 4083 as presented.

Vote: Ayes - ANTHONY YOUNG, RYAN WALTERS, CHRISTINE CLELAND-MCGRATH, CAROLYN MOULTON, AMANDA HUBIK, TJ FANTINI. Nays - None. Result: Passed

**Noise Variance WWTP Outfall Relocation**

Public Works Director Andrew Rheume introduced a noise variance for the wastewater treatment plant outfall relocation project, outlining the reasons for the variance and that the city will control whether work is done outside of normal working hours. He explained that the sinking of the outfall pipe is scheduled to occur during a neap tide in August, and gives the city and contractor additional flexibility to deal with unexpected complications to the pipe's deployment in the Guemes Channel.

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

Discussion topics included:

- Action by resolution
- Announcement for affected neighborhoods.

RYAN WALTERS moved, seconded by AMANDA HUBIK, that immediate compliance with the city's noise limitations cannot be achieved because of special circumstances rendering immediate compliance unreasonable in light of economic or physical factors, and thus authorizing intertidal dredging, excavation, pipe submerging and back-filling activities on the Wastewater Treatment Plant Outfall project as required from 10pm-7am from August 1 through August 28, 2024.

Vote: Ayes - ANTHONY YOUNG, RYAN WALTERS, CHRISTINE CLELAND-MCGRATH, CAROLYN MOULTON, AMANDA HUBIK, TJ FANTINI. Nays - None. Result: Passed

**Contract Award: 2024 Asphalt Overlay Project #24-174-TRN-001**

Public Works Director Andrew Rheume introduced proposed contract #24-174-TRN-001 with Lakeside Industries, Inc. to perform the 2024 Asphalt Overlay Project.

Discussion topics included:

- Asphalt overlay, not chip seal or slurry.

RYAN WALTERS moved, seconded by AMANDA HUBIK, to authorize the mayor to sign contract #24-174-TRN-001 with Lakeside Industries.

Vote: Ayes - ANTHONY YOUNG, RYAN WALTERS, CHRISTINE CLELAND-MCGRATH, CAROLYN MOULTON, AMANDA HUBIK, TJ FANTINI. Nays - None. Result: Passed

**Adjournment**

There being no further business, at approximately 9:52 p.m. the Anacortes City Council meeting of July 22, 2024, 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 August 05, 2024 City Council meeting:**  
[Download this file in OpenDocument spreadsheet format.](#)

| Invoice Doc # | Invoice Date | Invoice #      | Vendor Full Name               | Description                                                                | Total Amount | Approval Queue |
|---------------|--------------|----------------|--------------------------------|----------------------------------------------------------------------------|--------------|----------------|
| 352103        | 3/20/2024    | INV-49449      | POWERDMS, INC                  | POLICE POLICY MANUAL & ACCREDITATION MANAGEMENT 5/19/24-5/18/25            | \$ 7,699.50  | apd            |
| 352101        | 3/21/2024    | INV-49455      | POWERDMS, INC                  | POWERFTO SUBSCRIPTION 5/19/24-5/18/25                                      | \$ 3,459.84  | apd            |
| 352088        | 4/9/2024     | 2882926        | FOSTER GARVEY PC               | OUTSIDE DEFENSE COUNSEL FOR SHORELINES CASE - BARTH/SHADOWCREEK            | \$ 53.10     | legal          |
| 348850        | 5/14/2024    | 606824         | HUGHES FIRE EQUIPMENT, INC.    | PARTS FOR VEHICLE #221                                                     | \$ 1,248.25  | dshop          |
| 351737        | 5/15/2024    | 0001619        | CITY OF BURLINGTON             | DARK FIBER & RACK FEE, MAY 2024                                            | \$ 287.38    | fiber          |
| 352093        | 5/31/2024    | 00001          | ZERVAS GROUP ARCHITECTS        | WWTP ADMINISTRATION BUILDING ADDITION - DESIGN                             | \$ 10,630.50 | pw1            |
| 351734        | 6/12/2024    | INV00392971    | USA BLUE BOOK                  | HACH SL1000 PORTABLE ANALYZER                                              | \$ 4,456.32  | dwtpt          |
| 351964        | 6/14/2024    | 1200629578     | HDR ENGINEERING, INC           | COMBINED SEWER OVERFLOW PUMP STATION DESIGN - 5/5/24-6/1/24                | \$ 20,170.18 | pw1            |
| 351629        | 6/14/2024    | 240677         | T-SHIRTS BY DESIGN             | WORK UNIFORM                                                               | \$ 21.76     | dshop          |
| 351597        | 6/14/2024    | JUNE 2024      | THE HUMANE SOCIETY OF          | ABANDONED ANIMALS; APD CASE 24-A03410                                      | \$ 66.00     | apd            |
| 351975        | 6/17/2024    | 2024.6         | BAYVIEW CONSULTING, LLC        | FORMER WTP DEMOLITION PROJECT: SURVEYING                                   | \$ 12,387.50 | dwtpt          |
| 352064        | 6/28/2024    | 10868185       | NAVIA BENEFIT SOLUTIONS, INC   | JUNE FLEXIBLE SPENDING PARTICIPANT FEE                                     | \$ 167.70    | hr             |
| 352084        | 6/28/2024    | 22332 - 1      | H W LOCHNER, INC               | MARION WAY DETENTION POND RETROFIT - CONSULTANT SERVICES - 3/4/24-6/20/24  | \$ 3,865.10  | pw1            |
| 352095        | 6/30/2024    | 00002          | ZERVAS GROUP ARCHITECTS        | WWTP ADMINISTRATION BUILDING ADDITION - DESIGN                             | \$ 7,550.00  | pw1            |
| 351976        | 6/30/2024    | 090087001-0624 | KIMLEY-HORN AND ASSOCIATES, IN | PASS LAKE 10-INCH WATERMAIN REPLACEMENT PROJECT - DESIGN - THROUGH 6/30/24 | \$ 3,817.99  | pw1            |

| Invoice Doc # | Invoice Date | Invoice #           | Vendor Full Name               | Description                                                                    | Total Amount | Approval Queue |
|---------------|--------------|---------------------|--------------------------------|--------------------------------------------------------------------------------|--------------|----------------|
| 352091        | 6/30/2024    | 2807                | SKAGIT COUNCIL OF GOVERNMENTS  | STAFFING SERVICES FOR GROWTH MANAGEMENT ACT SUPPORT IN SK CO - 4/1/24-6/30/24  | \$ 2,012.01  | plan           |
| 351974        | 6/30/2024    | 28604303            | KIMLEY-HORN AND ASSOCIATES, IN | MARCH'S POINT ROAD WATER MAIN AND BIKE LANE PROJECT - DESIGN - THROUGH 6/30/24 | \$ 3,450.00  | pw1            |
| 352090        | 6/30/2024    | INV100427           | VECTOR SOLUTIONS               | VECTOR LMS FIRE DEPT TRAINING HISTORY MANAGEMENT SOFTWARE - 6/30/24-6/29/25    | \$ 3,752.52  | medic          |
| 350733        | 7/1/2024     | 1294                | SKAGIT SHOOTING RANGE, LLC     | USE OF RANGE; PRE-FTO QUAL                                                     | \$ 38.01     | apd            |
| 351403        | 7/1/2024     | 386000156           | US BANK NA - CUSTODY TREAS DIV | INVESTMENT FEES 06/01-06/30/24                                                 | \$ 98.00     | finance        |
| 350708        | 7/2/2024     | 608793              | HUGHES FIRE EQUIPMENT, INC.    | PARTS #222                                                                     | \$ 177.33    | dshop          |
| 351604        | 7/3/2024     | 18284488            | DICK'S TOWING, INC             | TOWING; APD CASE 24-A04097                                                     | \$ 257.04    | apd            |
| 351615        | 7/3/2024     | 460509              | SKIDMORE PHARMACY INC.         | LEOFF1 PHARMACY COPAY, D MEAD                                                  | \$ 32.22     | hr             |
| 351586        | 7/3/2024     | 46499               | SKAGIT PUBLISHING LLC          | PUBLISH AA-529283                                                              | \$ 44.66     | finance        |
| 351589        | 7/3/2024     | 46500               | SKAGIT PUBLISHING LLC          | PUBLISH AA-532048                                                              | \$ 52.78     | pw1            |
| 351592        | 7/3/2024     | 46501               | SKAGIT PUBLISHING LLC          | PUBLISH AA-532260                                                              | \$ 158.34    | plan           |
| 351732        | 7/5/2024     | 1180                | FIDALGO CLEANING               | CLEANING                                                                       | \$ 200.00    | museum         |
| 351730        | 7/5/2024     | 1181                | FIDALGO CLEANING               | CLEANING                                                                       | \$ 140.00    | museum         |
| 351169        | 7/9/2024     | 608900              | HUGHES FIRE EQUIPMENT, INC.    | PARTS FOR VEHICLE #222                                                         | \$ 317.32    | dshop          |
| 351613        | 7/9/2024     | 920191597           | WILSON DDS, NICHOLAS J         | DENTAL SERVICE, LEOFF 1, T O'LEARY                                             | \$ 297.00    | hr             |
| 351636        | 7/10/2024    | 24-19747            | EDGE ANALYTICAL, INC           | WATER ANALYSIS - BACT FINISHED                                                 | \$ 19.00     | dwtpt          |
| 351637        | 7/10/2024    | 24-19892            | EDGE ANALYTICAL, INC           | WATER ANALYSIS - TCR NORTH IN TOWN                                             | \$ 133.00    | dwtpt          |
| 351401        | 7/10/2024    | 400004211902        | PUGET SOUND ENERGY INC         | CEMETERY HOOK UP                                                               | \$ 455.00    | parks1         |
| 351595        | 7/10/2024    | 46540               | SKAGIT PUBLISHING LLC          | PUBLISH AA-533836                                                              | \$ 40.60     | finance        |
| 351585        | 7/10/2024    | 8498 30 030 0111230 | COMCAST                        | WTP 14489 RIVER BEND RD. - 7/19-8/18/24                                        | \$ 143.37    | finance        |
| 351635        | 7/10/2024    | 900052              | CASCADE COLUMBIA DISTRIBUTION  | PLANT CHEMICALS                                                                | \$ 16,790.08 | dwwtpt         |
| 351969        | 7/11/2024    | 033P110272          | DOBBS PETERBILT - MARYSVILLE   | PART FOR VEHICLE #304                                                          | \$ 590.48    | dshop          |
| 351735        | 7/11/2024    | 300000305007        | PUGET SOUND ENERGY INC         | SKYLINE STREET LIGHTS: 6/1-7/1/24                                              | \$ 429.56    | dshop          |

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| 351599        | 7/11/2024    | 441119              | APPLIED CONCEPTS, INC          | RADAR UNITS AND ACCESSORIES                                                 | \$ 15,272.80 | apd            |
| 352100        | 7/11/2024    | 8281931605          | MOTOROLA SOLUTIONS INC         | BODY WORN CAMERAS FOR POLICE OFFICERS - V700 BATTERY, QUOTE ITEM 7          | \$ 957.44    | infosys        |
| 351617        | 7/11/2024    | 8498 30 017 0464628 | COMCAST                        | WA PARK INTERNET 7/21-8/20/24                                               | \$ 113.16    | parks1         |
| 351524        | 7/12/2024    | 0322375-IN          | NELSON-REISNER DISTRIBUTOR INC | SUPPLIES FOR SHOP                                                           | \$ 752.03    | dshop          |
| 351626        | 7/12/2024    | 11752               | KAUFFMAN CARWASH SYSTEMS       | SUPPLIES FOR #90008                                                         | \$ 1,779.49  | dshop          |
| 351728        | 7/12/2024    | 2024APR-1           | USA SOFTBALL OF WASHINGTON     | USA SOFTBALL TEAM REGISTRATION                                              | \$ 342.00    | pkrec          |
| 351591        | 7/12/2024    | 300000290027        | PUGET SOUND ENERGY INC         | WTP RESERVOIR & PUMP STATION 6/6-7/5/24                                     | \$ 5,854.72  | dwnp           |
| 351642        | 7/12/2024    | XA116001592:01      | RWC INTERNATIONAL              | PART FOR VEHICLE #220                                                       | \$ 27.66     | dshop          |
| 351173        | 7/12/2024    | XA116001610:01      | RWC INTERNATIONAL              | PART FOR VEHICLE #610                                                       | \$ 97.88     | dshop          |
| 351520        | 7/13/2024    | 279393              | LAKESIDE INDUSTRIES, INC.      | ROCK SALES FOR WATER MAINTENANCE                                            | \$ 754.77    | wdist          |
| 351736        | 7/13/2024    | 400004171478        | PUGET SOUND ENERGY INC         | POLE ATTACHMENT ANALYSIS & MAKE-READY                                       | \$ 20,182.66 | fiber          |
| 351973        | 7/13/2024    | INV01260            | WASHINGTON TRAILS              | TRAIL MAINTENANCE AND VOLUNTEER TRAINING AT WASHINGTON PARK                 | \$ 3,900.00  | parks1         |
| 352096        | 7/13/2024    | July 13, 2024       | BOUNCYHOUSE.COM                | 2024 KIDS R BEST FEST INFLATABLE GAMES                                      | \$ 2,775.23  | pkrec          |
| 351738        | 7/15/2024    | 0001626             | CITY OF BURLINGTON             | DARK FIBER & RACK FEE, JUNE 2024                                            | \$ 287.38    | fiber          |
| 351739        | 7/15/2024    | 0001633             | CITY OF BURLINGTON             | DARK FIBER & RACK FEE, JULY 2024                                            | \$ 287.38    | fiber          |
| 351804        | 7/15/2024    | 0171276-IN          | SWS EQUIPMENT                  | PART FOR VEHICLE #304                                                       | \$ 1,000.11  | dshop          |
| 352071        | 7/15/2024    | 1208                | FIDALGO CLEANING               | APD CLEANING & SUPPLIES 7/15-7/28/24                                        | \$ 875.00    | apd            |
| 351978        | 7/15/2024    | 125656              | VECA ELECTRIC & TECHNOLOGIES   | UNIT-PRICED ELECTRICAL SERVICES 2024 - WWTP PUMP STATION MTS                | \$ 2,728.88  | dwnp           |
| 351598        | 7/15/2024    | 978 800 0000 1      | CASCADE NATURAL GAS CORP.      | STA 3: 6/12 - 7/12/24                                                       | \$ 34.45     | medic          |
| 352104        | 7/15/2024    | RE-313-ATB40715148  | WASHINGTON STATE DEPARTMENT    | R AVE LONG TERM IMPROVEMENTS - WSDOT GENERAL PROJECT MANAGEMENT - JUNE 2024 | \$ 172.23    | pw1            |
| 351593        | 7/16/2024    | 1455507             | LIFE ASSIST, INC               | MEGAMOVERS, EKG PAPER, GLUCOMETERS,                                         | \$ 2,996.35  | medic          |
| 351590        | 7/16/2024    | 1712406             | WALTON BEVERAGE COMPANY, INC   | CITY HALL BREAK ROOM SUPPLIES                                               | \$ 290.00    | finance        |

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| 352069        | 7/16/2024    | 2301                | SKAGIT DOMESTIC VIOLENCE &     | DVSAS; JUNE 2024                                                              | \$ 1,237.58   | apd            |
| 351523        | 7/16/2024    | 240804              | T-SHIRTS BY DESIGN             | SAFETY SUPPLIES FOR WATER MAINTENANCE                                         | \$ 235.01     | wdist          |
| 352080        | 7/16/2024    | 248615-B            | HUGHES FIRE EQUIPMENT, INC.    | FIRE LADDER TRUCK PURCHASE                                                    | \$ 754,981.77 | pw1            |
| 352098        | 7/16/2024    | 4011285             | ZOLL MEDICAL CORPORATION       | ACCUVENTS                                                                     | \$ 633.01     | medic          |
| 351645        | 7/16/2024    | 44400854            | TWO RIVERS TERMINAL, LLC       | CHEMICAL DELIVERY - PS13                                                      | \$ 12,607.31  | dwwtp          |
| 351521        | 7/16/2024    | I6760774            | HD FOWLER COMPANY INC          | SUPPLIES FOR WATER MAINTENANCE                                                | \$ 345.72     | wdist          |
| 350145        | 7/16/2024    | I6760776            | HD FOWLER COMPANY INC          | SUPPLIES FOR WATER MAINTENANCE                                                | \$ 7,410.29   | wdist          |
| 351396        | 7/16/2024    | INV2856653          | COPIERS NORTHWEST, INC         | CANON COPIERS CITY WIDE 06/15-07/14/24                                        | \$ 288.73     | finance        |
| 352099        | 7/17/2024    | 0056670             | FACET NW, INC.                 | SHORELINE PERMIT MONITORING PROJECT - THROUGH 6/30/24                         | \$ 3,743.50   | plan           |
| 351805        | 7/17/2024    | 0277146             | SIRENNET.COM                   | PARTS FOR VEHICLES #3008,3009,3010                                            | \$ 13,259.91  | dshop          |
| 351915        | 7/17/2024    | 19763               | TRANSPORTATION SOLUTIONS INC   | PUBLIC RIGHT-OF-WAY ADA SELF-EVALUATION AND TRANSITION PLAN - 6/16/24-7/15/24 | \$ 12,341.75  | pw1            |
| 351601        | 7/17/2024    | 2024Q2-17           | SKAGIT COUNTY INFORMATION      | 2024 2ND QTR - SPILLMAN                                                       | \$ 19,484.96  | apd            |
| 351400        | 7/17/2024    | 240790              | T-SHIRTS BY DESIGN             | REC DEP SUPPLIES                                                              | \$ 728.96     | parks1         |
| 351402        | 7/17/2024    | 8498 30 017 0319913 | COMCAST                        | BACK-UP INTERNET 07/09-08/08/24                                               | \$ 185.22     | fiber          |
| 351603        | 7/17/2024    | 9668-1              | ANACORTES TOWING, LLC          | TOWING; APD CASE 24-A04330                                                    | \$ 169.73     | apd            |
| 351602        | 7/17/2024    | 9673-2              | ANACORTES TOWING, LLC          | TOWING; APD CASE 24-A04439                                                    | \$ 169.73     | apd            |
| 351397        | 7/17/2024    | INV2857385          | COPIERS NORTHWEST, INC         | COURT & ASC COPIES 06/16-07/15/24                                             | \$ 504.63     | finance        |
| 351641        | 7/17/2024    | MEG0033             | EDGE ANALYTICAL, INC           | WATER ANALYSIS - BACT RAW                                                     | \$ 63.00      | dwwtp          |
| 351634        | 7/18/2024    | 0322718-IN          | NELSON-REISNER DISTRIBUTOR INC | SUPPLIES FOR SHOP STOCK                                                       | \$ 4,626.46   | dshop          |
| 352089        | 7/18/2024    | 10162153            | PHI ALPHA CONTRACT SOLUTIONS   | WWTP 20FT SHIPPING CONTAINERS                                                 | \$ 22,304.00  | dwwtp          |
| 351638        | 7/18/2024    | 24-20750            | EDGE ANALYTICAL, INC           | WATER ANALYSIS - BACT FINISHED                                                | \$ 19.00      | dwwtp          |
| 351640        | 7/18/2024    | 24-20760            | EDGE ANALYTICAL, INC           | WATER ANALYSIS - TCR SOUTH INTOWN                                             | \$ 133.00     | dwwtp          |
| 351600        | 7/18/2024    | 4416                | SKAGIT 911                     | 2ND QTR FIRE MOBILE/SPILLMAN                                                  | \$ 5,104.36   | medic          |

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| 351965        | 7/18/2024    | 5518                 | SKAGIT COUNTY PUBLIC HEALTH   | SENIOR SERVICES PROGRAM 2024 - 2ND QUARTER                   | \$ 10,931.25 | parks1         |
| 352087        | 7/18/2024    | 9338109056           | GRAYBAR ELECTRIC COMPANY, INC | ADVANCED WIFI ACCESS POINTS                                  | \$ 182.39    | fiber          |
| 351628        | 7/19/2024    | 0031428-4            | FERGUSON ENTERPRISES, INC     | SUPPLIES FOR WATER MAINTENANCE                               | \$ 1,157.04  | wdist          |
| 351912        | 7/19/2024    | 0046386              | FERGUSON ENTERPRISES, INC     | SUPPLIES FOR WATER MAINTENANCE                               | \$ 17,893.03 | wdist          |
| 352070        | 7/19/2024    | 038 200 0000 2       | CASCADE NATURAL GAS CORP.     | APD 6/18-7/18/24                                             | \$ 736.34    | apd            |
| 351646        | 7/19/2024    | 154 700 0000 9       | CASCADE NATURAL GAS CORP.     | LIBRARY 6/18-7/18/24                                         | \$ 155.25    | publib         |
| 351612        | 7/19/2024    | 155757               | SUMMIT LAW GROUP, PLLC        | SUMMIT LAW - GENERAL LABOR                                   | \$ 756.00    | hr             |
| 351625        | 7/19/2024    | 169 400 0000 9       | CASCADE NATURAL GAS CORP.     | STA 2: 6/18 - 7/18/24                                        | \$ 24.64     | medic          |
| 352068        | 7/19/2024    | 18285829             | DICK'S TOWING, INC            | TOWING; 24-A04411                                            | \$ 528.37    | apd            |
| 351727        | 7/19/2024    | 199 800 0000 4       | CASCADE NATURAL GAS CORP.     | 703 R AVENUE 6/18-7/18/24                                    | \$ 13.00     | museum         |
| 351644        | 7/19/2024    | 232336               | ELLIOTT STONEWORKS            | WA PARK RESIDENCE REPAIR                                     | \$ 1,100.00  | parks1         |
| 351622        | 7/19/2024    | 260 037 3822 1       | CASCADE NATURAL GAS CORP.     | 611 R AVENUE 6/18/24-7/18/24                                 | \$ 22.12     | parks1         |
| 352076        | 7/19/2024    | 287334328849X0727202 | AT&T MOBILITY                 | CITY CELL PHONES 6/20-7/19/24                                | \$ 4,364.86  | finance        |
| 351621        | 7/19/2024    | 304 713 4234 2       | CASCADE NATURAL GAS CORP.     | 607 R AVE SERVICE DATES 6/18-7/18/24                         | \$ 16.60     | parks1         |
| 351608        | 7/19/2024    | 440 400 0000 0       | CASCADE NATURAL GAS CORP.     | FIDALGO CENTER 6/18-7/18/24                                  | \$ 67.48     | parks1         |
| 351624        | 7/19/2024    | 638 000 0000 0       | CASCADE NATURAL GAS CORP.     | 411 HILLCREST DR. #B, 6/18-7/18/24                           | \$ 13.00     | parks1         |
| 351614        | 7/19/2024    | 674 400 0000 7       | CASCADE NATURAL GAS CORP.     | STA 1: 6/18 - 7/18/24                                        | \$ 109.97    | medic          |
| 351631        | 7/19/2024    | 710 300 0000 5       | CASCADE NATURAL GAS CORP.     | OPS 6/18-7/18/24                                             | \$ 141.01    | dshop          |
| 351609        | 7/19/2024    | 795 700 0000 4       | CASCADE NATURAL GAS CORP.     | CITY HALL 06/18-7/18/24                                      | \$ 14.30     | finance        |
| 351729        | 7/19/2024    | 912 800 0000 0       | CASCADE NATURAL GAS CORP.     | CARNEGIE 6/18-7/18/24                                        | \$ 19.33     | museum         |
| 351620        | 7/19/2024    | 917 600 0000 9       | CASCADE NATURAL GAS CORP.     | 1915 13TH ST. 6/18-7/18/24                                   | \$ 24.64     | parks1         |
| 352094        | 7/19/2024    | 9338129421           | GRAYBAR ELECTRIC COMPANY, INC | EXTERIOR WALLBOXES                                           | \$ 4,049.54  | fiber          |
| 351639        | 7/19/2024    | 989 800 0000 8       | CASCADE NATURAL GAS CORP.     | WWTP 6/18-7/18/24                                            | \$ 13.00     | dwwtp          |
| 351519        | 7/19/2024    | INV2858426           | COPIERS NORTHWEST, INC        | S/N 2YJ30356 LIBRARY FL1 TECH SERVICES COPIER 06/24-07/17/24 | \$ 192.97    | publib         |
| 351594        | 7/20/2024    | 00005W5A83294        | UNITED PARCEL SERVICE, INC    | UPS SHIPPING CHARGES; WEEK ENDING 7-20-24                    | \$ 24.78     | apd            |
| 351809        | 7/20/2024    | 280260               | LAKESIDE INDUSTRIES, INC.     | ASPHALT FOR OPS PARKING LOT PROJECT                          | \$ 2,819.60  | dshop          |
| 351810        | 7/20/2024    | 280503               | LAKESIDE INDUSTRIES, INC.     | DUMP FEES                                                    | \$ 1,250.07  | dshop          |

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| 351972        | 7/22/2024    | 10413          | BUD CLARY CHEVROLET, INC.      | ERR3008 - POLICE PATROL CHEVROLET TAHOE                                  | \$ 71,439.94 | pw1            |
| 351971        | 7/22/2024    | 10414          | BUD CLARY CHEVROLET, INC.      | ERR3009 - POLICE PATROL CHEVROLET TAHOE                                  | \$ 71,439.94 | pw1            |
| 351606        | 7/22/2024    | 143-1330-05    | SIEVERS, RICHARD & HEATHER     | UB Refund Cst #062340                                                    | \$ 166.40    | finance        |
| 351968        | 7/22/2024    | 1440           | NORTHWEST COLORS INC.          | PAINTING SERVICES FOR THE ANACORTES LIBRARY ACTIVITY ROOM                | \$ 6,419.20  | pw1            |
| 351633        | 7/22/2024    | 220/55041341   | UNIT PROCESS COMPANY           | SIEMENS VERIFICATOR RENTAL - 1 MONTH                                     | \$ 1,803.56  | dwtp           |
| 351618        | 7/22/2024    | 2544           | ECCOS DESIGN, LLC              | DEPOT PLAZA EXPANSION WORK                                               | \$ 1,020.00  | parks1         |
| 351619        | 7/22/2024    | 2545           | ECCOS DESIGN, LLC              | HEART LAKE MASTER PLAN DESIGN                                            | \$ 2,340.00  | parks1         |
| 351605        | 7/22/2024    | 380-1474-02    | PUSCAS, JOSHUA                 | UB Refund Cst #061174                                                    | \$ 126.26    | finance        |
| 351607        | 7/22/2024    | 700-2640-01    | BROADIE, MEGAN                 | UB Refund Cst #065235                                                    | \$ 30.03     | finance        |
| 352060        | 7/22/2024    | B05002         | TRUE NORTH EQUIPMENT, INC      | PART FOR EQUIP #5554                                                     | \$ 1,352.01  | dshop          |
| 351611        | 7/22/2024    | INV34239       | SEAWESTERN, INC.               | TOOL MOUNTS #2000                                                        | \$ 1,883.88  | dshop          |
| 351796        | 7/22/2024    | INV34242       | SEAWESTERN, INC.               | TOOL MOUNTS- #2000                                                       | \$ 447.34    | dshop          |
| 351731        | 7/23/2024    | 1714115        | WALTON BEVERAGE COMPANY, INC   | OPS BREAKROOM SUPPLIES                                                   | \$ 111.50    | dshop          |
| 351910        | 7/23/2024    | 1851965        | POLYDYNE, INC                  | COAG POLY CLARIFLOC A-3310                                               | \$ 4,569.35  | dwtp           |
| 352092        | 7/23/2024    | 24-105         | HANS VAN DUSEN                 | SOLID WASTE CONSULTING SERVICES - 4/1/24-6/30/24                         | \$ 3,435.00  | pw1            |
| 351906        | 7/23/2024    | 24-21406       | EDGE ANALYTICAL, INC           | WATER ANALYSIS - BACT FINISHED                                           | \$ 19.00     | dwtp           |
| 351907        | 7/23/2024    | 24-21410       | EDGE ANALYTICAL, INC           | WATER ANALYSIS - TCR NORTH INTOWN                                        | \$ 133.00    | dwtp           |
| 351806        | 7/23/2024    | 362658         | BAY CITY SUPPLY                | SUPPLIES FOR FACILITIES                                                  | \$ 520.65    | pwfac          |
| 351627        | 7/23/2024    | 7382304845     | CARDINAL HEALTH 110, INC.      | PHARMA: ALBUTEROL, IPRATROP, NALOXONE,                                   | \$ 486.31    | medic          |
| 351643        | 7/23/2024    | RefundBates    | BATES, SUSAN                   | WA PARK CAMPING REFUND                                                   | \$ 91.00     | parks1         |
| 352059        | 7/23/2024    | XA116002002:01 | RWC INTERNATIONAL              | PART FOR VEHICLE #517                                                    | \$ 118.12    | dshop          |
| 351914        | 7/24/2024    | 0322954-IN     | NELSON-REISNER DISTRIBUTOR INC | SUPPLIES FOR SHOP                                                        | \$ 439.19    | dshop          |
| 351967        | 7/24/2024    | 125840         | VECA ELECTRIC & TECHNOLOGIES   | UNIT-PRICED ELECTRICAL SERVICES 2024 - MOVE RECEPTACLE AT FIRE STATION 1 | \$ 854.08    | pw1            |
| 351909        | 7/24/2024    | 52275673       | UNIVAR USA INC                 | SODIUM HYDROXIDE                                                         | \$ 5,923.74  | dwtp           |
| 351815        | 7/24/2024    | BLD-2021-0135  | GENERAL DYNAMICS INFO. TECH.   | REFUND BLD-2021-0135                                                     | \$ 212.70    | finance        |



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| 351816        | 7/24/2024    | BLD-2021-0135   | GENERAL DYNAMICS INFO. TECH.   | REFUND BLD-2021-0135                                            | \$ 679.71    | finance        |
| 351797        | 7/24/2024    | cpls            | DEPARTMENT OF LICENSING        | CPLS TO D.O.L.; JUNE 2024                                       | \$ 300.00    | apd            |
| 351859        | 7/24/2024    | INV-996744      | OWENS PUMP & EQUIPMENT         | MAINTENANCE SUPPLIES - INCINERATOR                              | \$ 2,538.35  | dwwtp          |
| 351801        | 7/24/2024    | RefundCollinge  | COLLINGS, JASON                | WA PARK CAMPING REFUND                                          | \$ 95.00     | parks1         |
| 351798        | 7/24/2024    | RefundHarris    | HARRIS, DANIEL                 | WA PARK CAMPING REFUND                                          | \$ 70.00     | parks1         |
| 351799        | 7/24/2024    | RefundJamison   | JAMISON, KRISTINA              | WA PARK CAMPING REFUND                                          | \$ 78.00     | parks1         |
| 351802        | 7/24/2024    | RefundMiller    | MILLER, KAREN                  | WA PARK CAMPING REFUND                                          | \$ 59.00     | parks1         |
| 351800        | 7/24/2024    | RefundOlson     | OLSON, BRENDA                  | WA PARK CAMPING REFUND                                          | \$ 59.00     | parks1         |
| 351803        | 7/24/2024    | RefundWood      | WOOD, HEIDI                    | WA PARK CAMPING CANCELLATION                                    | \$ 219.00    | parks1         |
| 352058        | 7/24/2024    | XA116001592:02  | RWC INTERNATIONAL              | PART FOR VEHICLE #220                                           | \$ 55.31     | dshop          |
| 352057        | 7/24/2024    | XA116002098:01  | RWC INTERNATIONAL              | PARTS FOR VEHICLE #609                                          | \$ 412.44    | dshop          |
| 351908        | 7/25/2024    | 14121836        | HACH COMPANY                   | GLASS ROD SECONDARY TURBIDITY STANDARD                          | \$ 1,672.44  | dwtpt          |
| 351984        | 7/25/2024    | 1494291         | LIFE ASSIST, INC               | EAR SENSORS                                                     | \$ 346.80    | medic          |
| 351913        | 7/25/2024    | 362575          | BAY CITY SUPPLY                | SUPPLIES FOR FACILITIES                                         | \$ 539.74    | pwfac          |
| 352056        | 7/25/2024    | XA116002166:01  | RWC INTERNATIONAL              | PARTS FOR VEHICLE #609                                          | \$ 108.89    | dshop          |
| 351983        | 7/26/2024    | 1494423         | LIFE ASSIST, INC               | HYFIN VENT CHEST SEAL, TOURNIQUETS                              | \$ 157.31    | medic          |
| 352105        | 7/26/2024    | 16934           | OSPINSIGHT INTERNATIONAL, INC  | OSPINSIGHT LICENSES & HOSTING, 2024                             | \$ 21,231.23 | fiber          |
| 351911        | 7/26/2024    | 1715417         | WALTON BEVERAGE COMPANY, INC   | WTP BREAKROOM SUPPLIES                                          | \$ 62.50     | dwtpt          |
| 352055        | 7/26/2024    | 23440           | INDUSTRIAL RESOURCES, INC.     | MAINTENANCE SUPPLIES                                            | \$ 1,294.51  | dwwtp          |
| 351966        | 7/26/2024    | 237611          | BLYTHE MECHANICAL, INC         | HVAC ON-CALL REPAIR SERVICES LEAKING A/C UNIT AT FIRE STATION 1 | \$ 415.55    | pw1            |
| 352067        | 7/26/2024    | 3726            | SKAGIT COUNTY SHERIFF'S OFFICE | NW MINI CHAIN / 2024 2ND QTR                                    | \$ 5,518.75  | apd            |
| 352072        | 7/26/2024    | 9602-1          | ANACORTES TOWING, LLC          | TOWING; APD CASE 24-A04710                                      | \$ 176.26    | apd            |
| 352073        | 7/26/2024    | 9603-1          | ANACORTES TOWING, LLC          | TOWING; APD CASE 24-A04726                                      | \$ 176.26    | apd            |
| 352086        | 7/26/2024    | ReimbNorman     | NORMAN, LILLIAN                | REIMBURSE SHIPPING FEES                                         | \$ 30.76     | finance        |
| 352065        | 7/29/2024    | 10875505        | NAVIA BENEFIT SOLUTIONS, INC   | JULY FLEXIBLE SPENDING PARTICIPANT FEE                          | \$ 167.70    | hr             |
| 352102        | 7/29/2024    | 298039          | TOWN SQUARE PUBLICATIONS, LLC  | AD IN CHAMBER OF COMMERCE DIRECTORY                             | \$ 1,500.00  | fiber          |
| 351977        | 7/29/2024    | IN957583        | NOANET                         | NETWORK ENGINEERING SUPPORT                                     | \$ 826.00    | fiber          |
| 352062        | 7/30/2024    | 23-194-WTR-0011 | BECKWITH & KUFFEL              | RETAINAGE RELEASE                                               | \$ 156.00    | pw1            |

| Invoice Doc # | Invoice Date | Invoice #       | Vendor Full Name               | Description                                           | Total Amount           | Approval Queue |
|---------------|--------------|-----------------|--------------------------------|-------------------------------------------------------|------------------------|----------------|
| 352083        | 7/30/2024    | 23-224-FAC-0011 | AXIOM ROOFING LLC              | RETAINAGE RELEASE                                     | \$ 5,206.95            | pw1            |
| 352079        | 7/30/2024    | 7383223579      | CARDINAL HEALTH 110, INC.      | PHARMA: ROCURONIUM, ADENOSINE,                        | \$ 566.58              | medic          |
| 352063        | 7/30/2024    | ContractAustin  | AUSTIN, TIA                    | KRBF FACEPAINTER                                      | \$ 150.00              | pkrec          |
| 352077        | 7/30/2024    | flagfootball    | SEAHAWK ATHLETIC BOOSTER ASSOC | IMPLEMENTING FLAG FOOTBALL PROGRAM,                   | \$ 5,329.00            | pkrec          |
| 352066        | 7/30/2024    | ReimbColeman    | COLEMAN, JOHN                  | PLANNING DIRECTORS CONFERENCE + CITY ASSOCIATION DUES | \$ 665.63              | plan           |
|               | <b>Total</b> |                 |                                |                                                       | <b>\$ 1,300,436.14</b> |                |



## City Council Agenda Bill

**Meeting Date:** August 5, 2024      **Agenda Item:** 6.c.

**Agenda Item Title:** Contract Award: WTP Filter and Backwash Study #24-208-WTR-001

**Staff Contact(s):** Andrew Rheume

| <b><u>Approved for Submittal to Council by</u></b> | <b><u>Action Type</u></b> |
|----------------------------------------------------|---------------------------|
| Tiffany Matson                                     | Contract Award            |
| Andrew Rheume                                      |                           |

**Item Summary:** City staff seeks City Council consent to award a contract in the amount of \$47,000.00 to HDR Engineering, Inc. to perform a filter and backwash study for the Water Treatment Plant (WTP). The Consultant will perform a historical analysis of filter run times and key water source and operational data to determine which factors impact filter run times with a goal of reducing the amount of time the City cannot achieve the 96 -hour criteria. This includes presenting the findings of this analysis to treatment plant operations staff as well as providing as requested operational training for the City.

1. **Background:** This work will assist WTP operators with filter performance.
2. **Key Terms:**
  - a. Contract is on a time and materials basis not-to-exceed \$47,000.00.
  - b. The period of performance under this Agreement is through February 14, 2025
3. **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.

**Budget Impact:**

|                 |                       |
|-----------------|-----------------------|
| Consultant      | HDR Engineering, Inc. |
| Contract Amount | \$47,000.00           |
| Earmarked Funds | \$47,000.00           |

|                            |                    |
|----------------------------|--------------------|
| BARS #                     | 401.730.534.10.41  |
| Budget Amendment Required? | No                 |
| Start Date                 | Contract execution |
| End Date                   | 2/14/2025          |

**Previous Action:** N/A

**Recommended Motion:** I move that City Council authorize the Mayor to sign contract 24-208-WTR-001 with HDR Engineering, Inc. in the amount of \$47,000.00 for the WTP Filter And Backwash Study.

**Alternative Actions:** Not award the contract.

**Attachments (listed in order presented):**

1. 24-208-WTR-001



## AGREEMENT 24-208-WTR-001

Between  
THE CITY OF ANACORTES  
AND  
HDR ENGINEERING, INC.

### WTP FILTER AND BACKWASH STUDY

This Agreement, hereinafter referred to as "Agreement", is made and entered into between the City of Anacortes, hereinafter referred to as the "City", and HDR Engineering, Inc., hereinafter referred to as the "Consultant".

**WHEREAS**, the City requires the professional services of the Consultant;

**NOW, THEREFORE**, in consideration of mutual benefits accruing, it is agreed by and between the parties hereto as follows:

1. **Scope of Work.** Under this Agreement, the Consultant shall perform a filter and backwash study for the Anacortes Water Treatment Plant (WTP), 14489 River Bend Rd, Mount Vernon, WA 98273. Work is specified in Exhibit A, which is attached hereto and incorporated by reference, and shall be performed under the direction of the City's Project Manager, Isaac Brunk, or designee.

2. **Price and Payment Terms.** The services provided under this Agreement shall be on a time and materials basis not-to-exceed **Forty-Seven Thousand Dollars (\$47,000.00)**. The per task estimates are detailed in Exhibit A, which is attached hereto and incorporated by reference.

3. **Period of Performance.** The period of performance under this Agreement is from inception through February 14, 2025.

4. **Subcontracts.** The Consultant shall not subcontract the Scope of Work ("Work") unless detailed in this Agreement or the Project Manager approves in writing. If the Project Manager requests, the Consultant shall provide proof that the subcontractor has the experience, ability, and equipment the Work requires. "subcontractor" means an individual, partnership, firm, corporation, or joint venture who is sublet part of the Contract by the Consultant. Each request to subcontract shall include the following information (i) a description of the supplies or services to be subcontracted, (ii) identification of the type of subcontract to be used (iii) identification of the proposed subcontractor, (iv) proposed subcontract price, (v) identification of the percentage of work to be performed by subcontract. Approval of subcontract shall not:

- a. Relieve the Consultant of any responsibility to carry out the Contract,
- b. Relieve the Consultant of any obligations or liability under the Contract,
- c. Create any contract between the City and the subcontractor, or
- d. Convey to the subcontractor any rights against the City.

Consultant remains fully responsible for obligations, services, and functions performed by its subcontractor to the same extent as if such obligations, services, and functions were performed by Consultant's employees, and for purposes of the Agreement such work will be deemed work performed by Consultant. The Consultant shall give immediate written notice, reference Clause **Notices**, of any action or suit filed and prompt notice of any claim made against the Consultant by any subcontractor or vendor that, in the opinion of the Consultant, may result in litigation related in any way to this Agreement, with respect to which the Consultant may be entitled to reimbursement from the City.

If dissatisfied with any part of the subcontracted Work, the Project Manager may request in writing that the subcontractor be removed. The Consultant shall comply with this request at once and shall not employ the subcontractor for any further Work under the Contract.

5. **Taxes.** The City will pay sales and use taxes imposed on goods or services acquired hereunder as required by law. The Consultant must pay all other taxes including, but not limited to: Business and Occupation Tax, taxes based on the Consultant's gross or net income, or personal property to which the City does not hold title. The City is exempt from Federal Excise Tax. Where applicable the City shall furnish a Federal Excise Tax Exemption certificate.

6. **Invoicing.** All invoices shall include a cover page that states: Company Name, Invoice Date, Due Date (30 days), Invoice Number, Invoice Period, Project Manager Name, **Agreement Number**, Agreement Price, amount requested per invoice and cumulative invoiced amount. Invoices shall include actual hours worked by Period, by Labor Category. The Consultant must invoice MONTHLY for quantities delivered during the invoice period, and no more frequently than monthly, and allow 30 calendar days from receipt of the invoice for payment.

Invoices may be sent by US mail to City of Anacortes, Accounts Payable, PO Box 547, Anacortes, WA 98221, or by email to [accountspayable@cityofanacortes.org](mailto:accountspayable@cityofanacortes.org). The City shall notify the Consultant within fifteen (15) calendar days from receipt of invoice if there are any objections or disputes with the invoice. The Consultant shall then resubmit a new invoice less the disputed amount and payment shall be made within 30 calendar days. Any disputed amounts may be submitted under the Disputes clause contained herein.

7. **Withholding Payment.** In the event the City determines that the Consultant has failed to perform any obligation under this Contract within the times set forth in this Contract, then the City may withhold from amounts otherwise due and payable to Consultant the amount determined by the City as necessary to cure the default, until the Contracting Officer determines that such failure to perform has been cured. Withholding under this clause shall not be deemed a breach entitling Consultant to terminate or damages, provided that the City promptly gives notice in writing to the Consultant of the nature of the default or failure to perform, and in no case more than 8 days after it determines to withhold amounts otherwise due. A determination of the City Attorney set forth in such notice to the Consultant of the action required and/or the amount required to cure any alleged failure to perform shall be deemed conclusive, except to the extent that the Consultant acts within the times and in strict accord with the provisions of the Disputes clause of this Contract. The City may act in accordance with any determination of the City Attorney which has become conclusive under this clause, without prejudice to any other remedy under the Contract, to take all or any of the following actions: (1) cure any failure or default, (2) to pay any amount so required to be paid and to charge the same to the account of the Consultant, (3) to set off any amount so paid or incurred from amounts due to become due the Consultant. In the event the Consultant obtains relief upon a claim under the Disputes clause, no penalty or damages shall accrue to Consultant by reason of good faith withholding by the City under this clause.

8. **Final Payment: Waiver of Claim.** The Consultant's acceptance of final payment shall constitute a waiver of claims, except those previously and properly made and identified by the Consultant as unsettled at the time request for final payment is made.

9. **Ownership and Use of Documents.** All finished and unfinished documents and material prepared by the Consultant with funds paid by the City pursuant to the terms of this Agreement shall become the property of the City and shall be forwarded to the City upon its request. Documents and materials shall include but not be limited to plans, specifications, reports, electronic and non-electronic data, and other design documents prepared by the Consultant. Pursuant to RCW 42.56.70, all information and documents produced under this Agreement may be subject to public disclosure. Any modification or reuse of such materials for purposes other than those intended by this Agreement shall be at City's sole risk and without liability to Consultant.

10. **Assistance Regarding Patent and Copyright Infringement.** In the event of any claim or suit against City on account of any alleged patent or copyright infringement arising out of the performance of this Contract or out of the use of any material furnished or work or services performed hereunder, Consultant shall defend City against any such suit or claim and hold City harmless from any and all expenses, court costs, and attorney's fees in connection with such claim or suit.

11. **Indemnification / Hold Harmless.** Consultant shall defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, to the extent arising out of or resulting from the alleged negligent or wrongful acts, errors or omissions of the Consultant in performance of this Agreement, except for injuries and damages caused by the sole negligence of the City. However, should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Consultant and the City, its officers, officials, employees, and volunteers, the Consultant's liability, including the duty and cost to defend, hereunder shall be only to the extent of the Consultant's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Consultant's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

12. **General and Professional Liability Insurance.**

**A. Insurance Term:** The Consultant shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, or employees.

**B. No Limitation:** Consultant's maintenance of insurance as required by this Agreement shall not be construed to limit the liability of the Consultant to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.

**C. Minimum Scope of Insurance:** Consultant shall obtain insurance of the types and coverages described below:

1. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be as least as broad as Insurance Services Office (ISO) form CA 00 01.
2. Commercial General Liability insurance shall be at least as broad as ISO occurrences form CG 00 01 and shall cover liability arising from premises, operations, stop-gap independent consultants and personal injury and advertising injury. The City shall be named as an additional insured under the Consultant's Commercial General Liability insurance policy with respect to the work performed for the City using an additional insured endorsement at least as broad as ISO CG 20 26.
3. Worker's Compensation coverage as required by the Industrial Insurance laws of the State of Washington.
4. Professional Liability insurance appropriate to the Consultant's profession.

**D. Minimum Amounts of Insurance:** Consultant shall maintain the following insurance limits:

1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.
2. Commercial General Liability insurance shall be written with limits no less than \$2,000,000 each occurrence and \$2,000,000 general aggregate.
3. Professional Liability insurance shall be written with limits no less than \$2,000,000 per claim and \$2,000,000 policy aggregate limit.

**E. Other Insurance Provision:** The Consultant's Automobile Liability and Commercial General Liability insurance policies are to contain, or be endorsed to contain that they shall be primary insurance as respect the City. Any Insurance, self-insurance, or self-insured pool coverage maintained by the City shall be excess of the Consultant's insurance and shall not contribute with it.

**F. Acceptability of Insurers:** Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

**G. Verification of Coverage:** The Consultant shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsements, evidencing the insurance requirements of the Consultant within 10 days of contract execution and before scheduling of the work. Upon request by the City, the Consultant shall furnish copies of all required insurance policies, including endorsements, required in this contract and evidence of all subcontractor' coverage. Failure of the City to demand such verification of coverage with these insurance requirements or failure of the City to identify a deficiency from the insurance documentation provided shall not be construed as a waiver of Consultant's obligation to maintain such insurance.

Verification of coverage shall include:

1. An ACORD certificate or a form determined by the City to be equivalent.
2. Copies of all endorsements naming the City as additional insured, showing the policy number. The Consultant may submit a copy of any blanket additional insured clause from its policies instead of a separate endorsement.
3. Any other amendatory endorsements to show the coverage required herein.
4. A notation of coverage enhancements on the Certificate of Insurance shall not satisfy these requirements – actual endorsements must be submitted.

**H. Notice of Cancellation:** The Consultant shall provide the City with written notice of any policy cancellation within two business days of their receipt of such notice.

**I. Failure to Maintain Insurance:** Failure on the part of the Consultant to maintain the insurance as required shall constitute a material breach of contract, upon which the City may, after giving five business days' notice to the Consultant to correct the breach, immediately terminate the contract, or at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with sums so expended to be repaid to the City on demand, or at the sole discretion of the City, offset against funds due the Consultant from the City.

**J. City Full Availability of Consultant Limits:** If the Consultant maintains higher insurance limits than the minimums shown above, the City shall be insured for the full available limits of Commercial General and Excess or Umbrella liability maintained by the Consultant, irrespective of whether such limits maintained by the Consultant are greater than those required by this Agreement or whether any certificate of insurance furnished to the City evidences limits of liability lower than those maintained by the Consultant.

13. **Registered or Licensed.** The City is prohibited from executing an Agreement with a Consultant who is not registered or licensed as required by the applicable laws of the state for their profession. In addition, Anacortes Municipal Code requires that every business located within the city limits of Anacortes register the business with the state and include a City of Anacortes Endorsement. Businesses from outside city limits with a gross annual income of \$2,000 within Anacortes are also required to obtain a city endorsement. Business licenses and city endorsements can be obtained through the State of Washington Department of Revenue (DOR) Business Licensing Service (BLS) at [bls.dor.wa.gov](https://bls.dor.wa.gov).

14. **Inspection.** The Project Manager shall have power to reject instruments of services which fail to comply with the requirements of this Agreement, but in case of dispute the Consultant may appeal to the City Attorney, whose decision shall be final, subject to the Disputes clause contained herein. The Consultant shall comply with any and all orders and instructions given by the representative of the particular Department administering the Agreement in accordance with the terms of the Agreement. Nothing herein contained shall be taken to relieve the Consultant of their obligations or responsibilities under the Agreement. However, the Consultant shall be responsible for their own methods and conduct during the period of performance.

15. **Standard of Care.** The Consultant represents that they have the necessary knowledge, skill, and experience to perform the Services required by this Agreement. Consultant, and any persons employed by Consultant, shall use their professional skill and efforts to perform the Work in a professional manner consistent with sound practices, in accordance with the usually and customary professional care required for services of the type described in the Scope of Work herein provided at the same time and in the same locale. The City's remedy for a failure to meet the above Standard of Care shall be the re-performance of the Service or an equitable adjustment in the monies paid for the services, at the City's discretion.

16. **Standard Title VI / Non-Discrimination Assurances.** During the performance of this contract, the Consultant, for itself, its assignees, and successors in interest agrees to the clauses in "Appendix A" and "Appendix E" of the Standard Title VI Assurances (USDOT1050.2A), which are hereby incorporated by reference and made a part hereof.

17. **Consultant is an Independent Contractor.** The parties intend that an independent contractor relationship will be created by this Agreement. No agent, employee or representative of the Consultant shall be deemed to be an agent, employee or representative of the City for any purpose. Consultant shall be solely responsible for all acts of its agents, employees, representatives and subcontractor during the performance of this Agreement.

18. **Acceptance.** Consultant acknowledges and agrees that these contract terms are incorporated in, and are a part of, each purchase order or other agreement relating to the provision of goods and/or related services by Consultant. These contract terms supersede all conflicting or additional terms pre-printed on any purchase order, quote, invoice, Consultant's website, or otherwise set forth on any release, acknowledgement, confirmation, requisition, work order, shipping instruction, specification and similar document or communication.

19. **No Third Party Beneficiary Rights.** This Agreement is not intended to and shall not be construed to give any Third Party any interest or rights (including, without limitation, any Third Party beneficiary rights) with respect to or in connection with any agreement or provision contained herein or contemplated hereby, except as otherwise expressly provided for in this Agreement.

20. **Right to Terminate Agreement.**

**A. Termination for Default:** If the Consultant defaults by failing to perform any of the obligations of the Agreement or becomes insolvent or is declared bankrupt or commits any act of bankruptcy or insolvency or makes an assignment for the benefit of creditors, the City may, by depositing written notice to the Consultant in the U.S. mail, postage prepaid, terminate the Agreement, and at the City's option, obtain performance of the work elsewhere. If the Agreement is terminated for default, the Consultant shall not be entitled to receive any further payments under the Agreement until all work called for has been fully performed. Any extra cost or damage to the City resulting from such default(s) shall be deducted from any money due or coming due to the Consultant. The Consultant shall bear any extra expenses incurred by the City in completing the work, including all increased costs for completing the work, and all damage sustained, or which may be sustained by the City by reason of such default. If a notice of termination for default has been issued and it is later determined for any reason that the Consultant was not in default, the rights and obligations of the parties shall be the same as if the notice of termination had been issued pursuant to the Termination for Public Convenience paragraph hereof.



**B. Termination for Public Convenience:** The City may terminate the Agreement in whole or in part whenever the City determines, in its sole discretion that such termination is in the best interests of the City. Whenever the Agreement is terminated in accordance with this paragraph, the Consultant shall be entitled to payment for actual work performed at unit Agreement prices for completed items of work through the date of termination. If the City exercises its option under this Paragraph, the City shall not be responsible for payment for loss of anticipated profit on deleted or uncompleted work. Termination of this Agreement by the City at any time during the term, whether for default or convenience, shall not constitute a breach of Agreement by the City.

21. **Changes/Additional Work**. The City may engage Consultant to perform services in addition to those listed in this Agreement, and Consultant will be entitled to additional compensation for authorized additional services or materials. The City shall not be liable for additional compensation until and unless any and all additional work and compensation is approved in advance in writing and signed by both parties to this Agreement. If conditions are encountered which are not anticipated in the Scope of Services, the City understands that a revision to the Scope of Services and fees may be required. Provided, however, that nothing in this paragraph shall be interpreted to obligate the Consultant to render or the City to pay for services rendered in excess of the Scope of Services unless or until a modification to this Agreement is approved in writing by both parties.

22. **Non-waiver**. Waiver by the City of any provision of this Agreement or any time limitation provided for in this Agreement shall not constitute a waiver of any other provision.

23. **Non-assignable**. The services to be provided by the Consultant shall not be assigned or subcontracted without the express written consent of the City.

24. **Covenant Against Contingent Fees**. The Consultant warrants that they have not employed or retained any company or person, other than a bona fide employee working solely for the Consultant, to solicit or secure this Agreement, and that they have not paid or agreed to pay any company or person, other than a bona fide employee working solely for the Consultant, any fee, commission, percentage, brokerage fee, gifts, or any other consideration contingent upon or resulting from the award of making of this Agreement. For breach or violation of this warranty, the City shall have the right to annul this Agreement without liability or, in its discretion to deduct from the Agreement price or consideration, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift, or contingent fee.

25. **Disputes**

**A. General:** Differences between the Consultant and the City, arising under and by virtue of this Agreement shall be brought to the attention of the City at the earliest possible time in order that such matters may be settled or other appropriate action promptly taken. The provisions of this Clause shall survive the expiration or termination of this Agreement.

**B. Notice of Potential Claims:** The Consultant shall not be entitled to additional compensation which otherwise may be payable, or to extension of time for (1) any act or failure to act by the Contracting Agent or the City, or (2) the happening of any event or occurrence, unless the Consultant has given the City a written Notice of Potential Claim within 10 days of the commencement of the act, failure, or event giving rise to the claim, and before final payment by the City. The written Notice of Potential Claim shall set forth the reasons for which the Consultant believes additional compensation or extension of time is due, the nature of the cost involved, and insofar as possible, the amount of the potential claim. Consultant shall keep full and complete daily records of the Work performed, labor and all costs and additional time claimed to be additional.

**C. Detailed Claim:** The Consultant shall not be entitled to claim any such additional compensation, or extension of time, unless within 30 days of the accomplishment of the portion of the work from which the claim arose, and before final payment by the City, the Consultant has given the City a detailed written statement of each element of cost or other compensation requested and of all elements of additional time required, and copies of any supporting documents evidencing the amount or the extension of time claimed to be due.

**D. Dispute Resolution:** In the event of a dispute between the City and the Consultant arising of this Agreement, or any obligation hereunder the dispute shall first be referred to the representatives designated by the City and the Consultant to have oversight over the administration of this Agreement. Said representatives shall meet within thirty (30) calendar days of receipt of detailed claim, and the parties shall make a good faith effort to achieve a resolution of the dispute. In the event the parties are unable to resolve the dispute under the procedure set forth above, then the parties hereby agree that the matter shall be referred to mediation. The parties shall mutually agree upon a mediator to assist them in resolving their differences. Any expenses incidental to mediation shall be borne equally by the parties. If either party is dissatisfied with the outcome of the mediation, that party may then pursue any available judicial remedies.

26. **Force Majeure.** Neither party shall be liable to the other or deemed in breach or default for any failure or delay in performance under this Agreement during the time and to the extent its performance is prevented by reasons of Force Majeure. For the purposes of this Agreement, Force Majeure means an occurrence that is beyond the reasonable control of and without fault or negligence of the party claiming force majeure and which, by exercise of due diligence of such party, could not have been prevented or overcome. Force Majeure shall include natural disasters, including fire, flood, earthquake, windstorm, avalanche, mudslide, and other similar events; acts of war or civil unrest when an emergency has been declared by appropriate governmental officials; acts of civil or military authority; freight embargoes; epidemics; pandemics; quarantine restrictions; labor strikes; boycotts; terrorist acts; riots; insurrections; explosions; and nuclear accidents. A party claiming suspension or termination of its obligations due to force majeure shall give the other party prompt written notice of the impediment and its effect on the ability to perform, with such notice to be provided no more than two (2) working days after the force majeure event or reasonable discovery of the event's impact on performance. Failure to provide such notice shall preclude recovery under this provision. Such delay shall cease as soon as practicable and written notification of same shall be provided. The time of completion shall be extended by Agreement modification for a period of time equal to the time that the results or effects of such delay prevented the delayed party from performing in accordance with this Agreement. Rights Reserved: The City reserves the right to cancel the Agreement and/or purchase materials, equipment or services from the best available source during the time of force majeure, and Consultant shall have no recourse against the City

27. **Compliance with Laws.** The Consultant in the performance of this Agreement shall comply with all applicable Federal, State or local laws and ordinances, including regulations for licensing, certification and operation of facilities, programs and accreditation, executive proclamations, all applicable Washington Dept. of Labor & Industries (L&I) and Occupational Safety & Health Administration (OSHA) safety standards, and licensing of individuals, and any other standards or criteria as described in the Agreement to assure quality of services. The Consultant specifically agrees to pay any applicable business and occupation (B&O) taxes, which may be due on account of this Agreement.

28. **Severability.** If any term or condition of this Agreement or the application thereof to any person(s) or circumstances is held invalid, such invalidity shall not affect other terms, conditions or applications which can be given effect without the invalid term, condition or application. To this end, the terms and conditions of this Agreement are declared severable.

29. **Governing Law.** This Agreement shall be governed by and construed under the laws of the State of Washington. Any action brought under the Agreement or relating to the Project shall be brought in the Superior Court of the State of Washington in Skagit County Washington.

30. **Survival of Agreement Termination.** The articles relating to Indemnification / Hold Harmless, Taxes, Ownership and Use of Documents, Assistance Regarding Patent and Copyright Infringement, The City's Right to Terminate Agreement, Governing Law, and Disputes, shall survive completion of the services, payment in full of the compensation and termination of this Agreement.

31. **Notices.** All notices required or permitted to be given under this Agreement shall be in writing and shall be deemed to have been given and received (a) when personally delivered, or delivered by same-day courier; or (b) on the third business day after mailing by registered or certified mail, postage prepaid, return receipt requested; or (c) upon delivery when sent by prepaid overnight express delivery service (e.g., FedEx, UPS); or (d) when sent by email and upon the receipt by the sending party of written confirmation by the receiving party; provided, however, that an automated email confirmation of delivery or read receipt shall not constitute such confirmation. Notices shall be sent to the following addresses:

CITY:  
City of Anacortes  
Tiffany Matson  
904 6th Street  
PO BOX 547  
Anacortes, WA 98221  
contracts@cityofanacortes.org

CONSULTANT:  
HDR Engineering, Inc.  
Kenneth Packard  
929 108<sup>th</sup> Ave NE, Suite 1300  
Bellevue, WA 98004  
Kenneth.Packard@hdrinc.com

**The parties acknowledge** that there has been an opportunity to negotiate the terms and conditions of this Agreement and agree to each bind itself, its partners, successors, assigns, and legal representatives to the other party hereto, in respect of all covenants, agreements, and obligations contained in the Contract Documents. Each of the persons signing below on behalf of any party hereby represents and warrants that they are signing with full and complete authority to bind the party on whose behalf of whom they are signing, to each and every term of this Agreement.

**CITY OF ANACORTES**

**HDR ENGINEERING, INC.**

By \_\_\_\_\_  
Matt Miller, Mayor

By \_\_\_\_\_

Date \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

## APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Washington State Department of Transportation, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Washington State Department of Transportation to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Washington State Department of Transportation, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Washington State Department of Transportation may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the contractor under the contract until the contractor complies; and/or
  - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Washington State Department of Transportation may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

## APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

### **Pertinent Non-Discrimination Authorities:**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

**CONTRACT 24-208-WTR-001  
EXHIBIT A**

**City of Anacortes, WA  
WTP Filter and Backwash Study**

**July 2024**



**929 108th Avenue NE  
Suite 1300  
Bellevue, WA 98004-4361  
(425) 450-6200**

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# EXHIBIT A

## SCOPE OF SERVICES

### Background

The Anacortes Water Treatment Plant (WTP) has eight filters downstream of their Actiflo ballasted sedimentation system. Filter backwashing is vital to the life of the filter. Backwashing involves reversing flow at a high velocity through the filters to remove any accumulated debris off the filter. Indicators that filter backwashing is required include the turbidity of the water coming out of the filter and head loss through the filter bed. In addition, the WTP's operating permit issued by the Washington Department of Health (DOH) states that the filters may not be run longer than 96 hours without backwashing. During typical operations, it is very common to achieve 96-hour filter run times. However, there are situations where filter runtimes decrease significantly, as low as 20 hours. Increased filter backwashing leads to a higher portion of the raw water withdrawn from the Skagit River being diverted to the City's lagoons and creates operational challenges during periods of high water demands in the City's distribution system.

The City has retained HDR to perform a historical analysis of filter run times and key water source and operational data to determine which factors impact filter run times with a goal of reducing the amount of time the City cannot achieve the 96 -hour criteria. This includes presenting the findings of this analysis to treatment plant operations staff as well as providing as requested operational training for the City.

### Scope of Services

#### Task 100      Project Management

##### Objective

The purpose of this task is to monitor, control and adjust scope, schedule, and budget as well as provide monthly status reporting, accounting, and invoicing.

##### HDR Services

1. The following services will be included in this task as part of this scope:
  - A. Project Management Plan to reflect the scope and deliverables (Project Guide) outlining the project scope, team organization, schedule, and communications information.
  - B. Coordination and management of the project team to support extended project duration.
  - C. Progress reports and invoicing to support extended project duration.
  - D. Project management meetings to support extended project duration.

##### Client Responsibilities

1. Attend project management meetings.
2. Timely processing and payment of invoices.
3. Review and process contract change requests and amendments, if needed.



### **Assumptions**

1. The project duration will be 6 months.
2. One project management meeting will be held every other month with 1 hour of project manager time will be required for each meeting preparation, attendance, follow-up, and notes.
3. Invoices will be HDR standard invoice format.
4. Expense backup will not be provided with invoices but will be available for review at HDR.

### **Deliverables**

1. Monthly reports and invoices (one copy with invoice can be mailed or e-mailed PDF file)
2. Monthly project schedule and budget updates.
3. Project management meeting agenda and notes (e-mailed PDF files).

## **Task 200      Data Analysis**

### **Objective**

Review historical operating treatment plant data to identify factors that limit filter runtime.

### **HDR Services**

1. Prepare data request for the City.
2. Review and analyze historical filter performance data provided by City.
3. Compare filter runtimes to other operational data to correlate factors that may limit filter runtime.
  - A. Source water quality.
  - B. Treatment plant operations
  - C. Dosing Information
4. Review and analyze any standard operating procedures the City may have on filter backwashing.
5. Conduct interviews with the City's WTP staff regarding performance issues/observations.
6. Prepare memorandum and submit to the City for review.
7. Prepare presentation summarizing findings for operational staff.

### **City Responsibilities**

1. Provide requested data.
2. Review and provide comments, submitted as a consolidated review comment document.
3. Participate in review meetings to discuss memorandum.
4. Participate in review meetings to discuss summary of findings.

### **Assumptions**

1. Data request includes information on City's WTP filter operations and performance.
2. City has sufficient historical data from the plant available in electronic form to support data analysis. Parameters for the analysis include:
  - A. Settled water turbidity.
  - B. Seasonality.
  - C. Settled water polymer dosing.
  - D. Filter aid polymer dosing.
  - E. Raw water turbidity.
  - F. Filter runtime data with original filter media (pre-2020), post media change out, and post media addition.
  - G. Up to three additional parameters may be identified.
3. Review meeting with the City will be in-person and last four hours. Review meeting will include up to three HDR staff. The meeting has eight hours budgeted for preparation, attendance, and follow up. HDR will prepare a meeting agenda distributed prior to the meeting and provide the City with meeting notes following the meeting.

### **HDR Deliverables**

1. Data request excel spreadsheet in an email.
2. Draft data analysis memorandum for City review (PDF format)
3. Final data analysis memorandum (PDF format)
4. Powerpoint presentation for review meeting(ppt format)

## **Task 300      Operational Review and Staff Instruction**

### **Objective**

Provide the City as requested support related to the operation of their filters and operational training.

### **HDR Services**

1. Provide services as requested by the City.

### **City Responsibilities**

1. Request services.

### **Assumptions**

1. An allowance of \$10,000 has been provided to support the City. The work to be perform is limited to the budget available.

### **HDR Deliverables**

1. None defined at this time.

## Schedule

| Milestones                    | Date             |
|-------------------------------|------------------|
| Notice to Proceed             | July 31, 2024    |
| Project Management            | January 31, 2025 |
| Data Analysis                 | January 31, 2025 |
| Pilot Study/Filter Evaluation | January 31, 2025 |

## Estimated Fee for Professional Services

- The estimated total contract amount to complete the professional services identified in this Scope of Services is offered on a **time-and-materials basis not-to-exceed \$47,000**. Following are estimated professional services costs for the tasks provided in this scope of services. The following table is provided only to show the City an approximate breakdown of estimated costs. Expenses will be billed at a 5% Markup

| Task                                                | Estimated Task Cost |
|-----------------------------------------------------|---------------------|
| Task 100 – Project Management                       | \$5,300             |
| Task 200 – Data Analysis                            | \$31,700            |
| Task 300 – Operational Review and Staff Instruction | \$10,000            |
| <b>TOTAL</b>                                        | <b>\$47,000</b>     |



## City Council Agenda Bill

**Meeting Date:** August 5, **Agenda Item:** 6.d.  
2024

**Agenda Item Title:** Contract Award: WWTP Pump Station 4 Flowmeter Vault #24-209-SEW-001

**Staff Contact(s):** Andrew Rheume

| <b><u>Approved for Submittal to Council by</u></b> | <b><u>Action Type</u></b> |
|----------------------------------------------------|---------------------------|
| Tiffany Matson                                     | Contract Award            |
| Andrew Rheume                                      |                           |

**Item Summary:** City staff seeks City Council consent to award a contract in the amount of \$59,281.86 to Welch Brothers Construction Inc. to perform the WWTP Pump Station 4 Flowmeter Vault Installation project.

**Background:**

1. **History:** Pump Station 4 was originally installed in 1963, and has been progressively upgraded in 1989, 2001 and again in 2018 when new PLC, new VFD's and Fiber Communication was added. This pump station receives sewage from pump stations out at March Point and the southeastern area of T Ave. This year's improvements include controls modifications, replacing the old pumps with new Flygt Pumps, and the addition of a flowmeter for better monitoring of flows from March Point and the local area this stations services. These improvements will be done in accordance of the City of Anacortes Sewage Pump Station Design Standards.
2. **Key Terms:**
  - Contract is on a time and materials basis not-to-exceed \$59,281.86.
  - The Contractor shall complete the work by November 8, 2024.
3. **Competitive Bidding:** In accordance with competitive bid requirements set forth under RCW 35.23.352 the project cost is under the competitive requirements and thus the Project Manager evaluated contractors and chose to contract with Welch Brothers Construction Inc.

**Budget Impact:**

|                            |                                  |
|----------------------------|----------------------------------|
| Contractor                 | Welch Brothers Construction Inc. |
| Contract Amount            | \$59,281.86                      |
| Earmarked Funds            | \$250,000.00                     |
| BARS #                     | 440.750.535.81.48                |
| Budget Amendment Required? | No                               |
| Start Date                 | Notice to Proceed                |
| End Date                   | 11/8/24                          |

**Previous Action:** N/A

**Recommended Motion:** I move that City Council authorize the Mayor to sign contract 24-209-SEW-001 with Welch Brothers Construction Inc. in the amount of \$59,281.86 to perform the WWTP Pump Station 4 Flowmeter Vault Installation project.

**Alternative Actions:** Not award the contract.

**Attachments (listed in order presented):**

1. 24-209-SEW-001



CONTRACT #24-209-SEW-001  
AGREEMENT WITH  
**WELCH BROTHERS CONSTRUCTION INC.**

This Contract is between the City of Anacortes, Washington, a Municipal Corporation (herein after referred to as "City") and Welch Brothers Construction Inc., a private contractor at PO Box 818, Anacortes, WA 98221 (herein after referred to as "Contractor").

**PROJECT**  
**WWTP PUMP STATION 4 FLOWMETER VAULT INSTALLATION**

1. **Scope of Work:** Contractor shall furnish all materials, equipment and labor for the Pump Station 4 Flowmeter Vault installation project. Work is detailed in Exhibit A, which is attached hereto and incorporated by reference, and includes:
  - a. Install a 60in manhole/Vault approximately 15ft deep. This will be dog housed to straddle the existing force main.
  - b. Cast, City provided, hatch into a lid.
  - c. Cut force main and provide appropriate hardware to install City provided Flowmeter
  - d. Provide trench to control cabinet and wet well
  - e. Plumb 1.5in sch80 PVC from vault to wet well
2. **Contract Price:** The Contractor will perform the scope of work above on a time and materials basis not-to-exceed **Fifty-Nine Thousand Two Hundred Eighty-One Dollars and Eighty-Six Cents (\$59,281.86)**, which includes \$4,794.86 sales tax at an 8.8% rate. This includes all mobilization, demobilization, labor, materials, standard freight, and administrative overhead for the project. Before any payment is made by the City of Anacortes of sums under this contract, the contractor must provide a copy of the statement of *Intent to Pay Prevailing Wage* approved by the Department of Labor and Industries. Pursuant to RCW Chapter 60.28, a sum of five percent (5%) of the monies earned by the contractor will be retained.
3. **Bonds:** Pursuant to RCW 39.08.010, the Contractor shall provide the City a performance bond and payment bond for the full contract amount to be in effect as detailed in the incorporated General Provisions. The City may at its option release the bonds once all the conditions of RCW 39.08.010-1a have been discharged.
4. **Time of Completion:** The Contractor shall complete the work by November 8, 2024.
5. **Project Management.** Coordination and scheduling of the work, materials, and equipment shall be made with the Project Manager Steve Doeblner (360) 299-1504.
6. **Contract Requirements:** As detailed in the General Provisions, Contractor must have a valid contractor license number, insurance, and City of Anacortes business license. **Prevailing Wage Law Applies.** Forms Needed: 1) Proof of Insurance with Additional Insured Endorsements; 2) Intent to Pay Prevailing Wage; 3) Affidavit of Wages Paid; 4) Performance Bond; 5) Payment Bond; 6) Certification of Compliance with Wage Payment Statutes.
7. **Contract Documents:** The attached General Provisions and Exhibit A are included in this Contract Agreement.

**The parties acknowledge** that there has been an opportunity to negotiate the terms and conditions of this Agreement and agree to each bind itself, its partners, successors, assigns, and legal representatives to the other party hereto, in respect of all covenants, agreements, and obligations contained in the Contract Documents. Each of the persons signing below on behalf of any party hereby represents and warrants that they are signing with full and complete authority to bind the party on whose behalf of whom they are signing, to each and every term of this Agreement.

**Owner:**  
City of Anacortes

**Contractor:**  
Welch Brothers Construction Inc.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Contractor License #

## EXHIBIT A

## T AVE PUMP STATION FLOW METER INSTALL



## WELCH BROTHERS CONSTRUCTION INC.

PO BOX 818 ANACORTES WA. 98221

**Contact:** Mike Welch  
**Phone:** 360-293-9848 office / 360-333-3040 cell  
**Fax:** 360-299-9158

Quote To: CITY OF ANACORTES  
 Steve Doebler

Job Name: FLOW METER INSTALL  
Date of Plans: NO PLAN  
 JOB WALK

Phone: 360-661-4033  
Email: steved@anacorteswa.gov

Revision Date:

NO SALES TAX INCLUDED IN THIS QUOTE  
 SEE EXCLUSIONS

| ITEM | DESCRIPTION                                          | QUANTITY | UNIT | UNIT PRICE | AMOUNT    |
|------|------------------------------------------------------|----------|------|------------|-----------|
| 1000 | MOBILIZATION                                         | 1.00     | LS   | 4,992.83   | 4,992.83  |
| 1100 | TESC                                                 | 1.00     | LS   | 1,900.25   | 1,900.25  |
| 1600 | BUDGET DEWATER (AS NEEDED)                           | 1.00     | LS   | 8,142.22   | 8,142.22  |
| 2000 | SHORING                                              | 1.00     | LS   | 4,813.99   | 4,813.99  |
| 3000 | INSTALL 60" DOG HOUSE MH LID BY CITY<br>17' DEEP MAX | 1.00     | LS   | 21,021.66  | 21,021.66 |
| 3100 | HAUL OFF SPOILS FROM EXCAVATION                      | 125.00   | CY   | 44.11      | 5,513.75  |
| 3200 | INSTALL FLOW METER SUPPLIED BY CITY                  | 1.00     | LS   | 3,784.93   | 3,784.93  |
| 3300 | TRENCH FOR ELECTRICAL                                | 1.00     | LS   | 2,417.12   | 2,417.12  |
| 4000 | RESTORATION                                          | 1.00     | LS   | 1,900.25   | 1,900.25  |

**GRAND TOTAL****\$54,487.00****NOTES:**

## EXCLUSIONS

Dewatering-deep wells and well points (BUDGET ONLY)

Utility hookups at buildings

Over-excavation of unsuitable soils

Underground tank removal or well abatement

Moving or adjusting existing utilities

Excavation or blasting any rock

Contaminated soils handling

Engineering, surveying or construction staking

Permits, fees and Assessments

ASBESTOS TESTS AND REMOVAL

construction fencing

Inspection fees

Private locates

Soils testing

As builds

Concrete repair or install

Fencing

BAKER TANKS OR STORM WATER REMOVAL

Hazardous material handling  
Erosion control management  
Fabric OR irrigation  
Soil aeration/ amendment or Well abandonment  
Abandoned vehicles  
Landscape

THIS IS A BUDGET QUOTE.

VALUT LID TO BE PROVIDED BY CITY OF ANACORES.

NOTE: Quote based on prevailing wages.

NO SALES TAX INCLUDED

NATIVE MATERIALS TO BE USED FOR BACKFILL HAUL OFF ANY SPOILS NOT USED FOR BACKFILL



**1. WASHINGTON STATE PREVAILING WAGES:** Washington State Prevailing Wages apply to all Work. The Contractor and any of its Subcontractors are required to pay their laborers and mechanics minimum wage in compliance with Washington State Prevailing Wage Laws. Before any payment is made by the City of Anacortes of any sums under this contract, the contractor and each subcontractor must provide the City with a copy of the statement of *Intent to Pay Prevailing Wages* approved by the Washington State Department of Labor and Industries (L&I) (*ONE (1) filed per contractor and each subcontractor per contract*). Following contract completion, the City will not release any funds retained, according to the provisions of RCW 60.28.010, until the contractor and each subcontractor has provided the City a copy of the *Affidavit of Wages Paid* approved by L&I (*ONE (1) filed per contractor and each subcontractor per contract*). L&I provides the wage forms. ***All costs associated with such fees shall be included in the Contract price as part of the fixed costs of overhead for this Contract, including any anticipated subcontractor filing fees. Any change in the fee by L&I will not be grounds for revision in the Contract Amount. The City will only pay for the actual cost charged by L&I for the filing of the intent and affidavit.***

For contracts in excess of \$10,000, the contractor must post in a conspicuous place at the job site, a copy of the statement of *Intent to Pay Prevailing Wages* approved by L&I and the address and phone number of the Industrial Statistician where complaints or inquiries may be made. The City will refer any dispute regarding the prevailing rate of wage to L&I for arbitration.

The State of Washington prevailing wage rates applicable for this public works project, which is located in Skagit County, may be found at the following website address of the Department of Labor and Industries: <https://secure.lni.wa.gov/wagelookup/>. The prevailing wage schedule in effect for the work under the contract will be the one in effect upon the date of execution of the contract. A copy of the applicable prevailing wage rates are also available for viewing at the office of the City, located at 904 6<sup>th</sup> Street, Anacortes, WA. Upon request, the City will mail a hard copy of the applicable prevailing wages for this project.

At least once a month Contractor must file weekly certified payroll reports online with the Washington Department of Labor and Industries as required by RCW 39.12.120.

**2. Performance and Payment Bonds.** The City is required by RCW 39.08.010, with limited exceptions, to obtain both a Performance and a Payment bond for each public works project. The City requires separate Performance and Payment bonds for 100% of the contract amount furnished on bond forms standardized by the City Attorney's office. The bonds must meet the following provisions:

- Be for the full amount of the project, including tax.
- Name City of Anacortes as the obligee.
- List the correct Project Name and Project Number.
- Be signed by both the surety (the Attorney in Fact) and the Contractor.
- Be issued by a surety authorized to do business in the State of Washington (listed on the Insurance Commissioners website) and which meets the AM Best Rating required in the Contract Documents. If no requirement exists, a minimum of AM Best Rating A-7 or better will be required.

**Release of Bonds** - Bonds will not be released until the project has been completed and finally accepted.

**Performance Bonds** – Performance Bonds will be released at the end of the warranty period or twelve months after the date of final acceptance, whichever is later. The City may at its option release the bond once all the conditions of RCW 39.08.010-1a have been discharged.

**Payment Bonds** – Payment Bonds will be released either 45 days after final acceptance of the project or upon receipt of releases from the Washington Department of Revenue, Washington Employment Security Department, and the Washington Department of Labor and Industries, whichever is later. Release is contingent on the fact that no claims against the bond have been filed prior to the 45 day mark. If claims have been filed against the bond, it will not be released until the claims have been resolved.

**Exceptions** – On projects \$150,000 and under, the Contractor can, in lieu of providing a performance and payment bond, request to have the City withhold 10% of monies earned on the project for a period of 30 days after final acceptance of the completed work or until receipt of all necessary releases from the Washington Department of Revenue, Washington Employment Security Department, and the Washington Department of Labor and Industries and settlement of any liens filed under Chapter 60.28 RCW, whichever is later. This exception is dependent on pre-approval by the City Attorney, and the City reserves the right to reject requests to waive the bond requirements.

**3. Retainage.** Pursuant to RCW Chapter 60.28, a sum of five percent (5%) of the monies earned by the Contractor will be retained. The Contractor may elect to execute a Retainage Bond. The bond must be furnished on a bond form standardized by the City Attorney's office and issued by a surety currently authorized by the State Insurance Commissioner to do business in Washington State. Retainage will be released 45 days after Final Acceptance, provided that the following has occurred:

- a. All liens placed against the project have been released.
- b. For projects over \$35,000, releases from the Washington Department of Revenue, Washington Employment Security Department, and the Washington Department of Labor and Industries have been received.

Note: If the City has approved the Contractor's request to waive the bond requirements, the City will withhold a total of 10% of the monies earned for a period of 30 days after Final Acceptance of the completed work, or until receipt of all necessary releases from the Washington Department of Revenue, Washington Employment Securities Department, and the Washington Department of Labor and Industries, and settlement of any liens filed under Chapter 60.28 RCW, whichever is later.

**4. Final Acceptance.** Final Acceptance is defined as the date on which the City accepts the Work as complete, as indicated by notice issued by the City. For the purposes of the retainage statute (RCW 60.28.011), "completion of all contract work" is the same as the date of Final Acceptance. The following events must occur before the City will issue Final Acceptance:

- a. The physical Work on the project must be complete and accepted by the Project Manager; and
- b. The Contractor must submit to the City, and secure City approval of, all documentation required by the Contract and required by law, including but not limited to:
  - i. Invoices for all Work;
  - ii. Copies of the "Affidavit of Prevailing Wages Paid" as approved by L&I for the Contractor and all Subcontractors; and
  - iii. Any additional documentation required by the Contract.

**5. Penalties for Noncompliance.** If Contractor does not provide "Affidavit of Prevailing Wages Paid" to the City, the City may withhold any or all payments until required documentation is received. In addition, failure to provide "Intent to Pay Prevailing Wage" or "Affidavit of Wages Paid" may result in other sanctions as provided by State laws (RCW 39.12.050) and/or Federal regulations (29 CFR 5.12).

**6. Subcontracts.** The Contractor shall not subcontract the Scope of Work ("Work") unless the Project Manager approves in writing. If the Project Manager requests, the Contractor shall provide proof that the Subcontractor has the experience, ability, and equipment the Work requires. "Subcontractor" means an individual, partnership, firm, corporation, or joint venture who is sublet part of the Contract by the Contractor. Each request to subcontract shall include the following information (i) a description of the supplies or services to be subcontracted, (ii) identification of the type of subcontract to be used (iii) identification of the proposed subcontractor, (iv) proposed subcontract price, (v) identification of the percentage of work to be performed by subcontract. Approval of subcontract shall not:

- a. Relieve the Contractor of any responsibility to carry out the Contract,
- b. Relieve the Contractor of any obligations or liability under the Contract and the Contractor's bond,
- c. Create any contract between the City and the Subcontractor, or
- d. Convey to the Subcontractor any rights against the City.

As required by RCW 39.06.020, the Contractor must verify responsibility criteria for each first tier subcontractor, and a subcontractor of any tier that hires other subcontractors must verify responsibility criteria for each of its subcontractors. Verification is to include that, at the time of subcontract execution, each subcontractor meets the responsibility criteria listed in RCW 39.04.350(1) and additionally - if applicable - possesses an electrical contractor license or an elevator contractor license. This verification requirement, as well as the responsibility criteria, must be included in every public works contract and subcontract of every tier. Contractor remains fully responsible for obligations, services, and functions performed by its subcontractors to the same extent as if such obligations, services, and functions were performed by Contractor's employees, and for purposes of the Agreement such work will be deemed work performed by Contractor. The Contractor shall give immediate written notice of any action or suit filed and prompt notice of any claim made against the Contractor by any subcontractor or vendor that, in the opinion of the Contractor, may result in litigation related in any way to this contract, with respect to which the Contractor may be entitled to reimbursement from the City.

If dissatisfied with any part of the subcontracted Work, the Project Manager may request in writing that the Subcontractor be removed. The Contractor shall comply with this request at once and shall not employ the Subcontractor for any further Work under the Contract.

**7. Job Safety Requirements Compliance.** The Contractor, and its subcontractors of any tier, shall comply with all applicable federal, State, local laws, ordinances, and regulations, as may be amended, for the safety of persons or property while performing any work under the Contract and for the handling and disposal of all hazardous wastes. Industry standards and applicable laws and regulations of authorities having jurisdiction include, but are not limited to: the Washington Industrial Safety and Health Act of 1973 (WISHA); the federal Occupational Safety and Health Acts of 1970 (OSHA); the Resource Conservation and Recovery Act; the Washington Hazardous Waste Management Act; the Department of Labor & Industries; Washington Administrative Code (WAC); the Environmental Protection Agency; and the Department of Ecology governing the generation, storage, treatment, transportation or disposal of hazardous wastes. The Contractor and its subcontractors of any tier shall also comply with all current and future executive proclamations, regulations, requirements and/or related guidance issued by the Office of the Governor of Washington State and Office of the Mayor of the City of Anacortes as it may relate to City of Anacortes projects. Contractor further agrees to indemnify and hold harmless City from damages assessed against City because of Contractor's failure to comply with the Acts and the standards issued thereunder.

#### **8. Chemical Hazard Safety**

- a. **Employer Chemical Hazard Communication Rule:** WAC 296-800-170 requires all employers in Washington State to inform and train their employees on the hazards of chemicals in the workplace or in foreseeable

emergencies. For purposes of performance under this Contract, any toxic substance that may be harmful to the end user while being used or stored on City property must:

- i. Be properly labeled with the: (1) identity of the hazardous material; (2) appropriate hazardous warnings; and (3) name and address of the chemical manufacturer, importer or responsible party.
- ii. Be accompanied by a Safety Data Sheet (SDS) which shall be provided to the City Project Manager, or designee. Copies of the Contractor's SDS inventory shall also be located where chemicals are stored.
- b. Contractor shall not introduce or use any new product without the express written permission of the City Project Manager. Contractor shall request permission to use new substances by providing an SDS sheet or label data for all proposed chemicals, and an explanation as to the purpose of the chemical application, method of application, and intended schedule of application. If new products are approved for use, then they shall be:
  - i. Restricted in their applications so as to meet current and local law;
  - ii. Mixed and otherwise handled where an accidental spill will not enter surface or ground water and will not contaminate the soil.
- c. In any emergency affecting the safety of persons or property, Contractor shall act, at their discretion, to prevent threatened injury, damage, or loss. The City's Project Manager has full authority to stop work they deem a safety risk.

**9. Taxes.** The City will pay sales and use taxes imposed on goods or services acquired hereunder as required by law. The Contractor must pay all other taxes including, but not limited to: Business and Occupation Tax, taxes based on the Contractor's gross or net income, or personal property to which the City does not hold title. The City is exempt from Federal Excise Tax. Where applicable the City shall furnish a Federal Excise Tax Exemption certificate.

**10. Invoicing.** All invoices shall at a minimum include: Company Name, Invoice Date, Due Date (30 days), Invoice Number, **Agreement Number**, and Price. The Contractor must allow 30 calendar days from receipt of the invoice for payment. ***If requested by the City the Contractor shall provide a cost breakdown of charges.*** Invoices may be sent by US mail to City of Anacortes, Accounts Payable, PO Box 547, Anacortes, WA 98221, or by email to [accountspayable@cityofanacortes.org](mailto:accountspayable@cityofanacortes.org). Contractors may complete a City furnished ACH/EFT form to receive electronic payments directly to their financial institution. The City shall notify the Contractor within fifteen (15) calendar days from receipt of invoice if there are any objections or disputes with the invoice. The Contractor shall then resubmit a new invoice less the disputed amount and payment shall be made within 30 calendar days. Any disputed amounts may be submitted under the Disputes clause contained herein.

**11. Withholding Payment.** In the event the City determines that the Contractor has failed to perform any obligation under this Contract within the times set forth in this Contract, then the City may withhold from amounts otherwise due and payable to Contractor the amount determined by the City as necessary to cure the default, until the Contracting Officer determines that such failure to perform has been cured. Withholding under this clause shall not be deemed a breach entitling Contractor to terminate or damages, provided that the City promptly gives notice in writing to the Contractor of the nature of the default or failure to perform, and in no case more than 8 days after it determines to withhold amounts otherwise due. A determination of the City Attorney set forth in such notice to the Contractor of the action required and/or the amount required to cure any alleged failure to perform shall be deemed conclusive, except to the extent that the Contractor acts within the times and in strict accord with the provisions of the Disputes clause of this Contract. The City may act in accordance with any determination of the City Attorney which has become conclusive under this clause, without prejudice to any other remedy under the Contract, to take all or any of the following actions: (1) cure any failure or default, (2) to pay any amount so required to be paid and to charge the same to the account of the Contractor, (3) to set off any amount so paid or incurred from amounts due to become due the Contractor. In the event the Contractor obtains relief upon a claim under the Disputes clause, no penalty or damages shall accrue to Contractor by reason of good faith withholding by the City under this clause.

**12. Final Payment: Waiver of Claim.** The contractor's acceptance of final payment (excluding withheld retainage) shall constitute a waiver of claims, except those previously and properly made and identified by the contractor as unsettled at the time request for final payment is made.

**13. Required Use of Finished Compost Product.** If the project includes the use of a product created with "composted material" as defined in RCW 70A.205.015(3) the Contractor must purchase finished compost products from entities that: 1) produce compost locally within Skagit County; 2) are certified by a nationally recognized organization; 3) are permitted by the local health jurisdiction; and 4) produce finished compost products derived from municipal solid waste compost programs while meeting quality standards adopted by the Department of Transportation or adopted by rule by the Department of Ecology. The Contractor will obtain pre-approval from the PM of the proposed compost material vendor and will submit receipts with their invoice(s).

#### **14. Inspection.**

**A. Of the Work:** All materials furnished and work done shall be subject to inspection. The City Project Manager administering the Contract shall at all times have access to the work wherever it is in progress or being performed, and the Contractor shall provide proper facilities for such access and inspection. Such inspection shall not relieve the Contractor of the responsibility of performing the work correctly, utilizing the best labor and materials in strict accordance with the Specifications of the Contract. All material or work approved and later found to be defective shall be replaced without cost to the City.

**B. Project Manager's Authority:** The Project Manager shall have power to reject materials or workmanship which do not fulfill the requirements of these Specifications, but in case of dispute the Contractor may appeal to the City Attorney whose decision shall be final. The Contract shall be carried out under the general control of the representative of the City administering the Contract, who may exercise such control over the conduct of the work as may be necessary, in their opinion, to safeguard the interest of the City. The Contractor shall comply with any and all orders and instructions given by the representative of the particular Department administering the Contract in accordance with the terms of the Contract. Nothing herein contained, however, shall be taken to relieve the Contractor of their obligations or responsibilities under the Contract.

**15. New and Unused.** All units, equipment, parts and material shall be new, unused, manufacturer's current model year and in current production and shall meet any current applicable regulations and/or codes. All materials shall have physical and chemical properties to withstand the intended purpose. Equipment design shall have sufficient excess capacity for durability and safety.

**16. Warranty.** The Contractor shall return to the project and repair or replace all defects in workmanship and material discovered within one year after Final Acceptance of the Work, including any necessary labor and materials. The Contractor shall start work to remedy any such defects within 7 calendar days of receiving City's written notice of a defect, and shall complete such work within the time stated in the City's notice. In case of an emergency, where damage may result from delay or where loss of services may result, such corrections may be made by the City's own forces or another contractor, in which case the cost of corrections shall be paid by the Contractor. In the event the Contractor does not accomplish corrections within the time specified, the work will be otherwise accomplished and the cost of same shall be paid by the Contractor. For one year after acceptance of any corrections by the City the Contractor shall be responsible for correcting all defects in workmanship and materials in the corrected work. In addition, the Contractor shall obtain and submit to the City any necessary documentation to secure any extended manufacturer's warranty and warranty terms. This guarantee is supplemental to and does not limit or affect the requirements that the Contractor's work comply with the requirements of the Contract or impact any other legal rights or remedies of the City.

**17. Indemnification / Hold Harmless.** The Contractor shall defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or in connection with the performance of this Agreement, except for injuries and damages caused by the sole negligence of the City. However, should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Contractor and the City, its officers, officials, employees, and volunteers, the Contractor's liability hereunder shall be only to the extent of the Contractor's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Contractor's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

#### **18. Insurance.**

**A. Insurance Term:** The Contractor shall procure and maintain insurance, as required in this Section, without interruption from commencement of the Contractor's work through the term of the contract and for thirty (30) days after the Physical Completion date, unless otherwise indicated herein.

**B. No Limitation:** The Contractor's maintenance of insurance, its scope of coverage and limits as required herein shall not be construed to limit the liability of the Contractor to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.

**C. Minimum Scope of Insurance:** The Contractor's required insurance shall be of the types and coverage as stated below:

1. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be at least as broad as Insurance Services Office (ISO) form CA 00 01.
2. Commercial General Liability insurance shall be as least as broad as ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent contractors, products-completed operations, stop gap liability, personal injury and advertising injury, and liability assumed under an insured contract. The Commercial General Liability insurance shall be endorsed to provide a per project general aggregate limit using ISO form CG 25 03 05 09 or an equivalent endorsement. There shall be no exclusion for liability arising from explosion, collapse or underground property damage. **The City of Anacortes and its officers, elected officials, employees, agents, and volunteers shall be named as an additional insured** under the Contractor's Commercial General Liability insurance policy with respect to the work performed for the City using ISO Additional Insured endorsement CG 20 10 10 01 and Additional Insured-Completed Operations endorsement CG 20 37 10 01 or substitute endorsements providing at least as broad coverage.
3. Worker's Compensation coverage as required by the Industrial Insurance laws of the State of Washington.

**D. Minimum Amounts of Insurance:** The Contractor shall maintain the following insurance limits:

1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.

2. Commercial General Liability insurance shall be written with limits no less than \$2,000,000 each occurrence, \$2,000,000 general aggregate and \$2,000,000 products-completed operations aggregate limit.

**E. City Full Availability of Contractor Limits:** If the Contractor maintains higher insurance limits than the minimums shown above, the City shall be insured for the full available limits of Commercial General and Excess or Umbrella liability maintained by the Contractor, irrespective of whether such limits maintained by the Contractor are greater than those required by this contract or whether any certificate of insurance furnished to the City evidences limits of liability lower than those maintained by the Contractor.

**F. Other Insurance Provision:** The Contractor's Automobile Liability and Commercial General Liability insurance policies are to contain, or be endorsed to contain, that they shall be primary insurance as respect the City. Any insurance, self-insurance, or self-insured pool coverage maintained by the City shall be excess of the Contractor's insurance and shall not contribute with it.

**G. Acceptability of Insurers:** Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

**H. Verification of Coverage:** The Contractor shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsements, evidencing the insurance requirements of the Contractor within 10 days of contract execution and before scheduling of the work. Upon request by the City, the Contractor shall furnish certified copies of all required insurance policies, including endorsements, required in this contract and evidence of all subcontractors' coverage. Failure of the City to demand such verification of coverage with these insurance requirements or failure of the City to identify a deficiency from the insurance documentation provided shall not be construed as a waiver of Contractor's obligation to maintain such insurance.

Verification of coverage shall include:

1. An ACORD certificate or a form determined by the City to be equivalent.
2. Copies of all endorsements naming the City as additional insured, showing the policy number. The Contractor may submit a copy of any blanket additional insured clause from its policies instead of a separate endorsement.
3. Any other amendatory endorsements to show the coverage required herein.
4. **A notation of coverage enhancements on the Certificate of Insurance shall not satisfy these requirements – actual endorsements must be submitted.**

**I. Subcontractors' Insurance:** The Contractor shall cause each and every Subcontractor to provide insurance coverage that complies with all applicable requirements of the Contractor-provided insurance as set forth herein, except the Contractor shall have sole responsibility for determining the limits of coverage required to be obtained by Subcontractors. The Contractor shall ensure that the City is an additional insured on each and every Subcontractor's Commercial General liability insurance policy using an endorsement at least as broad as ISO CG 20 10 10 01 for ongoing operations and CG 20 37 10 01 for completed operations.

**J. Notice of Cancellation:** The Contractor shall provide the City and all Additional Insureds for this work with written notice of any policy cancellation within two (2) business days of their receipt of such notice.

**K. Failure to Maintain Insurance:** Failure on the part of the Contractor to maintain the insurance as required shall constitute a material breach of contract, upon which the City may, after giving five business days notice to the Contractor to correct the breach, immediately terminate the contract or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so expended to be repaid to the City on demand, or at the sole discretion of the City, offset against funds due the Contractor from the City.

**19. Acceptance.** Contractor acknowledges and agrees that these General Provisions are incorporated in, and are a part of, each purchase order or other agreement relating to the provision of goods and/or related services by Contractor. These General Provisions supersede all conflicting or additional terms on any purchase order, quote, invoice, Contractor's website, or otherwise set forth on any release, acknowledgement, confirmation, requisition, work order, shipping instruction, specification and similar document or communication.

**20. Registered or Licensed Contractor.** The City is prohibited by RCW 39.06.010 from executing an Agreement with a Contractor who is not registered or licensed as required by the laws of the state. In addition, Anacortes Municipal Code requires that every person engaging in business within the city limits of Anacortes register their business with the state and include a City of Anacortes Endorsement. Businesses from outside city limits with a gross annual income of \$2,000 in Anacortes are also required to obtain a city endorsement. Business licenses and city endorsements can be obtained through the State of Washington Department of Revenue (DOR) Business Licensing Service (BLS) at [bls.dor.wa.gov](https://bls.dor.wa.gov).

**21. Standard Title VI / Non-Discrimination Assurances.** During the performance of this contract, the Contractor, for itself, its assignees, and successors in interest agrees to the clauses in "Appendix A" and "Appendix E" of the Standard Title VI Assurances (USDOT1050.2A), which are hereby incorporated by reference and made a part hereof.

**22. Contractor is an Independent Contractor.** The parties intend that an independent Contractor relationship will be created by this Agreement. No agent, employee or representative of the Contractor shall be deemed to be an agent, employee or representative of the City for any purpose. Contractor shall be solely responsible for all acts of its agents, employees, representatives and Subcontractors during the performance of this Agreement.

**23. No Third-Party Beneficiary Rights.** This Agreement is not intended to and shall not be construed to give any Third Party any interest or rights (including, without limitation, any Third-Party beneficiary rights) with respect to or in connection with any agreement or provision contained herein or contemplated hereby, except as otherwise expressly provided for in this Agreement.

**24. The City's Right to Terminate Agreement.**

**A. Termination for Default:** If the Contractor defaults by failing to perform any of the obligations of the Agreement or becomes insolvent or is declared bankrupt or commits any act of bankruptcy or insolvency or makes an assignment for the benefit of creditors, the City may, by depositing written notice to the Contractor in the U.S. mail, postage prepaid, terminate the Agreement, and at the City's option, obtain performance of the work elsewhere. If the Agreement is terminated for default, the Contractor shall not be entitled to receive any further payments under the Agreement until the Scope of Services under this Agreement has been fully performed. Any extra cost or damage to the City resulting from such default(s) shall be deducted from any money due or coming due to the Contractor. The Contractor shall bear any extra expenses incurred by the City in completing the work, including all increased costs for completing the work, and all damage sustained, or which may be sustained by the City by reason of such default. If a notice of termination for default has been issued and it is later determined for any reason that the Contractor was not in default, the rights and obligations of the parties shall be the same as if the notice of termination had been issued pursuant to the Termination for Public Convenience paragraph hereof.

**B. Termination for Public Convenience:** The City may terminate the Agreement in whole or in part whenever the City determines, in its sole discretion that such termination is in the best interests of the City. Whenever the Agreement is terminated in accordance with this paragraph, the Contractor shall be entitled to payment for actual work performed at unit Agreement prices for completed items of work through the date of termination. If the City exercises its option under this Paragraph, the City shall not be responsible for payment for loss of anticipated profit on deleted or uncompleted work. Termination of this Agreement by the City at any time during the term, whether for default or convenience, shall not constitute a breach of Agreement by the City.

**25. Changes/Additional Work.** The City may engage Contractor to perform services in addition to those listed in this Agreement, and Contractor will be entitled to additional compensation for authorized additional services or materials. The City shall not be liable for additional compensation until and unless any and all additional work and compensation is approved in advance in writing and signed by both parties to this Agreement. If conditions are encountered which are not anticipated in the Scope of Services, the City understands that a revision to the Scope of Services and fees may be required. Provided, however, that nothing in this paragraph shall be interpreted to obligate the Contractor to render or the City to pay for services rendered in excess of the Scope of Services unless or until a modification to this Agreement is approved in writing by both parties.

**26. Non-waiver.** Waiver by the City of any provision of this Agreement or any time limitation provided for in this Agreement shall not constitute a waiver of any other provision.

**27. Covenant Against Contingent Fees.** The Contractor warrants that they have not employed or retained any company or person, other than a bona fide employee working solely for the Contractor, to solicit or secure this Agreement, and that they have not paid or agreed to pay any company or person, other than a bona fide employee working solely for the Contractor, any fee, commission, percentage, brokerage fee, gifts, or any other consideration contingent upon or resulting from the award of making of this Agreement. For breach or violation of this warranty, the City shall have the right to annul this Agreement without liability or, in its discretion to deduct from the Agreement price or consideration, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift, or contingent fee.

**28. Disputes**

**A. General:** Differences between the Contractor and the City, arising under and by virtue of this Agreement shall be brought to the attention of the City at the earliest possible time in order that such matters may be settled or other appropriate action promptly taken. The provisions of this Clause shall survive the expiration or termination of this Agreement.

**B. Notice of Potential Claims:** The Contractor shall not be entitled to additional compensation which otherwise may be payable, or to extension of time for (1) any act or failure to act by the City, or (2) the happening of any event or occurrence, unless the Contractor has given the City a written Notice of Potential Claim within 10 days of the commencement of the act, failure, or event giving rise to the claim, and before final payment by the City. The written Notice of Potential Claim shall set forth the reasons for which the Contractor believes additional compensation or extension of time is due, the nature of the cost involved, and insofar as possible, the amount of the potential claim. Contractor shall keep full and complete daily records of the Work performed, labor and all costs and additional time claimed to be additional.



**C. Detailed Claim:** The Contractor shall not be entitled to claim any such additional compensation, or extension of time, unless within 30 days of the accomplishment of the portion of the work from which the claim arose, and before final payment by the City, the Contractor has given the City a detailed written statement of each element of cost or other compensation requested and of all elements of additional time required, and copies of any supporting documents evidencing the amount or the extension of time claimed to be due.

**D. Dispute Resolution:** In the event of a dispute between the City and the Contractor arising out of this Agreement, or any obligation hereunder the dispute shall first be referred to the representatives designated by the City and the Contractor to have oversight over the administration of this Agreement. Said representatives shall meet within thirty (30) calendar days of receipt of detailed claim, and the parties shall make a good faith effort to achieve a resolution of the dispute. In the event the parties are unable to resolve the dispute under the procedure set forth above, then the parties hereby agree that the matter shall be referred to mediation. The parties shall mutually agree upon a mediator to assist them in resolving their differences. Any expenses incidental to mediation shall be borne equally by the parties. If either party is dissatisfied with the outcome of the mediation, that party may then pursue any available judicial remedies.

**29. Force Majeure.** Neither party shall be liable to the other or deemed in breach or default for any failure or delay in performance under this Agreement during the time and to the extent its performance is prevented by reasons of Force Majeure. For the purposes of this Agreement, Force Majeure means an occurrence that is beyond the reasonable control of and without fault or negligence of the party claiming force majeure and which, by exercise of due diligence of such party, could not have been prevented or overcome. Force Majeure shall include natural disasters, including fire, flood, earthquake, windstorm, avalanche, mudslide, and other similar events; acts of war or civil unrest when an emergency has been declared by appropriate governmental officials; acts of civil or military authority; freight embargoes; epidemics; pandemics; quarantine restrictions; labor strikes; boycotts; terrorist acts; riots; insurrections; explosions; and nuclear accidents. A party claiming suspension or termination of its obligations due to force majeure shall give the other party prompt written notice of the impediment and its effect on the ability to perform, with such notice to be provided no more than two (2) working days after the force majeure event or reasonable discovery of the event's impact on performance. Failure to provide such notice shall preclude recovery under this provision. Such delay shall cease as soon as practicable and written notification of same shall be provided. The time of completion shall be extended by Agreement modification for a period of time equal to the time that the results or effects of such delay prevented the delayed party from performing in accordance with this Agreement. Rights Reserved: The City reserves the right to cancel the Agreement and/or purchase materials, equipment or services from the best available source during the time of force majeure, and Contractor shall have no recourse against the City.

**30. Governing Law.** This Agreement shall be governed by and construed under the laws of the State of Washington. Any action brought under the Agreement or relating to the Project shall be brought in the Superior Court of the State of Washington in Skagit County Washington.

**31. Compliance with Laws.** The Contractor in the performance of this Agreement shall comply with all applicable Federal, State or local laws and ordinances, including regulations for licensing, certification and operation of facilities, programs and accreditation, and licensing of individuals, and any other standards or criteria as described in the Agreement to assure quality of services. Contractor will follow all applicable laws and requirements for excavation and disposal of material.

**32. Severability.** If any term or condition of this Agreement or the application thereof to any person(s) or circumstances is held invalid, such invalidity shall not affect other terms, conditions or applications which can be given effect without the invalid term, condition or application. To this end, the terms and conditions of this Agreement are declared severable.

**33. Survival of Contract Termination.** The provisions of the following paragraphs, the provisions of the non collusion affidavit, and the liability of the Contractor for default during the term of the Contract shall survive, notwithstanding the termination or invalidity of this Contract for any reason: Taxes; Warranty; The City's Right to Terminate Contract; Governing Law; Indemnification / Hold Harmless; Disputes.

**34. Notices.** All notices required or permitted to be given under this Agreement shall be in writing and shall be deemed to have been given and received (a) when personally delivered, or delivered by same-day courier; or (b) on the third business day after mailing by registered or certified mail, postage prepaid, return receipt requested; or (c) upon delivery when sent by prepaid overnight express delivery service (e.g., FedEx, UPS); or (d) when sent by email and upon the receipt by the sending party of written confirmation by the receiving party; provided, however, that an automated email confirmation of delivery or read receipt shall not constitute such confirmation. Notices shall be sent to the following addresses:

**CITY:**

City of Anacortes  
Tiffany Matson  
904 6th Street  
PO Box 547  
Anacortes, WA 98221  
contracts@anacorteswa.gov

**CONTRACTOR:**

Welch Brothers Construction Inc.  
Mike Welch  
PO Box 818  
Anacortes, WA 98221  
mike@welchbros.com

## APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Washington State Department of Transportation, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Washington State Department of Transportation to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Washington State Department of Transportation, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Washington State Department of Transportation may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the contractor under the contract until the contractor complies; and/or
  - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Washington State Department of Transportation may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.



## APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

### **Pertinent Non-Discrimination Authorities:**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).



## City Council Agenda Bill

**Meeting Date:** August 5, 2024      **Agenda Item:** 6.e.

**Agenda Item Title:** Contract Award: WWTP Pump Station 14 Replacement Pump #24-210-SEW-001

**Staff Contact(s):** Andrew Rheume

| <b><u>Approved for Submittal to Council by</u></b> | <b><u>Action Type</u></b> |
|----------------------------------------------------|---------------------------|
| Tiffany Matson                                     | Contract Award            |
| Andrew Rheume                                      |                           |

**Item Summary:** City staff seeks City Council consent to award a contract in the amount of \$66,582.79 to Whitney Equipment Company, Inc. for the WWTP Pump Station 14 Replacement Pump Purchase. The Wastewater Treatment Plant (WWTP) is upgrading the sewage pumps at Pump Station 14 located at the Washington State Ferry Terminal. The first pump was replaced last year, and the second pump is to be replaced this year to bring this station's pumps up to the current City of Anacortes Wastewater Pump Station Design Standards.

**Background:**

1. **History:** One of the pumps at this station suffered a catastrophic mechanical failure in September of 2023. At that time a new pump was specified under our current design standards. The Wastewater Dept. needs to purchase another pump, to replace the other pump which is older than the one which failed, in order to maintain reliable redundant service.
2. **Key Terms:**
  - Contract is for a firm fixed price of \$66,582.79.
3. **Competitive Bidding:** City Council approved [Resolution 2075](#) which waived the state competitive bidding requirements for the purchase and or replacement of Flygt pumps and accessories in the sewer collection system, pursuant to RCW 39.04.280.

**Budget Impact:**

|        |                                 |
|--------|---------------------------------|
| Vendor | Whitney Equipment Company, Inc. |
|--------|---------------------------------|

|                            |                                                       |
|----------------------------|-------------------------------------------------------|
| Contract Amount            | \$66,582.79                                           |
| Earmarked Funds            | CFP - 2024 Collections PS On Going Upgrades \$375,000 |
| BARS #                     | 440.750.535.81.32                                     |
| Budget Amendment Required? | No                                                    |
| Start Date                 | Inception                                             |
| End Date                   | 11/7/24                                               |

**Previous Action:** N/A

**Recommended Motion:** I move that City Council authorize the Mayor to sign contract 24-210-SEW-001 with Whitney Equipment Company, Inc. in the amount of \$66,582.79 for the WWTP Pump Station 14 Replacement Pump Purchase.

**Alternative Actions:** Not award the contract.

**Attachments (listed in order presented):**

1. 24-210-SEW-001



**CONTRACT #24-210-SEW-001**  
**Between**  
**THE CITY OF ANACORTES**  
**AND**  
**WHITNEY EQUIPMENT COMPANY, INC.**

**WWTP Pump Station 14 Replacement Pump Purchase**

This Contract is between the City of Anacortes, Washington, a Municipal Corporation (herein after referred to as "City") and Whitney Equipment Company, Inc., a private company at 16120 Woodinville-Redmond Road NE, Suite 3, Woodinville, WA 98072 (herein after referred to as "Supplier").

1. **Scope of Work.** The Supplier shall furnish and deliver one (1) Flygt Model NX-3202 Submersible Pump including:

- a) 1 each - 3202.095 Flygt NX3202 = \$59,198.62  
Flygt NX3202.095 60HP, 460 V 3 phase standard  
efficiency motor. 465 hard iron Nimpeller. 4" volute  
drilled to DN standard. FM, FLS. 50 ft Subcab cable.
- b) 1 each 14-407129 & 14-407097 Mini-Cas & Socket = \$796.21
- c) 1 each 1/2" SS Bow & 5/16" quick link = \$22.59

Installation labor is not included in this contract.

2. **Price and Payment Terms.** The Total Contract Price is **Sixty-Six Thousand Five Hundred Eighty-Two Dollars and Seventy-Nine Cents (\$66,582.79)**, which includes \$1,180.00 for standard freight and \$5,385.37 in 8.8% sales tax.

3. **Contract Term.** The contract term is from full execution through delivery and full acceptance by the City of all equipment and materials.

4. **Delivery.** Advance coordination of the work shall be made with the City's Project Manager, Steve Doebler (360) 299-1504. The Supplier shall:

- a. Deliver the item(s) specified on the Contract to the Anacortes Wastewater Treatment Plant (WWTP), 500 T Ave, Anacortes, WA 98221, by November 7, 2024.
- b. If shipping the items, the items must be shipped as Freight-On-Board (FOB) Destination, Freight Prepaid. Timely delivery is of the essence to this Contract.
- c. When shipping item(s) to the City, Supplier shall obtain shipping insurance for the value of the item(s) through the shipping carrier with pre-approval of and at the cost of the City.
- d. Ensure all deliveries are made on a business day, during business hours (Monday through Friday, except City Council designated holidays, from 8:00 am, to 5:00 pm).
- e. Provide, at no additional charge, any goods, labor, packaging, crating or padding necessary to load, tie down and unload the item(s) to be delivered, so that they may be transported in a normal, safe manner without damage.
- f. Be liable for all risks for the item(s) until accepted by the City. The Supplier is responsible for any freight charges incurred in delivering the item(s) to the "FOB Point." A representative of the City will sign the Supplier's delivery ticket to acknowledge receipt of the item(s) by the City. Unless the Supplier receives such signature, the City shall not be responsible for the receipt of the item(s). The City retains the right to inspect the delivered item(s) prior to acceptance, and shall not accept item(s) that do not conform to the requirements of this Contract.

5. **Acceptance.** Supplier acknowledges and agrees that these General Provisions are incorporated in, and are a part of, each purchase order or other Contract relating to the provision of goods and/or related services by Supplier. These General Provisions supersede all conflicting or additional terms pre-printed on any purchase order, quote, invoice, Supplier's website, or otherwise set forth on any release, acknowledgement, confirmation, requisition, work order, shipping instruction, specification and similar document or communication.

6. **Warranty.** Supplier shall assure that the Goods and/or Services purchased hereunder are covered by all available and applicable manufacturers' warranties for such Goods and/or Services. Supplier also warrants that the Goods and/or Services will conform to the specifications, and further warrants that the Goods and/or Services shall be of good materials and workmanship and free from defects for either a minimum of one (1) year from the date of Acceptance or installation by City, whichever is later. The Supplier shall start work to

remedy any such defects within 7 calendar days of receiving City's written notice of a defect, and shall complete such work within the time stated in the City's notice. In case of an emergency, where damage may result from delay or where loss of services may result, such corrections may be made by the City's own forces or another Supplier, in which case the cost of corrections shall be paid by the Supplier. In the event the Supplier does not accomplish corrections within the time specified, the work will be otherwise accomplished and the cost of same shall be paid by the Supplier. When corrections of defects are made, the Supplier shall then be responsible for correcting all defects in workmanship and materials in the corrected work for one year after acceptance of the corrections by City. In no event shall Supplier be allowed to disclaim or otherwise limit the express warranties set forth herein. In addition, the Supplier shall obtain and submit to the City any necessary documentation to secure any extended manufacturer's warranty and warranty terms. This guarantee is supplemental to and does not limit or affect the requirements that the Supplier's work comply with the requirements of the Contract or any other legal rights or remedies of the City.

Notwithstanding the foregoing, if such Goods and/or Services shall be determined by City to be defective or non-conforming within the first thirty (30) days after the date of Acceptance by City, then City at its option shall be entitled to a complete refund of the purchase price and, in the case of Goods, shall promptly return such Goods to Supplier. Supplier shall pay all expenses related to the return of such Goods to Supplier.

7. **Taxes.** The City will pay sales and use taxes imposed on goods or services acquired hereunder as required by law. The Supplier must pay all other taxes including, but not limited to: Business and Occupation Tax, taxes based on the Supplier's gross or net income, or personal property to which the City does not hold title. The City is exempt from Federal Excise Tax. Where applicable the City shall furnish a Federal Excise Tax Exemption certificate.

8. **Invoicing.** All invoices shall include: Company Name, Invoice Date, Due Date (30 days), Invoice Number, Invoice Period, Contract Title, and Contract Number. The Supplier must allow 30 calendar days from receipt of the invoice for payment. Invoices may be sent by US mail to City of Anacortes, Accounts Payable, PO Box 547, Anacortes, WA 98221, or by email to [accountspayable@cityofanacortes.org](mailto:accountspayable@cityofanacortes.org). Suppliers may complete a City furnished ACH/EFT form to receive electronic payments directly to their financial institution.

The City shall notify the Supplier within fifteen (15) calendar days from receipt of invoice if there are any objections or disputes with the invoice. The Supplier shall then resubmit a new invoice less the disputed amount and payment shall be made within 30 calendar days. Any disputed amounts may be submitted under the Disputes clause contained herein.

9. **Withholding Payment.** In the event the City determines that the Supplier has failed to perform any obligation under this Contract within the times set forth in this Contract, then the City may withhold from amounts otherwise due and payable to Supplier the amount determined by the City as necessary to cure the default, until the Contracting Officer determines that such failure to perform has been cured. Withholding under this clause shall not be deemed a breach entitling Supplier to terminate or damages, provided that the City promptly gives notice in writing to the Supplier of the nature of the default or failure to perform, and in no case more than 8 days after it determines to withhold amounts otherwise due. A determination of the City Attorney set forth in such notice to the Supplier of the action required and/or the amount required to cure any alleged failure to perform shall be deemed conclusive, except to the extent that the Supplier acts within the times and in strict accord with the provisions of the Disputes clause of this Contract. The City may act in accordance with any determination of the City Attorney which has become conclusive under this clause, without prejudice to any other remedy under the Contract, to take all or any of the following actions: (1) cure any failure or default, (2) to pay any amount so required to be paid and to charge the same to the account of the Supplier, (3) to set off any amount so paid or incurred from amounts due to become due the Supplier. In the event the Supplier obtains relief upon a claim under the Disputes clause, no penalty or damages shall accrue to Supplier by reason of good faith withholding by the City under this clause.

10. **Final Payment: Waiver of Claim.** The Supplier's acceptance of final payment shall constitute a waiver of claims, except those previously and properly made and identified by the Supplier as unsettled at the time request for final payment is made.

11. **Defense and Indemnity.** The Supplier shall defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or in connection with the performance of the Contract, except for injuries and damages caused by the sole negligence of the City.

12. **Insurance Requirements**

A. Insurance Term: The Supplier shall procure and maintain for the duration of the Contract, insurance against claims for injuries to persons or damage to property which may arise from or in connection with products and materials supplied to the City.

B. No Limitation: The Supplier's maintenance of insurance as required by the Contract shall not be construed to limit the liability of the Supplier to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.

C. Minimum Scope of Insurance: The Supplier shall obtain insurance of the type and coverage described below:

Commercial General Liability insurance shall be at least as broad as Insurance Services Office (ISO) occurrence form CG 00 01 and shall cover products liability. **The City of Anacortes and its officers, elected officials, employees, agents, and volunteers shall be named as an additional insured** under the Supplier's Commercial General Liability insurance policy using ISO Additional Insured-Vendors Endorsement CG 20 15 04 13 or a substitute endorsement providing at least as broad coverage.

D. Minimum Amounts of Insurance: The Supplier shall maintain the following insurance limits:

Commercial General Liability insurance shall be written with limits no less than \$2,000,000 each occurrence, \$2,000,000 general aggregate and a \$2,000,000 products liability aggregate limit.

E. Other Insurance Provision: The Supplier's Commercial General Liability insurance policy or policies are to contain, or be endorsed to contain that they shall be primary insurance as respect the City. Any insurance, self-insurance, or self-insured pool coverage maintained by the City shall be excess of the Supplier's insurance and shall not contribute with it.

F. Acceptability of Insurers: Insurance is to be placed with insurers with a current A.M. Best rating of not less than A: VII.

G. Verification of Coverage: The Supplier shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Supplier before goods, materials or supplies will be accepted by the City.

H. Notice of Cancellation: The Supplier shall provide the City with written notice of any policy cancellation, within One business days of their receipt of such notice.

I. Failure to Maintain Insurance: Failure on the part of the Supplier to maintain the insurance as required shall constitute a material breach of contract, upon which the City may, after giving five business days notice to the Supplier to correct the breach, immediately terminate the contract or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so expended to be repaid to the City on demand, or at the sole discretion of the City, offset against funds due the Supplier from the City.

J. City Full Availability of Supplier Limits: If the Supplier maintains higher insurance limits than the minimums shown above, the City shall be insured for the full available limits of Commercial General and Excess or Umbrella liability maintained by the Supplier, irrespective of whether such limits maintained by the Supplier are greater than those required by this contract or whether any certificate of insurance furnished to the City evidences limits of liability lower than those maintained by the Supplier.

### 13. Inspection.

A. **Of the Work:** All materials furnished and work done shall be subject to inspection. The City Project Manager administering the Contract shall at all times have access to the work wherever it is in progress or being performed, and the Supplier shall provide proper facilities for such access and inspection. Such inspection shall not relieve the Supplier of the responsibility of performing the work correctly, utilizing the best labor and materials in strict accordance with the Specifications of the Contract. All material or work approved and later found to be defective shall be replaced without cost to the City.

B. **Project Manager's Authority:** The Project Manager shall have power to reject materials or workmanship which do not fulfill the requirements of these Specifications, but in case of dispute the Supplier may appeal to the City Attorney whose decision shall be final. The Contract shall be carried out under the general control of the representative of the City administering the Contract, who may exercise such control over the conduct of the work as may be necessary, in their opinion, to safeguard the interest of the City. The Supplier shall comply with any and all orders and instructions given by the representative of the particular Department administering the Contract in accordance with the terms of the Contract. Nothing herein contained, however, shall be taken to relieve the Supplier of their obligations or responsibilities under the Contract.

14. **Standard Title VI / Non-Discrimination Assurances.** During the performance of this contract, the Supplier, for itself, its assignees, and successors in interest agrees to the clauses in "Appendix A" and "Appendix E" of the Standard Title VI Assurances (USDOT1050.2A), which are hereby incorporated by reference and made a part hereof.

15. **Assignment/Subcontract.** Supplier shall not assign, sell, transfer, subcontract or sublet rights, or delegate responsibilities under this Contract, in whole or in part, without the prior written approval of City. No such written approval shall relieve the Supplier of any obligations of this Contract, and any transferee or subcontractor shall be considered the agent of the Supplier. Supplier shall remain liable as between the original parties to this Contract as if no such assignment had occurred.

16. **Supplier is an Independent Contractor.** The parties intend that an independent contractor relationship will be created by this Contract. No agent, employee or representative of the Supplier shall be deemed to be an agent, employee or representative of the City for any purpose. Supplier shall be solely responsible for all acts of its agents, employees, representatives and subcontractors during the performance of this Contract.

17. **Ownership and Use of Documents.** All finished and unfinished documents and material prepared by the Supplier with funds paid by the City pursuant to the terms of this Contract shall become the property of the City and shall be forwarded to the City upon its request. Documents and materials shall include but not be limited to plans, specifications, reports, electronic and non-electronic data, and other design documents prepared by the Supplier. Pursuant to RCW 42.56.70, all information and documents produced under this Contract may be subject to public disclosure.

18. **Assistance Regarding Patent and Copyright Infringement.** In the event of any claim or suit against City on account of any alleged patent or copyright infringement arising out of the performance of this Contract or out of the use of any material furnished or work or services performed hereunder, Supplier shall defend City against any such suit or claim and hold City harmless from any and all expenses, court costs, and attorney's fees in connection with such claim or suit.

19. **The City's Right to Terminate Contract.**

A. **Termination for Default:** If the Supplier defaults by failing to perform any of the obligations of the Contract or becomes insolvent or is declared bankrupt or commits any act of bankruptcy or insolvency or makes an assignment for the benefit of creditors, the City may, by depositing written notice to the Supplier in the U.S. mail, postage prepaid, terminate the Contract, and at the City's option, obtain performance of the work elsewhere. If the Contract is terminated for default, the Supplier shall not be entitled to receive any further payments under the Contract until the Scope of Services under this Contract has been fully performed. Any extra cost or damage to the City resulting from such default(s) shall be deducted from any money due or coming due to the Supplier. The Supplier shall bear any extra expenses incurred by the City in completing the work, including all increased costs for completing the work, and all damage sustained, or which may be sustained by the City by reason of such default. If a notice of termination for default has been issued and it is later determined for any reason that the Supplier was not in default, the rights and obligations of the parties shall be the same as if the notice of termination had been issued pursuant to the Termination for Public Convenience paragraph hereof.

B. **Termination for Public Convenience:** The City may terminate the Contract in whole or in part whenever the City determines, in its sole discretion that such termination is in the best interests of the City. Whenever the Contract is terminated in accordance with this paragraph, the Supplier shall be entitled to payment for actual work performed at unit Contract prices for completed items of work through the date of termination. An equitable adjustment in the Contract price for partially completed items of work will be made, but such adjustment shall not include provision for loss of anticipated profit on deleted or uncompleted work. Termination of this Contract by the City at any time during the term, whether for default or convenience, shall not constitute a breach of Contract by the City.

20. **Changes/Additional Work.** The City may engage Supplier to perform services in addition to those listed in this Contract, and Supplier will be entitled to additional compensation for authorized additional services or materials. The City shall not be liable for additional compensation until and unless any and all additional work and compensation is approved in advance in writing and signed by both parties to this Contract. If conditions are encountered which are not anticipated in the Scope of Services, the City understands that a revision to the Scope of Services and fees may be required. Provided, however, that nothing in this paragraph shall be interpreted to obligate the Supplier to render or the City to pay for services rendered in excess of the Scope of Services unless or until a modification to this Contract is approved in writing by both parties.

21. **Non-waiver.** Waiver by the City of any provision of this Contract or any time limitation provided for in this Contract shall not constitute a waiver of any other provision.

22. **Covenant Against Contingent Fees.** The Supplier warrants that they have not employed or retained any company or person, other than a bona fide employee working solely for the Supplier, to solicit or secure this Contract, and that they have not paid or agreed to pay any company or person, other than a bona fide employee working solely for the Supplier, any fee, commission, percentage, brokerage fee, gifts, or any other consideration contingent upon or resulting from the award of making of this Contract. For breach or violation of this warranty, the City shall have the right to annul this Contract without liability or, in its discretion to deduct from the Contract price or consideration, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift, or contingent fee.

23. **Disputes**

A. **General:** Differences between the Supplier and the City, arising under and by virtue of this Contract shall be brought to the attention of the City at the earliest possible time in order that such matters may be settled or other appropriate action promptly taken. The provisions of this Clause shall survive the expiration or termination of this Contract.

B. **Notice of Potential Claims:** The Supplier shall not be entitled to additional compensation which otherwise may be payable, or to extension of time for (1) any act or failure to act by the City, or (2) the happening of any event or occurrence, unless the Supplier has given the City a written Notice of Potential Claim within 10 days of the commencement of the act, failure, or event giving rise to the claim, and before final payment by the City. The written Notice of Potential Claim shall set forth the reasons for which the Supplier believes additional compensation or extension of time is due, the nature of the cost involved, and insofar as possible, the amount of the potential claim. Supplier shall keep full and complete daily records of the Work performed, labor and all costs and additional time claimed to be additional.

C. **Detailed Claim:** The Supplier shall not be entitled to claim any such additional compensation, or extension of time, unless within 30 days of the accomplishment of the portion of the work from which the claim arose, and before final payment by the City, the Supplier has given the City a detailed written statement of each element of cost or other compensation requested and of all elements of additional time required, and copies of any supporting documents evidencing the amount or the extension of time claimed to be due.

D. **Dispute Resolution:** In the event of a dispute between the City and the Supplier arising out of this Contract, or any obligation hereunder the dispute shall first be referred to the representatives designated by the City and the Supplier to have oversight over the administration of this Contract. Said representatives shall meet within thirty (30) calendar days of receipt of detailed claim, and the parties shall make a good faith effort to achieve a resolution of the dispute.

In the event the parties are unable to resolve the dispute under the procedure set forth above, then the parties hereby agree that the matter shall be referred to mediation. The parties shall mutually agree upon a mediator to assist them in resolving their differences. Any expenses incidental to mediation shall be borne equally by the parties. If either party is dissatisfied with the outcome of the mediation, that party may then pursue any available judicial remedies.

24. **Force Majeure.** Neither party shall be liable to the other or deemed in breach or default for any failure or delay in performance under this Agreement during the time and to the extent its performance is prevented by reasons of Force Majeure. For the purposes of this Agreement, Force Majeure means an occurrence that is beyond the reasonable control of and without fault or negligence of the party claiming force majeure and which, by exercise of due diligence of such party, could not have been prevented or overcome. Force Majeure shall include natural disasters, including fire, flood, earthquake, windstorm, avalanche, mudslide, and other similar events; acts of war or civil unrest when an emergency has been declared by appropriate governmental officials; acts of civil or military authority; freight embargoes; epidemics; pandemics; quarantine restrictions; labor strikes; boycotts; terrorist acts; riots; insurrections; explosions; and nuclear accidents. A party claiming suspension or termination of its obligations due to force majeure shall give the other party prompt written notice of the impediment and its effect on the ability to perform, with such notice to be provided no more than two (2) working days after the force majeure event or reasonable discovery of the event's impact on performance. Failure to provide such notice shall preclude recovery under this provision. Such delay shall cease as soon as practicable and written notification of same shall be provided. The time of completion shall be extended by Agreement modification for a period of time equal to the time that the results or effects of such delay prevented the delayed party from performing in accordance with this Agreement. Rights Reserved: The City reserves the right to cancel the Agreement and/or purchase materials, equipment or services from the best available source during the time of force majeure, and Supplier shall have no recourse against the City.



25. **Governing Law.** This Contract shall be governed by and construed under the laws of the State of Washington. Any action brought under the Contract or relating to the Project shall be brought in the Superior Court of the State of Washington in Skagit County Washington.

26. **Compliance with Laws.** The Supplier in the performance of this Contract shall comply with all applicable Federal, State or local laws and ordinances, including regulations for licensing, certification and operation of facilities, programs and accreditation, and licensing of individuals, and any other standards or criteria as described in the Contract to assure quality of services.

27. **Severability.** If any term or condition of this Contract or the application thereof to any person(s) or circumstances is held invalid, such invalidity shall not affect other terms, conditions or applications which can be given effect without the invalid term, condition or application. To this end, the terms and conditions of this Contract are declared severable.

28. **Survival of Contract Termination.** The provisions of the following paragraphs and the liability of the Supplier for default during the term of the Contract shall survive, notwithstanding the termination or invalidity of this Contract for any reason: Taxes; Warranty; The City's Right to Terminate Contract; Governing Law; Disputes; Defense & Indemnity.

29. **Notices.** All notices required or permitted to be given under this Agreement shall be in writing and shall be deemed to have been given and received (a) when personally delivered, or delivered by same-day courier; or (b) on the third business day after mailing by registered or certified mail, postage prepaid, return receipt requested; or (c) upon delivery when sent by prepaid overnight express delivery service (e.g., FedEx, UPS); or (d) when sent by email and upon the receipt by the sending party of written confirmation by the receiving party; provided, however, that an automated email confirmation of delivery or read receipt shall not constitute such confirmation. Notices shall be sent to the following addresses:

CITY:

City of Anacortes  
Tiffany Matson  
904 6th Street  
PO Box 547  
Anacortes, WA 98221  
contracts@anacorteswa.gov

SUPPLIER:

Whitney Equipment Company, Inc  
Brad Vande Vusse  
16120 Woodinville-Redmond Road NE, Suite 3  
Woodinville, WA 98072  
brad@weci.com

**The parties acknowledge** that there has been an opportunity to negotiate the terms and conditions of this Agreement and agree to each bind itself, its partners, successors, assigns, and legal representatives to the other party hereto, in respect of all covenants, agreements, and obligations contained in the Contract Documents. Each of the persons signing below on behalf of any party hereby represents and warrants that they are signing with full and complete authority to bind the party on whose behalf of whom they are signing, to each and every term of this Agreement.

CITY OF ANACORTES

WHITNEY EQUIPMENT COMPANY, INC

By \_\_\_\_\_  
Matt Miller, Mayor

By \_\_\_\_\_

Date \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

## APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Washington State Department of Transportation, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Washington State Department of Transportation to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Washington State Department of Transportation, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Washington State Department of Transportation may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the contractor under the contract until the contractor complies; and/or
  - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Washington State Department of Transportation may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

## APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

### **Pertinent Non-Discrimination Authorities:**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).



## City Council Agenda Bill

**Meeting Date:** August 5, **Agenda Item:** 6.f.  
2024

**Agenda Item Title:** Reimbursement Agreement IAA25207 for Blake Decision 7/1/24-6/30/25 #24-211-MCT-001

**Staff Contact(s):** Emily Schuh

|                                                    |                           |
|----------------------------------------------------|---------------------------|
| <b><u>Approved for Submittal to Council by</u></b> | <b><u>Action Type</u></b> |
| Tiffany Matson                                     | Contract Award            |
| Tiffany Matson                                     |                           |

**Item Summary:** City staff seeks approval to execute Agreement 24-211-MCT-001 with Washington State Administrative Office of the Courts to provide reimbursements to assist the City with extraordinary judicial, prosecutorial, or defense-related costs of resentencing and vacating the sentences of defendants whose convictions or sentences are affected by the State v. Blake decision, and to provide reimbursements to assist the City who have reimbursed or will reimburse legal financial obligations to defendants whose convictions or sentences in Municipal Court are affected by the decision. Previous agreements for the periods from 2/25/21-6/30/24 were originally brought before Council. This agreement adds an additional term of 12 months for costs incurred by the City between 7/1/24-6/30/25.

**Background:** On Feb. 25, 2021, the Washington Supreme Court issued a decision declaring the state's main drug possession statute RCW 69.50.4013(1) unconstitutional and "void." The ruling occurred in a case known as State v. Blake. The decision directly affects anyone previously charged and convicted under the drug possession statute RCW 69.50.4013(1) as it existed before the court ruling. The long-term implications could invalidate past convictions for this offense because the court said the statute was unconstitutional. Other implications include vacating convictions for people with previous convictions, and refunds of any fines and fees paid in association with their convictions. Reimbursable contracts will be issued by the Administrative Office of the Courts to 112 cities. \$11,500,000 is provided solely to assist cities with costs of complying with the State v. Blake ruling that arises from the city's role in operating the municipal criminal justice system. \$10,000,000 is provided solely to establish a legal financial obligation aid pool for cities to refund legal financial obligations and collection costs previously paid by defendants whose convictions have been vacated by court order due to the ruling.

**Key Terms:**

- The city will be reimbursed a maximum of \$72,007.
- The term of this Agreement shall be from July 1, 2024-June 30, 2025.

**Budget Impact:**

Receipt of a maximum of \$72,007.

**Previous Action:** Council approved contract [22-227-MCT-001](#) at the [October 3, 2022](#) meeting. Council approved [23-183-MCT-001](#) at the [June 20, 2023](#) meeting.

**Recommended Motion:** I move that City Council authorize the Mayor to execute Agreement 24-211-MCT-001 between the City of Anacortes and Washington State Administrative Office of the Courts.

**Alternative Actions:** Not approve the agreement.

**Attachments (listed in order presented):**

1. 24-211-MCT-001

**INTERAGENCY REIMBURSEMENT AGREEMENT - IAA25207**  
**BETWEEN**  
**WASHINGTON STATE ADMINISTRATIVE OFFICE OF THE COURTS**  
**AND**  
**CITY OF ANACORTES**

This Interagency Reimbursement Agreement ("Agreement") is entered into by and between Washington State Administrative Office of the Courts ("AOC") and City of Anacortes ("Jurisdiction") to reimburse extraordinary costs of resentencing and vacating sentences as required by State v. Blake ("Blake"). AOC and Jurisdiction will be known individually as Party and collectively as Parties.

**I. PURPOSE**

The purpose of this Agreement is to reimburse the extraordinary judicial, prosecutorial, clerk, court administration and/or defense-related costs of resentencing and vacating the sentences of individuals whose convictions or sentences are affected by the *Blake* decision. For Municipalities and Counties, this will include language Engrossed Substitute Senate Bill 5187, Section 114(3) passed by the 2023 Legislature, which includes simple drug possession, to include cannabis and possession of paraphernalia.

**II. REIMBURSEMENT**

- A. Extraordinary Expenses Reimbursement. AOC shall reimburse Jurisdiction up to a maximum of \$72,007 for the extraordinary judicial, clerk, court administration, prosecutorial, and/or defense-related costs of resentencing and vacating the sentences of individuals whose convictions and/or sentences are affected by the *Blake* decision. For Municipalities this will include language from the Engrossed Substitute Senate Bill 5187, Section 114(13), passed by the 2023 Legislature, which includes simple drug possession to include cannabis and possession of paraphernalia.

To be eligible for reimbursement, the Costs must be incurred between July 1, 2024 and June 30, 2025. AOC will not reimburse Jurisdiction Costs incurred after June 30, 2025. AOC may, at its sole discretion, deny reimbursement requests in excess of the amount awarded. If additional funding is or becomes available for these purposes, AOC and Jurisdiction may mutually agree to increase the amount awarded under this Agreement.

- B. General. AOC shall reimburse Jurisdiction for approved and completed reimbursements by warrant or electronic funds transfer within 30 days of receiving a properly completed A-19 invoice and the necessary backup documentation.

### III. PERIOD OF PERFORMANCE

Performance under this Agreement begins on July 1, 2024, regardless of date of execution, and ends on June 30, 2025. The period of performance maybe amended by mutual agreement of the Parties.

### IV. TERMS OF REIMBURSEMENT

A. Jurisdiction shall electronically submit, once per month, it's A-19 invoices to [payables@courts.wa.gov](mailto:payables@courts.wa.gov).

B. Jurisdiction's A-19 invoices must include:

1. Payment documents from Jurisdiction indicating the amounts expended, the recipients, and the date of expenditure;
2. A list of any case numbers associated with the services provided;
3. A breakdown of expenses by judicial, clerk/court administration, prosecutorial, and defense-related costs;
4. Any employee positions supported by Blake related funds, broken down by judicial, clerk/court administration, prosecutorial, and defense-related positions, including name of employee, title, hourly wage of the individual, time spent on *Blake*-related cases and a list of corresponding cause numbers;
5. The unique three-digit court code for the Jurisdiction the work was completed on behalf of must be provided on the A-19. If a Jurisdiction contracts with another jurisdiction to provide court services, then the unique court code for the jurisdiction for which the work was completed must be provided; and,
6. Data, including case numbers and aggregate data on the number and type of cases:
  - a. Vacated under *Blake*;
  - b. Resentenced under *Blake*; and
  - c. Being worked on under *Blake*.

### V. REVENUE SHARING

- A. AOC, in its sole discretion, may initiate revenue sharing. AOC will notify the Jurisdiction no later than May 1, 2025 that AOC intends to reallocate funding among courts in the program and/or to support the Supreme Court's directive for an AOC case vacating team. If AOC determines the Jurisdiction may not spend all monies available under the Agreement or if Jurisdiction declines and/or elects not to participate in the vacating of Blake eligible cases, AOC may reduce the Agreement amount as mentioned above. If AOC determines the Jurisdiction may spend more monies than available under the Agreement and for its scope, AOC may increase the Agreement amount.
- B. If the AOC initiates revenue sharing, then the Jurisdiction must submit the final revenue sharing A-19 to [payables@courts.wa.gov](mailto:payables@courts.wa.gov) between July 12, 2025 and August 1, 2025.

## **VI. AGREEMENT ALTERATIONS AND AMENDMENTS**

This Agreement may be amended by agreement of the Parties. Such amendments are not binding unless they are in writing and signed by personnel authorized to bind each of the Parties.

## **VII. GOVERNANCE**

- A. This Agreement is entered into pursuant to and under the authority granted by the laws of the state of Washington and any applicable federal laws. The provisions of this Agreement must be construed to conform to those laws.
- B. In the event of an inconsistency in the terms of this Agreement, or between its terms and any applicable statute or rule, the inconsistency will be resolved by giving precedence in the following order:
  - 1. Applicable state and federal statutes and rules;
  - 2. This Agreement; and then
  - 3. Any other provisions of the Agreement, including materials incorporated by reference.

## **VIII. WAIVER**

A failure by either Party to exercise its rights under this Agreement does not preclude that Party from subsequent exercise of such rights and is not a waiver of any other rights under this Agreement unless stated to be such in a writing signed by an authorized representative of the Party and attached to the original Agreement.

## **IX. SEVERABILITY**

If any provision of this Agreement, or any provision of any document incorporated by reference is held invalid, such invalidity does not affect the other provisions of this Agreement that can be given effect without the invalid provision and to this end the provisions of this Agreement are declared to be severable.

## **X. AGREEMENT MANAGEMENT**

The Program Managers/Point of Contacts noted below are responsible for and are the contact people for all communications and billings regarding the performance of this Agreement:



| AOC Program Manager                                                                                                                                                                                                   | Jurisdiction Program Manager/<br>Point of Contact                                                                                                                                                               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Sharon Fogo</b></p> <p>Blake Implementation Manager</p> <p>PO Box 41170</p> <p>Olympia, WA 98504-1170</p> <p><a href="mailto:Sharon.Fogo@courts.wa.gov">Sharon.Fogo@courts.wa.gov</a></p> <p>(360) 819-7305</p> | <p><b>Rebecca Welch</b></p> <p>Court Administrator</p> <p>1218 24th St</p> <p>Anacortes, WA 98221</p> <p><a href="mailto:rebeccah@cityofanacortes.org">rebeccah@cityofanacortes.org</a></p> <p>360-293-1939</p> |

## XI. ENTIRE AGREEMENT

This Agreement contains all the terms and conditions agreed upon by the Parties. No other understandings, oral or otherwise, regarding the subject matter of this Agreement are considered to exist or to bind any of the Parties to this agreement unless otherwise stated in this Agreement.

**AGREED:**

**Washington State Administrative  
Office of the Courts**

## Jurisdiction

*Signature*

Date

*Signature*

---

*Date*

## Christopher Stanley, CGFM

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*Name*

---

*Name*

**Chief Financial and Management  
Officer**

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*Title*

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*Title*



## City Council Agenda Bill

**Meeting Date:** August 5, 2024      **Agenda Item:** 6.g.

**Agenda Item Title:** Resolution 3161: Establishing a Docket for the 2025 Comprehensive Plan and Development Regulations Periodic Update

**Staff Contact(s):** John Coleman

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

Greg Francioch

Resolution

John Coleman

STEVE HOGLUND

DARCY SWETNAM

**Item Summary:** Staff prepared Resolution 3161 (attached), which would establish the docket for the 2025 Comp Plan periodic update. The City Council held a work session on July 15, 2024 to discuss requested amendments to the Comprehensive Plan and development regulations. The City Council also held a public hearing at its July 22, 2024 meeting to take testimony on the 2025 Comprehensive Plan Periodic Update Docket. After the public hearing, the City Council deliberated and decided whether to include, exclude, or defer each petition received; each decision is noted in Attachment B. Petitions and suggestions that the City Council decided to INCLUDE for consideration in the 2025 periodic update process are listed in Attachment A.

**Budget Impact:**

**Previous Action:** Council held a work session on July 15 and a public hearing on July 22. Information about past actions is listed under the "Meeting & Event Info" tab on the [2025 Comprehensive Plan Update webpage](#).

**Recommended Motion:** I move to adopt Resolution 3161 establishing the 2025 Comprehensive Plan and Development Regulations Periodic Update docket.

**Alternative Actions:** Continue discussion and direct changes to the draft Resolution 3161.

**Attachments (listed in order presented):**

1. Resolution3161

2. Staff Memo with Docketing Recommendations
3. Petitions Received - Combined
4. Councilmember Walters' Proposals for 2025 Comp Plan 2024-07-14
5. Signal Hill / Scimitar Ranch UGA expansion petition additional info
6. Port of Anacortes - Supplemental Info Memo\_final
7. Ian Munce - Response to Clm. Walters July 15, 2024 Memo re. 2025 Periodic Update-For July 22 City Council meeting and Public Hearing
8. MJB Additional Materials
9. Hypothetical Site Area Calculations
10. MJB building sizes
11. Upper Level Setbacks
12. Ian Munce - Objection to Proposed City Resolution #3161

## **Resolution No. 3161**

### **A Resolution Establishing a Docket for the 2025 Anacortes Comprehensive Plan and Development Regulations Periodic Update**

**Whereas** the City of Anacortes adopted its first Comprehensive Plan in compliance with the Washington State Growth Management Act (GMA) on August 19, 1991;

**Whereas** RCW 36.70A.130(1)(a) and (4)(b) require that, by December 31, 2025, the City of Anacortes take legislative action to review and, if needed, revise its comprehensive plan and development regulations to ensure the plan and regulations comply with the requirements of the GMA;

**Whereas** the primary purpose of the required periodic review and update is to ensure local plans and regulations are consistent with recent changes to state law and updates to countywide planning policies, and to update information such as population changes and infrastructure and needs;

**Whereas** the Department of Planning, Community and Economic Development (PCED) Department completed the Washington State Department of Commerce (Commerce) Periodic Update Checklist for Fully-Planning Cities to identify components of the Comprehensive Plan and development regulations that may need updating to reflect the latest local conditions or to comply with GMA changes since the last periodic update in 2016;

**Whereas** the Anacortes Municipal Code (AMC) Chapter 19.16 *Legislative Actions* establishes a program and process for early and continuous public participation for land use legislation consistent with RCW 36.70, the Growth Management Act, and applies to adoption and amendment of the Comprehensive Plan, the Comprehensive Plan land use map, and implementing development regulations;

**Whereas** AMC 19.16.050 sets out the docketing process, which provides an annual process to receive petitions for and consider amendments to the Comprehensive Plan and implementing development regulations;

**Whereas** the City Council adopted Resolution 3156 establishing a Public Participation Plan (PPP) for the 2025 Comprehensive Plan Periodic Update on May 28, 2024, and the PPP has been broadly disseminated to the public;

**Whereas** in accordance with the adopted 2025 Comprehensive Plan Periodic Update Public Participation Plan, the City plans to merge the 2024 annual docket with the 2025 periodic update review process and extended the deadline for submitting amendment petitions to June 30, 2024;

**Whereas** the City received multiple petitions to amend the Comprehensive Plan and development regulations from members of the public and non-city government entities;

**Whereas** the PCED Department published notice of a public hearing and written comment period on July 3, 2024;

**Whereas** the City Council held a special work session on July 15, 2024, with the Planning Commission in attendance, to hear presentations from amendment petitioners and to discuss City Council members recommendations and priorities for inclusion in the 2025 Comprehensive Plan Periodic Update;

**Whereas** Attachment B contains a list of all amendment petitions received from the public and amendment suggestions received from councilmembers;

**Whereas** the City Council held a public hearing on the 2025 Comprehensive Plan Periodic Update Docket on July 22, 2024 where the City Council deliberated on the petitions, including consideration of public comments received and staff's docketing recommendations, and decided to include, exclude, or defer each amendment petition, which decision is shown for each petition listed in Attachment B;

**Whereas** the City has not yet completed review of the 2021 Docket established by Resolution 3042, adopted July 12, 2021 and the City Council elected to include the 2021 Docket items on the 2025 Docket of Comprehensive Plan and Development Regulation Amendments;

**Whereas** the proposals the City Council elected to include on the 2025 Docket of Comprehensive Plan and Development Regulation Amendments are listed in Attachment A;

**Whereas** amendment proposals placed on the docket will undergo further public, agency, and environmental review, consideration by the Planning Commission, and final consideration by the City Council; however, placing a proposal on the docket does not imply its ultimate approval;

**Now, therefore it is hereby resolved by the Anacortes City Council** that the 2025 Docket of Comprehensive Plan and Development Regulation Amendments is hereby adopted and attached as Attachment A.

**PASSED and APPROVED** on this 5<sup>th</sup> day of August 2024.

**CITY OF ANACORTES**

By \_\_\_\_\_  
Matt Miller, Mayor

**ATTEST:**

\_\_\_\_\_  
Steven Hoglund, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Darcy Swetnam, WSBA #40530  
City Attorney

# Attachment A

## 2025 Comprehensive Plan and Development Regulations Periodic Update Docket\*

| Item Number      | Title /Applicant                                                                                              | Summary                                                                                                                                                                                                                                                                                                                         |
|------------------|---------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                  | 2021 Docket                                                                                                   | Review and disposition of the 2021 Docket established by Resolution 3042, adopted July 12, 2021, has not been completed and is included as part of this docket.                                                                                                                                                                 |
| <b>Comp Plan</b> |                                                                                                               |                                                                                                                                                                                                                                                                                                                                 |
| LEG-2024-01      | Move the Comprehensive Plan onto the Code Publishing website                                                  | Reformat the Comprehensive Plan for ease of display on the website                                                                                                                                                                                                                                                              |
| LEG-2024-02      | Extract Volume 2 of the Comprehensive Plan into a standalone background document                              | Extract Volume 2 and structure it as a standalone background document to be maintained separately from the Comprehensive Plan                                                                                                                                                                                                   |
| LEG-2024-03      | Consolidate standalone Parks Plan into the Comprehensive Plan                                                 | Migrate the content from the existing Parks and Recreation Master Plan into the Comprehensive Plan, negating the need for a standalone parks plan                                                                                                                                                                               |
| LEG-2024-04      | Integrate planning for the Senior Activity Center into the Comprehensive Plan                                 | Incorporate detailed planning for senior activities and potential expansion of the senior center's programs and physical building. The Senior Activity Center Foundation has offered to potentially provide funding to the city to do such planning                                                                             |
| LEG-2024-05      | Add all unincorporated ACFL parcels to the Urban Growth Area                                                  | Petition the County to add all City-owned ACFL parcels to the City's UGA. Parcels where the City has extinguished the development rights through conservation easements held by Skagit Land Trust, would constitute a "no-growth" UGA petition, which would not require the usual calculations and justifications for expansion |
| LEG-2024-06      | Allow the next increment of housing development in neighborhoods and avoid big jumps in development intensity | Include new policies reflecting the principles that zoning should allow the next increment of housing in all neighborhoods and should disallow sudden radical change in neighborhoods                                                                                                                                           |
| LEG-2024-07      | Make all housing types allowed by right, not conditional use                                                  | Adopt a new policy declaring that housing types, where they are allowed in a zone, must be allowed as an outright use, not a conditional use                                                                                                                                                                                    |

|                                   |                                                                                            |                                                                                                                                                                                                                                                                                                                                                                         |
|-----------------------------------|--------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| LEG-2024-08                       | Pursue walkability/bikability improvements as a primary policy goal                        | Rework Policy LU-10.1 to recognize that encouraging walking and bicycling means providing opportunities through zoning for more local services, such as neighborhood groceries or coffee shops to be accessible within walking distance of residences. Consider pedestrian overlays, prescribe protected bike lanes whenever possible in future transportation projects |
| LEG-2024-09                       | Consider pedestrianizing streets in the CBD                                                | In Goal LU-7, add policies to consider pedestrianization or partial pedestrianization of streets where it makes sense to connect pedestrian-heavy land uses with Commercial Ave.                                                                                                                                                                                        |
| LEG-2024-10                       | Require historic preservation of heritage buildings                                        | Add policies that direct the development of enforceable historic presentation regulations to designate heritage buildings and prohibit demolition by neglect                                                                                                                                                                                                            |
| LEG-2024-11                       | “Simitar Ranch UGA Expansion”<br>- Signal Hill Family Limited Partnership                  | Expand the Anacortes Urban Growth area to include Parcels P20014, P20013, P19979                                                                                                                                                                                                                                                                                        |
| LEG-2024-12                       | “Fidalgo Park & Recreation District Public Zoning”<br>- Fidalgo Park & Recreation District | Amend the Future Land Use Map designation of multiple parcels near the Fidalgo Pool and Fitness Center from Residential Medium Density to Public                                                                                                                                                                                                                        |
| LEG-2024-13                       | “Rockwell Light Manufacturing Zoning Reconsiderations”<br>- Port of Anacortes              | Amend the Future Land Use Map designation of a portion of 3 parcels near the Anacortes Airport from Aeronautical Zone to Light Manufacturing                                                                                                                                                                                                                            |
| LEG-2024-14                       | “Cap Sante Marina Zoning Harmonization Scheme”<br>- Port of Anacortes                      | Amend the Future Land Use Map designation of multiple parcels associated with the Cap Sante Marina from Commercial and Marine Mixed Use to Commercial Marine                                                                                                                                                                                                            |
| LEG-2024-15                       | “Marine Terminal Zoning Harmonization Scheme”<br>- Port of Anacortes                       | Amend the Future Land Use Map designation of a parcel (P55355) located just west of the terminus of 2nd Street from Light Manufacturing to Manufacturing and Shipping                                                                                                                                                                                                   |
| Development Regulation Amendments |                                                                                            |                                                                                                                                                                                                                                                                                                                                                                         |
| LEG-2024-16                       | Adopt interim ordinance for application review time periods                                | Adopt an interim ordinance that would immediately adopt the new time periods for application review required under 2SSB 5290 (2023); and provide the Planning Department authority to expire applications where the applicant is not responsive; and provide an option for the applicant to contest multiple requests for more information on their same application    |
| LEG-2024-17                       | Streamline permit review                                                                   | Amend AMC 19.20.030, Types of Review, to expedite minor permit applications. Change low-value shoreline substantial development permits to a Type 2 Administrative Decision (with public notice and comment). Change higher-value SSDP’s to a Type 3 Hearing Examiner Decision and adjust the dollar threshold upward, given modern development costs                   |

|             |                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| LEG-2024-18 | Amend the Manufacturing and Shipping zone to ensure any replacement of the Marine Supply building is consistent with the main street downtown core | Change the MS code to allow up to 6,000-8,000 sf of retail sales on the ground floor abutting Commercial Ave. south of 2nd St. Amend the MS zone to permit and require a zero street setback from Commercial Ave                                                                                                                                                                                                                                                                                                                        |
| LEG-2024-19 | Update street standards block by block                                                                                                             | Perform a block-by-block analysis to identify streets and neighborhoods that need to be upgraded and those that should remain as they are or receive more limited improvements. Maintain the analysis as a GIS layer and adopt after substantial outreach and public participation. Consider costs of ongoing maintenance when deciding where to build out full-width streets and sidewalks. Do not seek to impose default city street standards where neighborhood character is dependent on narrow low-volume streets and tree canopy |
| LEG-2024-20 | Consider Housing Action Plan recommendations                                                                                                       | Consider the HAP recommendations as a menu and select individual measures to pursue. Consider incentivizing townhouses over cottage housing in appropriate zones, especially close to the downtown core                                                                                                                                                                                                                                                                                                                                 |
| LEG-2024-21 | Industrial Zone permitted uses<br>- MJB Properties                                                                                                 | Amend AMC Table 19.41.050 to add daycare facilities, heavy service, indoor recreation, and self-service storage as permitted or conditional uses in the Industrial zone                                                                                                                                                                                                                                                                                                                                                                 |
| LEG-2024-22 | Revise Bonus Incentives in the MMU zone, east of Q Ave.<br>- MJB Properties                                                                        | Amend Figure 19.42.070(4) to change the minimum developer-provided public park space area to qualify for bonus incentives from 10,000 to 5,000 sf; do not require dedication to the city                                                                                                                                                                                                                                                                                                                                                |
| LEG-2024-23 | MMU maximum north/south oriented building width limitation<br>- MJB Properties                                                                     | Amend AMC 19.42.120(C)(5)(c) to eliminate the 150' maximum width in the north/south orientation for buildings taller than four stories or more than 50' tall                                                                                                                                                                                                                                                                                                                                                                            |
| LEG-2024-24 | Horizontal setback requirement for buildings exceeding the maximum base height in the CBD and MMU zones<br>- MJB Properties                        | Amend AMC 19.42.120(C)(7) to remove or clarify the requirement for buildings exceeding the maximum base height that there be a minimum 8' horizontal setback along at least 75% of the facade somewhere between the ground floor and top floor                                                                                                                                                                                                                                                                                          |
| LEG-2024-25 | MMU zone single-purpose residential use limitations calculations<br>- MJB Properties                                                               | Amend AMC 19.43.010(G)(3)(C) and AMC 19.43.010(H)(3)(b) and 19.43.020(C)(3)(b) to exclude associated landscaping and open space areas from the maximum site area coverage (60%) permitted for single-purpose residential or assisted living uses                                                                                                                                                                                                                                                                                        |



|             |                                                                                                        |                                                                                                                                                                                            |
|-------------|--------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| LEG-2024-26 | Driveway cut widths<br>- MJB Properties                                                                | Amend Table 19.53.30(F) to provide the Public Works Director with the authority to approve driveway cut widths greater than 30 feet                                                        |
| LEG-2024-27 | Balcony projection allowance into setback that is required to provide solar access<br>- MJB Properties | Amend AMC 19.62.030(C) to clarify balcony setbacks requirements for units that have their only solar access (windows) facing an interior side property line                                |
| LEG-2024-28 | Shared roof decks<br>- MJB Properties                                                                  | Amend AMC 19.62.040(B)(1)(e) to allow multifamily buildings in a horizontal mixed-use development to fulfill 100% of their required internal open space requirement with shared roof decks |
| LEG-2024-29 | Indoor recreation uses in the LM1 zone<br>- Erik Bowman                                                | Amend AMC 19.41.050 to add “Indoor Recreation” as a permitted use in the LM1 zone                                                                                                          |
|             |                                                                                                        |                                                                                                                                                                                            |

\* Items that are required to be reviewed and revised for consistency with the Growth Management Act and items that are recommended by the WA State Department of Commerce to be reviewed and updated to reflect the latest local conditions are NOT included in this list. See the Commerce checklist for more information.

Additionally, this list is not intended to preclude consideration of new topics and issues as they arise through review of public comments or staff review during the periodic review and update process.

# Attachment B

## List of All Proposals Received for Consideration During the 2025 Comprehensive Plan and Development Regulations Periodic Update

Per AMC 19.16.050(D), the City Council must include, exclude, or defer each petition.

1. **Include.** The City Council's decision to include a petition in the docket is procedural only and does not constitute a decision by the city council as to whether the amendment will ultimately be approved.
2. **Exclude.** The City Council's decision to exclude a petition from the docket terminates the petition.
3. **Defer.** The City Council's decision to defer a petition means that the City Council will consider the petition for docketing in the next annual amendment cycle.

Council made motions to Include, Exclude or Defer each of the items below at their July 22, 2024 meeting. Their motions were recorded in the Action column. The items that Council chose to include will be imported into Attachment A of Resolution 3161, which will be on the Council agenda on August 5, 2024.

| 2025 Comprehensive Plan Amendment Proposals |                                                                                  |                                                                                                                                                                                                                                                      |         |
|---------------------------------------------|----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| Temp. ID Number                             | Title /Applicant                                                                 | Summary                                                                                                                                                                                                                                              | Action  |
| A. Councilmember Walters' proposals         |                                                                                  |                                                                                                                                                                                                                                                      |         |
| A-1                                         | Move the Comprehensive Plan onto the Code Publishing website                     | Reformat the Comprehensive Plan for ease of display on the website                                                                                                                                                                                   | Include |
| A-2                                         | Extract Volume 2 of the Comprehensive Plan into a standalone background document | Extract Volume 2 and structure it as a standalone background document to be maintained separately from the Comprehensive Plan.                                                                                                                       | Include |
| A-3                                         | Consolidate standalone Parks Plan into the Comprehensive Plan                    | Migrate the content from the existing Parks and Recreation Master Plan into the Comprehensive Plan, negating the need for a standalone parks plan.                                                                                                   | Include |
| A-4                                         | Integrate planning for the Senior Activity Center into the Comprehensive Plan    | Incorporate detailed planning for senior activities and potential expansion of the senior center's programs and physical building. The Senior Activity Center Foundation has offered to potentially provide funding to the city to do such planning. | Include |

| 2025 Comprehensive Plan Amendment Proposals                 |                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                          |                                         |
|-------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
| Temp. ID Number                                             | Title /Applicant                                                                                              | Summary                                                                                                                                                                                                                                                                                                                                                                  | Action                                  |
| A-5                                                         | Add all unincorporated ACFL parcels to the Urban Growth Area                                                  | Petition the County to add all City-owned ACFL parcels to the City's UGA. Parcels where the City has extinguished the development rights through conservation easements held by Skagit Land Trust, would constitute a "no-growth" UGA petition, which would not require the usual calculations and justifications for expansion.                                         | Include                                 |
| A-6                                                         | Allow the next increment of housing development in neighborhoods and avoid big jumps in development intensity | Include new policies reflecting the principles that zoning should allow the next increment of housing in all neighborhoods and should disallow sudden radical change in neighborhoods.                                                                                                                                                                                   | Include                                 |
| A-7                                                         | Make all housing types allowed by right, not conditional use                                                  | Adopt a new policy declaring that housing types, where they are allowed in a zone, must be allowed as an outright use, not a conditional use.                                                                                                                                                                                                                            | Include                                 |
| A-8                                                         | Pursue walkability/bikability improvements as a primary policy goal                                           | Rework Policy LU-10.1 to recognize that encouraging walking and bicycling means providing opportunities through zoning for more local services, such as neighborhood groceries or coffee shops to be accessible within walking distance of residences. Consider pedestrian overlays, prescribe protected bike lanes whenever possible in future transportation projects. | Include                                 |
| A-9                                                         | Consider pedestrianizing streets in the CBD                                                                   | In Goal LU-7, add policies to consider pedestrianization or partial pedestrianization of streets where it makes sense to connect pedestrian-heavy land uses with Commercial Ave.                                                                                                                                                                                         | Include                                 |
| A-10                                                        | Require historic preservation of heritage buildings                                                           | Add policies that direct the development of enforceable historic presentation regulations to designate heritage buildings and prohibit demolition by neglect.                                                                                                                                                                                                            |                                         |
| B. Petitions by members of the public and non-City entities |                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                          |                                         |
| B-1                                                         | "Simitar Ranch UGA Expansion"<br>- Signal Hill Family Limited Partnership                                     | Expand the Anacortes Urban Growth area to include approximately 132.7 acres south of Sharpe's Corner west of State Route 20.                                                                                                                                                                                                                                             | Include* only<br>P20014, P20013, P19979 |
| B-2                                                         | "Fidalgo Park & Recreation District Public Zoning"                                                            | Amend the Future Land Use Map designation of multiple parcels near the Fidalgo Pool and Fitness Center from Residential Medium Density to Public.                                                                                                                                                                                                                        | Include                                 |

| 2025 Comprehensive Plan Amendment Proposals |                                                                               |                                                                                                                                                                                    |         |
|---------------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| Temp. ID Number                             | Title /Applicant                                                              | Summary                                                                                                                                                                            | Action  |
|                                             | - Fidalgo Park & Recreation District                                          |                                                                                                                                                                                    |         |
| B-3                                         | “Rockwell Light Manufacturing Zoning Reconsiderations”<br>- Port of Anacortes | Amend the Future Land Use Map designation of a portion of 3 parcels near the Anacortes Airport from Aeronautical Zone to Light Manufacturing.                                      | Include |
| B-4                                         | “Cap Sante Marina Zoning Harmonization Scheme”<br>- Port of Anacortes         | Amend the Future Land Use Map designation of multiple parcels associated with the Cap Sante Marina from Commercial and Marine Mixed Use to Commercial Marine.                      | Include |
| B-5                                         | “Marine Terminal Zoning Harmonization Scheme”<br>- Port of Anacortes          | Amend the Future Land Use Map designation of a parcel (P55355) located just west of the terminus of 2 <sup>nd</sup> Street from Light Manufacturing to Manufacturing and Shipping. | Include |

| Development Regulation Amendment Proposals |                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |         |
|--------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| Temp. ID Number                            | Title /Applicant                                                                                                                                   | Summary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Action  |
| A. Councilmember Walters' proposals        |                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |         |
| A-1                                        | Adopt interim ordinance for application review time periods                                                                                        | Adopt an interim ordinance that would immediately adopt the new time periods for application review required under 2SSB 5290 (2023); and provide the Planning Department authority to expire applications where the applicant is not responsive; and provide an option for the applicant to contest multiple requests for more information on their same application.                                                                                                                                                                    | Include |
| A-2                                        | Streamline permit review                                                                                                                           | Amend AMC 19.20.030, Types of Review, to expedite minor permit applications. Change low-value shoreline substantial development permits to a Type 2 Administrative Decision (with public notice and comment). Change higher-value SSDP's to a Type 3 Hearing Examiner Decision and adjust the dollar threshold upward, given modern development costs.                                                                                                                                                                                   | Include |
| A-3                                        | Shoreline Master Program Update                                                                                                                    | Prioritize the Planning Department's legislative work program to achieve the SMP Update as soon as practical.                                                                                                                                                                                                                                                                                                                                                                                                                            | Exclude |
| A-4                                        | Amend the Manufacturing and Shipping zone to ensure any replacement of the Marine Supply building is consistent with the main street downtown core | Change the MS code to allow up to 6,000-8,000 sf of retail sales on the ground floor abutting Commercial Ave. south of 2 <sup>nd</sup> St. Amend the MS zone to permit and require a zero street setback from Commercial Ave.                                                                                                                                                                                                                                                                                                            | Include |
| A-5                                        | Update street standards block by block                                                                                                             | Perform a block-by-block analysis to identify streets and neighborhoods that need to be upgraded and those that should remain as they are or receive more limited improvements. Maintain the analysis as a GIS layer and adopt after substantial outreach and public participation. Consider costs of ongoing maintenance when deciding where to build out full-width streets and sidewalks. Do not seek to impose default city street standards where neighborhood character is dependent on narrow low-volume streets and tree canopy. | Include |

| Development Regulation Amendment Proposals                  |                                                                                                          |                                                                                                                                                                                                                   |                                                                   |
|-------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| Temp. ID Number                                             | Title /Applicant                                                                                         | Summary                                                                                                                                                                                                           | Action                                                            |
| A-6                                                         | Consider Housing Action Plan recommendations                                                             | Consider the HAP recommendations as a menu and select individual measures to pursue. Consider incentivizing townhouses over cottage housing in appropriate zones, especially close to the downtown core.          | Include                                                           |
| A-7                                                         | Rewrite AMC Chapter 16.50, Tree Preservation                                                             | Address protection of “heritage trees” from all development, including public works, and describe standards for maintenance of Native Growth Protection Area easements.                                           | Exclude                                                           |
| A-8                                                         | Migrate AMC Chapter 17.75, Essential Public Facilities, into Title 19                                    | Update for changes in statute and case law and migrate it into an appropriate location in Title 19. Amend the definition of “essential public facility” in Title 19 to add reference to the new EPF code chapter. | Exclude                                                           |
| A-9                                                         | Delete remaining Chapters in AMC Title 15                                                                | The 3 remaining chapters (15.24, 15.32 and 15.45) should be removed or moved, as appropriate.                                                                                                                     | Exclude                                                           |
| A-10                                                        | Revise AMC 19.43 to make each of the subsections in 19.43.010 its own section                            | Promote each subsection in AMC 19.43.010 to its own section to improve navigation of the code.                                                                                                                    | Exclude                                                           |
| B. Petitions by members of the public and non-City entities |                                                                                                          |                                                                                                                                                                                                                   |                                                                   |
| B-6a                                                        | Industrial Zone permitted uses<br>MJB Properties                                                         | Amend AMC Table 19.41.050 to add multifamily “workforce” housing, daycare facilities, heavy service, indoor recreation, and self-service storage as permitted or conditional uses in the Industrial zone.         | Include*<br>but<br>exclude<br>multifamily<br>workforce<br>housing |
| B-6b                                                        | Revise Bonus Incentives in the MMU zone, east of Q Ave.<br>- MJB Properties                              | Amend Figure 19.42.070(4) to change the minimum developer-provided public park space area to qualify for bonus incentives from 10,000 to 5,000 sf; do not require dedication to the city.                         | Include                                                           |
| B-6c                                                        | MMU maximum north/south oriented building width limitation<br>- MJB Properties                           | Amend AMC 19.42.120(C)(5)(c) to eliminate the 150’ maximum width in the north/south orientation for buildings taller than four stories or more than 50’ tall.                                                     | Include                                                           |
| B-6d                                                        | Horizontal stepback requirement for buildings exceeding the maximum base height in the CBD and MMU zones | Amend AMC 19.42.120(C)(7) to remove or clarify the requirement for buildings exceeding the maximum base height that there be a minimum 8’ horizontal stepback along at least                                      | Include                                                           |

| Development Regulation Amendment Proposals |                                                                                                        |                                                                                                                                                                                                                                                                                        |         |
|--------------------------------------------|--------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| Temp. ID Number                            | Title /Applicant                                                                                       | Summary                                                                                                                                                                                                                                                                                | Action  |
|                                            | - MJB Properties                                                                                       | 75% of the facade somewhere between the ground floor and top floor.                                                                                                                                                                                                                    |         |
| B-6e                                       | MMU zone single-purpose residential use limitations calculations<br>- MJB Properties                   | Amend AMC 19.43.010(G)(3)(C) and AMC 19.43.010(H)(3)(b) and 19.43.020(C)(3)(b) to exclude associated landscaping and open space areas from the maximum site area coverage (60%) permitted for single-purpose residential or assisted living uses.                                      | Include |
| B-6f                                       | Driveway cut widths<br>- MJB Properties                                                                | Amend Table 19.53.30(F) to provide the Public Works Director with the authority to approve driveway cut widths greater than 30 feet.                                                                                                                                                   | Include |
| B-6g                                       | Balcony projection allowance into setback that is required to provide solar access<br>- MJB Properties | Amend AMC 19.62.030(C) to clarify balcony setbacks requirements for units that have their only solar access (windows) facing an interior side property line                                                                                                                            | Include |
| B-6h                                       | Shared roof decks<br>- MJB Properties                                                                  | Amend AMC 19.62.040(B)(1)(e) to allow multifamily buildings in a horizontal mixed-use development to fulfill 100% of their required internal open space requirement with shared roof decks                                                                                             | Include |
| B-7                                        | Indoor recreation uses in the LM1 zone<br>- Erik Bowman                                                | Amend AMC 19.41.050 to add “Indoor Recreation” as a permitted use in the LM1 zone.                                                                                                                                                                                                     | Include |
| B-8                                        | Designate the entire R1 zone as a FWHCA<br>- Ian Munce                                                 | Designate the entire 300-acre R1 zone as a Fish and Wildlife Habitat Conservation Area / Habitat of Local Importance per AMC 19.70.315(B).                                                                                                                                             | Exclude |
| B-9                                        | Delineating critical areas in the R1 zone<br>- Ian Munce                                               | Require that critical aquifer recharge areas, streams, wetlands, and buffers be delineated and mapped throughout the R1 zone prior to defining the circumstances and special review process under which cottage housing and densities up to 4 du/ac would be permitted in the R1 zone. | Exclude |
| B-10                                       | “North Basin Stormwater Plan” correction<br>- Ian Munce                                                | Correct the “North Basin Stormwater Plan” data.                                                                                                                                                                                                                                        | Exclude |

| Development Regulation Amendment Proposals |                                                                                       |                                                                                                                                                                                                                                                                                |         |
|--------------------------------------------|---------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| Temp. ID Number                            | Title /Applicant                                                                      | Summary                                                                                                                                                                                                                                                                        | Action  |
| B-11                                       | Reestablish Planned Unit Development (PUD) regulations<br>- Ian Munce                 | Re-adopt the PUD ordinance that was repealed in 2016.                                                                                                                                                                                                                          | Exclude |
| B-12                                       | ADUs in low density zones in critical areas<br>- Ian Munce                            | Implement the Washington State Department of Commerce's advise related to accessory dwelling units (ADUs) in zones with a density of one unit or less that are in critical areas.                                                                                              | Exclude |
| B-13                                       | Unauthorized critical area alterations enforcement non-action findings<br>- Ian Munce | Amend AMC 19.70.165(A) to require the Planning Director, upon written request by an Anacortes resident, to make and publish findings of fact and conclusions of law setting out the justifications when the Director chooses not to take a critical area enforcement action.   | Exclude |
| B-14                                       | Yard and Garden activities exemption from critical areas requirements<br>- Ian Munce  | Amend AMC 19.70.040(A) to remove the Yard and Garden Activities category from the list of exempt activities that don't require city review, and implement a permit system                                                                                                      | Exclude |
| B-15                                       | Special duty to protect individual wells<br>- Ian Munce                               | Amend AMC 19.10.070 to recognize that provisions in the critical aquifer recharge area code establish a special duty to protect individual wells within a 1,000 radius well protection zone.                                                                                   | Exclude |
| B-16                                       | Cottage Housing development findings of fact<br>- Ian Munce                           | Amend AMC 19.43.010(D)(3) to require the Planning Director to issue and publish findings of fact for every cottage housing proposal, which describe how each of the cottage housing ordinance requirements have been met, and how critical areas mandates have been addressed. | Exclude |
| B-17                                       | Sewer plant capacity<br>- Ian Munce                                                   | The petition states that if the current update to the wastewater master plan finds that sewer plant capacity is less than the current population allocation, that Policy CF-4.1 mandates hat the population allocation be adjusted accordingly.                                | Exclude |
| B-18                                       | Unauthorized critical area authorizations and penalties                               | Amend AMC 19.70.165(A) to add certain suggested language; and amend AMC 19.70.165(E) to change "may" to "will"                                                                                                                                                                 | Exclude |



| Development Regulation Amendment Proposals |                  |                                                                                                                                                   |         |
|--------------------------------------------|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| Temp. ID Number                            | Title /Applicant | Summary                                                                                                                                           | Action  |
|                                            | - Ian Munce      | regarding a responsible party being subject to penalties per AMC Title 20 plus the square footage and per tree penalty amounts in subsection (E). |         |
| B-19a                                      | Bill Turner      | Address housing needs by establishing long-term subsidized housing targets instead of projections.                                                | Exclude |
| B-19b                                      | Bill Turner      | Add a term length for affordable housing property restriction.                                                                                    | Exclude |
| B-19c                                      | Bill Turner      | Establish a citizen task force to bring a property tax proposal to the 2025 general election ballot.                                              | Exclude |
| B-19d                                      | Bill Turner      | Tie impact fee waivers to an affordability covenant.                                                                                              | Exclude |
| B-19e                                      | Bill Turner      | Implement a multifamily tax exemption (MFTE) program.                                                                                             | Exclude |
| B-19f                                      | Bill Turner      | Hire a housing officer.                                                                                                                           | Exclude |

# Memorandum

To: Anacortes City Council

Date: July 9, 2024  
Updated July 11, 2024

From: Planning, Community & Economic Development Department  
John Coleman, AICP, Director  
Libby Grage, Planning Manager

Subject: 2025 Comprehensive Plan Periodic Update Docketing

## Introduction

The City of Anacortes is currently undertaking a 10-year periodic review and update of its Comprehensive Plan, as mandated by the Washington State Growth Management Act (GMA). This process ensures alignment with changes in the GMA, recent case law, and responds to shifts in land use and population growth. The previous periodic update resulted in adoption of the 2016 Anacortes Comprehensive Plan, which planned for the period 2016 through 2036. Now, we're building upon that foundation to cover the years 2025 through 2045.

The Planning, Community & Economic Development Department ("the Department") is providing this memo in advance of the July 15, 2024 City Council special work session to discuss docketing and the scope of the 2025 update. This memo provides information about:

- Growth Management Act mandatory requirements for the periodic update
- The City's annual amendment docketing process
- Summary of petitions received
- PCED's docket recommendations

A public hearing has been scheduled for July 22, 2024 at which petitioners and members of the public may comment on the 2025 periodic update docket petitions and recommendations.

## Mandatory Requirements for the Periodic Update

The Growth Management Act requires that the City review the following as part of the periodic update:

- Amendments to the GMA
- Urban growth areas (UGAs)
- Population and employment projections
- Adequate land and zoning to accommodate projected housing needs by income band
- Consistency between mandatory elements of the Comprehensive Plan
- Development regulations

- Critical areas and resource lands

The Washington State Department of Commerce (Commerce) has created a checklist for cities to use that includes all periodic update requirements and highlights recent changes to state law. The Department completed the Commerce checklist, and it is included as an attachment to this memo.

## Annual Amendment Docketing Process

The Anacortes Municipal Code (AMC) 19.16 provides an annual process for receiving petitions for, and considering amendments to, the Comprehensive Plan and implementing development regulations. This process is known as the annual “Docket” process.

In 2021, the City Council adopted [Resolution 3042](#) establishing the 2021 Docket of Comprehensive Plan and Development Regulation Amendments. The docket review and adoption process was not completed; therefore, the 2021 docket is being included in the 2025 periodic update process. More information about each of the 2021 petitions is available here: <https://www.anacorteswa.gov/1321/Comprehensive-Plan-Amendments>.

The City’s 2024 annual docket process is also being combined with the 2025 periodic Comprehensive Plan update process. The deadline for members of the public to submit amendment petitions for review during the 2025 periodic update was extended from the last business day in March until June 30, 2024.

[AMC 19.16.050](#) lays out the docketing process, summarized below:

1. Planning, Community and Economic Development Department (PCED) recommends to the City Council which petitions should be included in the year’s docket.
2. City Council holds a public hearing to allow applicant and public comment on PCED’s recommendation.
3. City Council decides to include, exclude, or defer each petition.
4. Petitions included in the docket continue through the review process, including environmental review, Planning Commission review, public hearing and recommendation, and city council review and action.

As of the June 30<sup>th</sup> deadline, the Department had received a total of 6 petitions to amend the Comprehensive Plan text or future land use map (submitted by 3 separate entities), and a total of 23 proposals to amend the development regulations (submitted by 3 separate individuals). One petitioner submitted proposed amendments to the Comprehensive Plan and development regulations but did not use the appropriate application forms supplied by the city.

The table below provides a summary of each of the submittals along with the Department’s docketing recommendations. The full petitions can be found online at:

<https://www.anacorteswa.gov/1650/2025-Comprehensive-Plan-Update>

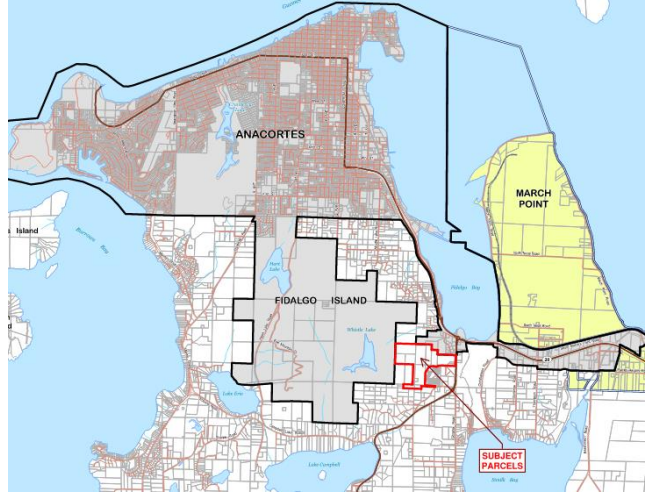
# Amendment Docket Requests & PCED Recommendations

Per AMC 19.16.050(B), in making its docket recommendation, the department must consider whether:

1. The petition complies with the filing requirements;
2. The petition, in light of all proposed amendments being considered for inclusion in the year's docket, can be reasonably reviewed within the staffing and operational budget allocated to the department by the City Council.
3. The proposed amendment, to be adopted, would not require additional amendments to the Comprehensive Plan or development regulations not addressed in the application, and is consistent with other goals, objectives and policies adopted by the city council;
4. The proposed amendment raises policy, land use, or scheduling issues that would more appropriately be addressed as part of an ongoing or planned work program, or as part of the periodic review cycle;
5. Some legal or procedural flaw in the petition would prevent its legal implementation; or
6. The petition lacks sufficient information or adequate detail to review and assess whether or not the proposal meets the applicable approval criteria. A determination that the proposal contains sufficient information and adequate detail for the purpose of docketing does not preclude the department from requesting additional information at any later time.

# Comprehensive Plan Amendment Petitions

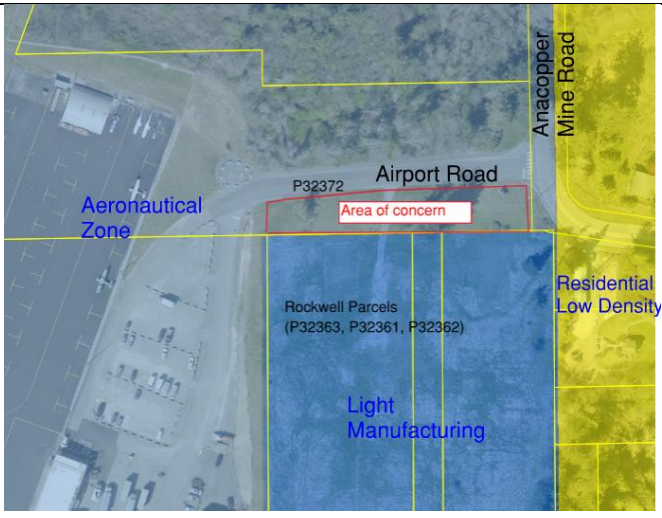
## 1: “Scimitar Ranch UGA Expansion”

|                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                    |
|------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| <b>Applicant</b>                                     | Signal Hill Family Limited Partnership                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                    |
| <b>Element / Section proposed to be amended</b>      | Land Use Element; Future Land Use Map                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  |
| <b>Summary</b>                                       | <p>Expand the Anacortes Urban Growth Area (UGA) to include approximately 132.17 acres south of Sharpes Corner.</p> <p>Amend Land Use policy LU-11.1 related to accommodating anticipated growth within the City.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                    |
| <b>Docketing considerations per AMC 19.16.050(B)</b> | <ol style="list-style-type: none"> <li>1. The petition meets City filing requirements.</li> <li>2. The petition can be reasonably reviewed within allocated staffing and budget.</li> <li>3. The City would need to amend other Comprehensive Plan elements, including Capital Facilities and Transportation, to support adoption of this amendment.</li> <li>4. The proposed amendment is appropriately addressed as part of the periodic review cycle.</li> <li>5. At this time, staff have not identified any particular legal or procedural flaw preventing implementation of a UGA expansion provided all applicable review criteria are met and procedures followed. Ultimately, the City would be responsible for submitting a UGA expansion petition to Skagit County, and the Skagit County Board of Commissioners would make the final decision.</li> <li>6. If docketed, staff would request from the applicant additional reports and studies needed to adequately evaluate the impacts of the proposal.</li> </ol> |                                                                                    |
| <b>Staff Recommendation</b>                          | Include                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                    |

## 2: “Fidalgo Park & Recreation District Public Zoning”

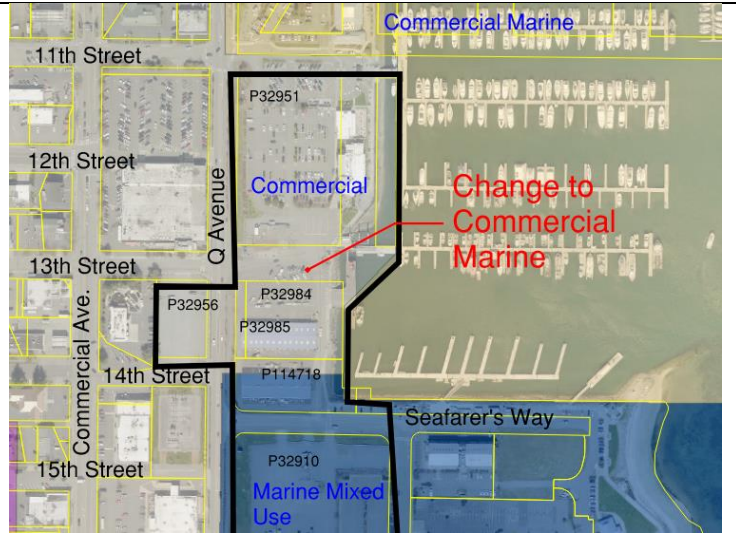
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| <b>Applicant</b>                                     | Fidalgo Park & Recreation District                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  |
| <b>Element / Section proposed to be amended</b>      | Land Use Element; Future Land Use Map                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  |
| <b>Summary</b>                                       | Amend the Future Land Use Map designation of multiple parcels near the Fidalgo Pool & Fitness Center from Residential Medium Density to Public.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  |
| <b>Docketing considerations per AMC 19.16.050(B)</b> | <ol style="list-style-type: none"> <li>1. The petition meets City filing requirements.</li> <li>2. The petition can be reasonably reviewed within allocated staffing and budget.</li> <li>3. Related to, but not as a result of this request, staff have identified a potential need to split the existing “Public” land use designation into two designations, one for built public facilities and another for areas with parks, forest lands, etc. (“Open Space”). The City would also need to amend the development regulations to implement such a change.</li> <li>4. The proposed amendment is appropriately addressed as part of the periodic review cycle.</li> <li>5. Staff have not identified any particular legal or procedural flaws that would prevent implementation.</li> <li>6. The petition provides sufficient information for continued review.</li> </ol> |  |
| <b>Staff Recommendation</b>                          | Include                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  |

### 3: “Rockwell Light Manufacturing Zoning Reconsiderations”

|                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                    |
|------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| <b>Applicant</b>                                     | Port of Anacortes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                    |
| <b>Element / Section proposed to be amended</b>      | Land Use Element; Future Land Use Map                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  |
| <b>Summary</b>                                       | Amend the Future Land Use Map designation of a portion of 3 parcels near the Anacortes Airport from Aeronautical Zone to Light Manufacturing.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                    |
| <b>Docketing considerations per AMC 19.16.050(B)</b> | <ol style="list-style-type: none"> <li>1. The petition meets City filing requirements.</li> <li>2. The petition can be reasonably reviewed within allocated staffing and budget.</li> <li>3. At this time, staff have not identified any additional necessary amendments to the Comprehensive Plan or development regulations that are not addressed in the applications.</li> <li>4. The proposed amendment is appropriately addressed as part of the periodic review cycle.</li> <li>5. Staff have not identified any particular legal or procedural flaws that would prevent implementation.</li> <li>6. The petition provides sufficient information for continued review.</li> </ol> |                                                                                    |
| <b>Staff Recommendation</b>                          | Include                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                    |

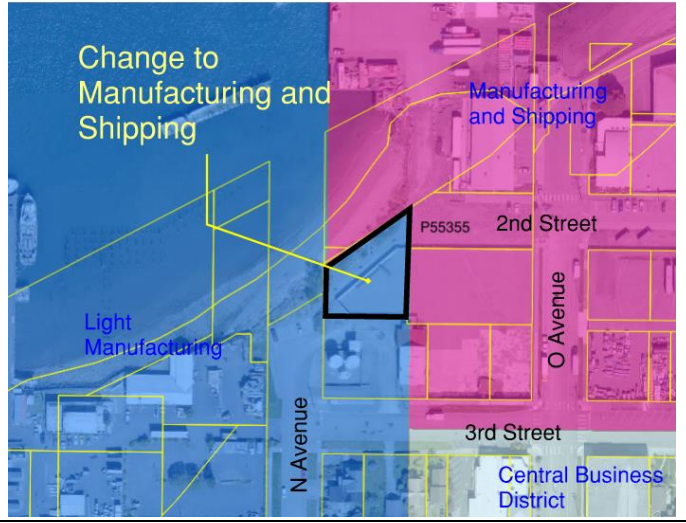


#### 4: “Cap Sante Marina Zoning Harmonization Scheme”

|                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                    |
|------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| <b>Applicant</b>                                     | Port of Anacortes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                    |
| <b>Element / Section proposed to be amended</b>      | Land Use Element; Future Land Use Map                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |
| <b>Summary</b>                                       | Amend the Future Land Use Map designation of multiple parcels associated with the Cap Sante Marina from Commercial and Marine Mixed Use to Commercial Marine.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                    |
| <b>Docketing considerations per AMC 19.16.050(B)</b> | <ol style="list-style-type: none"> <li>1. The petition meet City filing requirements.</li> <li>2. The petition can be reasonably reviewed within allocated staffing and budget.</li> <li>3. At this time, staff have not identified any additional necessary amendments to the Comprehensive Plan or development regulations that are not addressed in the applications.</li> <li>4. The proposed amendment is appropriately addressed as part of the periodic review cycle.</li> <li>5. Staff have not identified any particular legal or procedural flaws that would prevent implementation.</li> <li>6. The petition provides sufficient information for continued review.</li> </ol> |                                                                                    |
| <b>Staff Recommendation</b>                          | Include                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                    |



## 5: “Marine Terminal Zoning Harmonization Scheme”

|                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                    |
|------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| <b>Applicant</b>                                     | Port of Anacortes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                    |
| <b>Element/ Section proposed to be amended</b>       | Land Use Element; Future Land Use Map                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |
| <b>Summary</b>                                       | Amend the Future Land Use Map designation of a parcel (P55355) located just west of the terminus of 2 <sup>nd</sup> Street from Light Manufacturing to Manufacturing and Shipping.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                    |
| <b>Docketing considerations per AMC 19.16.050(B)</b> | <ol style="list-style-type: none"> <li>1. The petition meets City filing requirements.</li> <li>2. The petition can be reasonably reviewed within allocated staffing and budget.</li> <li>3. At this time, staff have not identified any additional necessary amendments to the Comprehensive Plan or development regulations that are not addressed in the application.</li> <li>4. The proposed amendment is appropriately addressed as part of the periodic review cycle.</li> <li>5. Staff have not identified any particular legal or procedural flaws that would prevent implementation.</li> <li>6. The petition provides sufficient information for continued review.</li> </ol> |                                                                                    |
| <b>Staff Recommendation</b>                          | Include                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                    |

## Development Regulations Amendment Petitions

| <b>6: “MJB”</b>                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| <b>Applicant</b>                                     | MJB Properties                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Section proposed to be amended</b>                | Various (see below)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Summary</b>                                       | <p>Amend the following AMC sections:</p> <ul style="list-style-type: none"> <li>A. Table 19.41.050 <i>Permitted uses in mixed-use and industrial zones</i></li> <li>B. 19.42.070, <i>Bonus incentives in the MMU zone</i></li> <li>C. 19.42.120, <i>Building height calculations, exception, and modifications</i></li> <li>D. 19.43.010(G), <i>Household living, Townhouses</i></li> <li>E. 19.43.010(G), <i>Household living, Multifamily</i></li> <li>F. 19.43.020(C), <i>Group living, Assisted living facility</i></li> <li>G. 19.53.030, <i>Driveways and access easements</i></li> <li>H. 19.62.030, <i>Relationship to adjacent properties</i></li> <li>I. 19.62.040, <i>Internal open space</i></li> <li>J. 19.62.060, <i>Vehicular circulation and parking</i></li> <li>K. 19.67.110, <i>Temporary sign standards</i></li> </ul> |
| <b>Docketing considerations per AMC 19.16.050(B)</b> | <ol style="list-style-type: none"> <li>1. The petition meets City filing requirements.</li> <li>2. The requests in the petition can be reasonably reviewed within allocated staffing and budget.</li> <li>3. At this time, staff have not identified any additional necessary amendments to the Comprehensive Plan or development regulations that are not addressed in the application.</li> <li>4. The proposed amendments are appropriately addressed as part of the periodic review cycle.</li> <li>5. Staff have not identified any particular legal or procedural flaws that would prevent implementation.</li> <li>6. The petition provides sufficient information for continued review.</li> </ol>                                                                                                                                 |
| <b>Staff Recommendation</b>                          | Include                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

| 7: “Bowman”                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| <b>Applicant</b>                                     | Erik Bowman                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Section proposed to be amended</b>                | AMC 19.41.050, <i>Principal uses permitted in mixed-use and industrial zones</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Summary</b>                                       | Amend the development regulations to allow “Indoor Recreation” as a permitted use in the LM1 zone.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Docketing considerations per AMC 19.16.050(B)</b> | <ol style="list-style-type: none"> <li>1. The petition meets City filing requirements.</li> <li>2. The petition can be reasonably reviewed within allocated staffing and budget.</li> <li>3. Amendment may be needed to Comprehensive Plan Land Use Goal LU-9 and supporting policies relating to maintaining and promoting active use of industrial lands.</li> <li>4. If docketed, the requested amendment is proposed to be included in the periodic review process.</li> <li>5. Staff have not identified any particular legal or procedural flaws that would prevent implementation.</li> <li>6. The petition provides sufficient information for continued review.</li> </ol> |
| <b>Staff Recommendation</b>                          | Include                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

| 8: “Munce – 1 of 11”                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| <b>Applicant</b>                                     | Ian Munce, JD, AICP                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Section proposed to be amended</b>                | The petition does not clearly state which AMC sections should be amended.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Summary</b>                                       | Designate the entire 300-acre R1 zone as a FWHCA/ Habitat of Local Importance per AMC 19.70.315(B).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Docketing considerations per AMC 19.16.050(B)</b> | <ol style="list-style-type: none"> <li>1. The petition meets City filing requirements.</li> <li>2. The petition, in light of all proposed amendments being considered for inclusion, cannot be reasonably reviewed within staffing and budget currently allocated to the department.</li> <li>3. It is likely that additional amendments (not addressed in the application) would be necessary to address how the designation affects the ability of property owners of existing developed lots to continue to use their property.</li> <li>4. If docketed, the requested amendment is proposed to be included in the periodic review process.</li> <li>5. This amendment request, if docketed and adopted, may constitute improper use of the City’s police power to designate critical areas and may result in unconstitutional taking of private property.</li> <li>6. The petition lacks sufficient information or adequate detail to review and assess whether or not it meets the applicable approval criteria. The request does not address</li> </ol> |

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|                             | all of the criteria which the City must consider in designating a habitat area or species as locally important, outlined in AMC 19.70.315.(B)(1)(a)-(f). |
| <b>Staff Recommendation</b> | Exclude                                                                                                                                                  |

| <b>9: “Munce – 2 of 11”</b>                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| <b>Applicant</b>                                     | Ian Munce, JD, AICP                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Section proposed to be amended</b>                | The petition does not clearly state which AMC sections should be amended.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Summary</b>                                       | Delineating Critical Areas in the R1 Zone. Require Critical Aquifer Recharge Areas, streams, wetlands, and buffers to be delineated and mapped throughout the R1 zone prior to defining the circumstances and special review process under which cottage housing and densities up to 4 du/ac would be permitted.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Docketing considerations per AMC 19.16.050(B)</b> | <ol style="list-style-type: none"> <li>1. The petition meets City filing requirements; however, it does not identify which section of the municipal code is proposed to be amended.</li> <li>2. The petition can likely be reviewed within staffing and budget currently allocated to the department.</li> <li>3. The proposed amendment, to be adopted, would not appear to require additional amendments to the comprehensive plan or development regulations not addressed in the application.</li> <li>4. If docketed, the requested amendment is proposed to be included in the periodic review process.</li> <li>5. The amendment would require that the City fund a study of the specified critical areas within the R1 zone, including accessing private property to delineate the boundaries of critical areas and buffers. The City does not have the authority to access private property without the owner’s permission.</li> <li>7. The petition provides insufficient information for continued review.</li> </ol> |
| <b>Staff Recommendation</b>                          | Exclude                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

| <b>10: “Munce – 3 of 11”</b>          |                                                                                                                                                                                                                                                                                                 |
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| <b>Applicant</b>                      | Ian Munce, JD, AICP                                                                                                                                                                                                                                                                             |
| <b>Section proposed to be amended</b> | The petition does not propose to amend the development regulations                                                                                                                                                                                                                              |
| <b>Summary</b>                        | Correct “North Basin Stormwater Plan” data                                                                                                                                                                                                                                                      |
| <b>Docketing considerations</b>       | <ol style="list-style-type: none"> <li>1. The petition requests amendment of a document that is not the comprehensive plan or development regulation, therefore the docketing process is not the appropriate means for this request. Staff could not locate a document titled “North</li> </ol> |

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| <b>per AMC 19.16.050(B)</b> | <p>Basin Stormwater Plan”; however, there is a <a href="#">”Fidalgo North Stormwater Management Action Plan”</a>, and the City Stormwater Division has already corrected the basin size figures in the document. In addition, the City is currently undertaking a major update to its stormwater master plan, which will include updated and accurate information for all the stormwater basins.</p> <ol style="list-style-type: none"> <li>2. N/A</li> <li>3. N/A</li> <li>4. N/A</li> <li>5. N/A</li> <li>6. N/A</li> </ol> |
| <b>Staff Recommendation</b> | Exclude                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

| <b>11: “Munce – 4 of 11”</b>                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| <b>Applicant</b>                                     | Ian Munce, JD, AICP                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Section proposed to be amended</b>                | The petition does not clearly state which AMC sections should be amended.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Summary</b>                                       | Reestablish Planned Unit Development regulations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Docketing considerations per AMC 19.16.050(B)</b> | <ol style="list-style-type: none"> <li>1. The petition meets City filing requirements; however, does not provide any specific proposed amendment language other than a statement to re-adopt a previous PUD ordinance.</li> <li>2. The petition, in light of all proposed amendments being considered for inclusion, cannot be reasonably reviewed within the staffing and budget currently allocated to the department. The development regulations were completely rewritten since the PUD provisions were repealed in 2016. The 2019 development regulations were drafted to integrate the flexibility that past PUD provisions were intended to provide, including provisions for flexible lot configuration and street standards. Adding PUD provisions back will require a holistic review of all the development regulations to determine how PUD’s can be best integrated, and to determine where the community desires to see flexibility where it’s not currently provided.</li> <li>3. The proposed amendment, to be adopted, would require multiple amendments to the comprehensive plan and development regulations not addressed in the application.</li> <li>4. If docketed, the requested amendment is proposed to be included in the periodic review process.</li> <li>5. Staff have not identified any particular legal or procedural flaws that would prevent implementation.</li> <li>6. The petition provides sufficient information for continued review.</li> </ol> |
| <b>Staff Recommendation</b>                          | Exclude                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

| 12: “Munce – 5 of 11”                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| <b>Applicant</b>                                     | Ian Munce, JD, AICP                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Section proposed to be amended</b>                | The petition does not clearly state which AMC sections should be amended.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Summary</b>                                       | Implement the Washington State Department of Commerce’s advice related to ADUs in zones with a density of one unit or less that are in critical areas                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Docketing considerations per AMC 19.16.050(B)</b> | <ol style="list-style-type: none"> <li>1. The petition meets City filing requirements but does not identify which section of the municipal code is proposed to be amended. Staff notes that the document referenced, “Draft Guidance for ADUs in Washington State, State Department of Commerce, May 2024” could not be located. We did find a document titled “Guidance for Accessory Dwelling Units in Washington State”, dated August 2023, on Commerce’s webpage.</li> <li>2. Review and amendment of the City’s ADU regulations to implement the requirements in HB 1337 (2023) is already included in the scope of the periodic update and the current Commerce guidance will be consulted; therefore, docketing of this item would be redundant.</li> <li>3. The proposed amendment, to be adopted, would require multiple amendments to the comprehensive plan and development regulations not addressed in the application.</li> <li>4. If docketed, the requested amendment is proposed to be included in the periodic review process.</li> <li>5. Staff have not identified any particular legal or procedural flaws that would prevent implementation.</li> <li>7. The petition provides sufficient information for continued review.</li> </ol> |
| <b>Staff Recommendation</b>                          | Exclude                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

| 13: “Munce – 6 of 11”                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| <b>Applicant</b>                                     | Ian Munce, JD, AICP                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Section proposed to be amended</b>                | AMC 19.70.165(A) <i>Unauthorized critical area alterations</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Summary</b>                                       | Amend AMC 19.70.165(A) to require the Planning Director, upon written request by an Anacortes resident, to make and publish findings of fact and conclusions of law setting out the justifications when the Director chooses not to take a critical area enforcement action.                                                                                                                                                                                                                                                                         |
| <b>Docketing considerations per AMC 19.16.050(B)</b> | <ol style="list-style-type: none"> <li>1. The petition meets City filing requirements.</li> <li>2. The petition can likely be reviewed within staffing and budget currently allocated to the department.</li> <li>3. The proposed amendment, to be adopted, would require amendments to the development regulations not addressed in the application. Specifically, the proposed amendment would create new permit review procedures that require staff to take action (write findings) for a non-action (when there is not a violation).</li> </ol> |

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|                             | <ol style="list-style-type: none"> <li>4. If docketed, the requested amendment is proposed to be included in the periodic review process.</li> <li>5. Staff have not identified any particular legal or procedural flaws that would prevent implementation; however, do not support adoption because it would take away the City's prosecutorial discretion to pursue enforcement actions, opening up the City to LUPA appeals on actions the city chooses NOT to take.</li> <li>6. The petition provides sufficient information for continued review.</li> </ol> |
| <b>Staff Recommendation</b> | Exclude                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

#### 14: "Munce – 7 of 11"

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| <b>Applicant</b>                                     | Ian Munce, JD, AICP                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Section proposed to be amended</b>                | AMC 19.70.040 <i>Exempt activities</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Summary</b>                                       | Amend AMC 19.70.040(A) to remove the Yard and Garden Activities category from the list of exempt activities that don't require city review, and implement a permit system                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Docketing considerations per AMC 19.16.050(B)</b> | <ol style="list-style-type: none"> <li>1. The petition meets City filing requirements.</li> <li>2. The petition can likely be reviewed within staffing and budget currently allocated to the department.</li> <li>3. The proposed amendment, to be adopted, appears to require amendments to the comp plan or development regulations not addressed in the application.</li> <li>4. If docketed, the requested amendment is proposed to be included in the periodic review process.</li> <li>5. Staff have not identified any particular legal or procedural flaws that would prevent implementation.</li> <li>6. The petition does not provide sufficient information or adequate detail to determine the type of permitting system the petitioner requests, nor what additional amendments may be needed to implement that system.</li> </ol> |
| <b>Staff Recommendation</b>                          | Exclude                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

#### 15: "Munce – 8 of 11"

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| <b>Applicant</b>                      | Ian Munce, JD, AICP                                                                                                                                                                               |
| <b>Section proposed to be amended</b> | AMC 19.10.070 <i>No special duty required</i>                                                                                                                                                     |
| <b>Summary</b>                        | Amend AMC 19.70.070 to recognize that provisions in the critical aquifer recharge area code establish a special duty to protect individual wells within a 1,000-foot radius well protection zone. |

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| <p><b>Docketing considerations per AMC 19.16.050(B)</b></p> | <ol style="list-style-type: none"> <li>1. The petition meets City filing requirements; however, the applicant did not provide specific text changes for review.</li> <li>2. The petition can likely be reviewed within staffing and budget currently allocated to the department.</li> <li>3. The proposed amendment, to be adopted, does not appear to require amendments to the comp plan or development regulations not addressed in the application.</li> <li>4. If docketed, the requested amendment is proposed to be included in the periodic review process.</li> <li>5. Staff have identified a legal or procedural flaw that would prevent implementation of this request. AMC 19.70.520 does not mention or imply a special duty and there is not a clear nexus between aquifer recharge areas and the provisions in AMC 19.10.070 - <i>No Special Duty Created</i>.</li> <li>6. The petition lacks sufficient information or adequate detail to review and assess whether or not the proposal meets the applicable approval criteria.</li> </ol> |
| <p><b>Staff Recommendation</b></p>                          | <p>Exclude</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

| 16: “Munce – 9 of 11”                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Applicant</b></p>                                     | <p>Ian Munce, JD, AICP</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p><b>Section proposed to be amended</b></p>                | <p>AMC 19.43.010(D) <i>Cottage Housing</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p><b>Summary</b></p>                                       | <p>Add a provision to AMC 19.43.010(D)(3) requiring the Planning Director to issue and publish findings of fact for every cottage housing proposal, which describe how each of the cottage housing ordinance requirements have been met, and how critical areas mandates have been addressed.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <p><b>Docketing considerations per AMC 19.16.050(B)</b></p> | <ol style="list-style-type: none"> <li>1. The petition meets City filing requirements.</li> <li>2. The petition can likely be reviewed within staffing and budget currently allocated to the department.</li> <li>3. The proposed amendment, to be adopted, would require amendments to the development regulations not addressed in the application. Specifically, the proposed amendment would create new permit review procedures outside of AMC 19.20 <i>Application procedures</i>, which outlines the review process for all development permit applications. Cottage developments require site plan review. Per Table 19.20.030-1, site plan review for less than 10 dwelling units is a Type 1 administrative ministerial action, which does not require public notice or written findings of fact or decision.</li> <li>4. If docketed, the requested amendment is proposed to be included in the periodic review process.</li> <li>5. Staff have not identified any particular legal or procedural flaws that would prevent implementation.</li> <li>6. The petition provides sufficient information for continued review.</li> </ol> |



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| <b>Staff Recommendation</b> | Include |
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## 17: “Munce – 10 of 11”

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| <b>Applicant</b>                                     | Ian Munce, JD, AICP                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Section proposed to be amended</b>                | The petition does not propose to amend the development regulations.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Summary</b>                                       | The petition states that if the current update to the wastewater master plan finds that the sewer plant capacity is less than the current population allocation, that Policy CF-4.1 mandates that the population allocation be adjusted accordingly.                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Docketing considerations per AMC 19.16.050(B)</b> | <ol style="list-style-type: none"> <li>1. The petition does not meet the City filing requirements because it does not provide a detailed statement of what is proposed to be changed and why. It only references an existing Comprehensive Plan policy.<br/>The full policy of Comprehensive Plan Policy CF-4.1 is as follows: <i>“If projected funding is inadequate to finance needed capital facilities that provide adequate levels of service, adjust the level of service, the planned growth, and/or the sources of revenue to maintain a balance between available revenue and needed capital facilities.”</i></li> <li>2. N/A</li> <li>3. N/A</li> <li>4. N/A</li> <li>5. N/A</li> <li>6. N/A</li> </ol> |
| <b>Staff Recommendation</b>                          | Exclude                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

## 18: “Munce – 11 of 11”

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| <b>Applicant</b>                                     | Ian Munce, JD, AICP                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Section proposed to be amended</b>                | AMC 19.70.165(A) <i>Unauthorized critical area alterations</i><br>AMC 19.70.165(E) Penalties                                                                                                                                                                                                                                                                                           |
| <b>Summary</b>                                       | Amend AMC 19.70.165(A) to add certain suggested language. Amend AMC 19.70.165(E) to change “may” to “will” regarding a responsible party being subject to penalties per AMC Title 20 plus the square footage and per tree penalty amounts in subsection (E).                                                                                                                           |
| <b>Docketing considerations per AMC 19.16.050(B)</b> | <ol style="list-style-type: none"> <li>1. The petition meets the City filing requirements.</li> <li>2. The petition can likely be reviewed within the staffing and budget currently allocated to the department.</li> <li>3. The proposed amendments, to be adopted, may require amendments not addressed in the application. The proposal to remove director discretion in</li> </ol> |

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|                             | <p>assessment of fines and penalties for violations of the critical areas regulations is inconsistent with the Civil Enforcement and Penalties policies adopted by City Council in AMC 20.10.010. These policies state that the City will use education as a first step toward achieving compliance and offer property owners the opportunity to correct violations before imposing fines.</p> <p>4. The proposed amendment raises policy issues that would be more appropriately addressed as part of a planned work program, outside of the mandatory periodic update process.</p> <p>5. See #3 above.</p> <p>7. The petition seems to include sufficient detail to continue processing.</p> |
| <b>Staff Recommendation</b> | Exclude                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

| <b>19: “Turner”</b>                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Applicant</b>                                     | Bill Turner                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Section proposed to be amended</b>                | Not provided.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Summary</b>                                       | <p>A. Address housing needs by establishing long-term subsidized housing targets instead of projections.</p> <p>B. Term length for affordable housing property restriction.</p> <p>C. Citizen task force to bring proposal to the 2025 general election ballot.</p> <p>D. Tie impact fee waivers to affordability covenant.</p> <p>E. Implement a multi-family tax exemption.</p> <p>F. Hire a housing officer.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Docketing considerations per AMC 19.16.050(B)</b> | <p>1. The petition does not meet City filing requirements. The applicant did not submit the requested amendments with the formal application, thus the applicant did not address the anticipated impacts of the proposed changes, demonstrate why the proposal is needed or how the amendments are consistent with the comp plan vision and goals.</p> <p>2. The requests in the petition can be reasonably reviewed within allocated staffing and budget, with the exception of implementing a Muti-Family Tax Exemption, which will require a significant amount of time that cannot be accommodated with this comp plan update process. Implementing a MFTE program can run as a separate work program.</p> <p>3. At this time, staff have not identified any additional necessary amendments to the Comprehensive Plan or development regulations that are not addressed in the application.</p> <p>4. If docketed, the requested amendment is proposed to be included in the periodic review process.</p> <p>5. Staff have not identified any particular legal or procedural flaws that would prevent implementation.</p> |

|                                 |                                                                       |
|---------------------------------|-----------------------------------------------------------------------|
|                                 | 6. The petition provides sufficient information for continued review. |
| <b>Staff<br/>Recommendation</b> | Exclude                                                               |



**PLANNING, COMMUNITY, & ECONOMIC DEVELOPMENT**

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

Office Location: 904 6<sup>th</sup> Street, Anacortes WA 98821

Phone: (360) 299-1984

**Petition #1**  
**"Scimitar Ranch UGA Expansion"**



**PCED Received**

Date: March 4, 2024

Document received by the Planning, Community  
& Economic Development Department

# COMPREHENSIVE PLAN / DEVELOPMENT REGULATION AMENDMENT PETITION

| APPLICANT CHECKLIST                                                                                                                                                                           |                                                                                                                                                     | OFFICE USE ONLY                                                                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                               | <b>Petition Application Submittal Checklist</b><br>See <a href="#">AMC Ch. 19.16 Legislative Actions</a> for complete requirements.                 |                                                                                                                                              |
| <input checked="" type="checkbox"/>                                                                                                                                                           | Application form (attached)                                                                                                                         |                                                                                                                                              |
| <input checked="" type="checkbox"/>                                                                                                                                                           | Petition narrative (attached)                                                                                                                       |                                                                                                                                              |
| <input checked="" type="checkbox"/>                                                                                                                                                           | SEPA Checklist, including Part D for Non-Project Actions                                                                                            |                                                                                                                                              |
| <input checked="" type="checkbox"/>                                                                                                                                                           | Map identifying the property included in the proposed amendment (if applicable) showing parcels and streets located within and adjacent to the site |                                                                                                                                              |
| <b>For Submittals:</b><br><br><b>Digital</b> copy of the application and all submitted materials (flash drive or to <a href="mailto:pced@cityofanacortes.org">pced@cityofanacortes.org</a> .) |                                                                                                                                                     | <b>Application Fee</b><br><a href="#">See the Land Use Application Fee Schedule</a><br>(There is no fee for policy/text amendment petitions) |

Completed petitions must be received by the last business day of March. Early contact with the Planning, Community, & Economic Development Department is encouraged prior to submittal of your petition. Please review AMC 19.16 for more information about the amendment review process.

Contact Libby Grage, Planning Manager, at 360-299-1986 or [libbyb@cityofanacortes.org](mailto:libbyb@cityofanacortes.org) with questions about this application form or process.

## APPLICATION INFORMATION

| TYPE OF AMENDMENT REQUESTED                                                                                                   |                                                                     |                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|-------------------------------------------------------------------|
| <input type="checkbox"/> Comprehensive Plan Policies                                                                          | <input checked="" type="checkbox"/> Comprehensive Plan Land Use Map | <input type="checkbox"/> Development Regulations                  |
| AMENDMENT REQUEST INFO                                                                                                        |                                                                     |                                                                   |
| AMENDMENT NAME/TITLE:<br><br>Scimitar Ranch UGA Expansion                                                                     |                                                                     |                                                                   |
| APPLICANT INFORMATION                                                                                                         |                                                                     |                                                                   |
| NAME:<br><br>Signal Hill Family Limited Partnership                                                                           |                                                                     | MAILING ADDRESS:<br><br>2633 Cherry Ave, Signal Hill, CA 90755    |
| PHONE:<br><br>562-595-6440                                                                                                    |                                                                     | EMAIL ADDRESS:                                                    |
| NAME OF DESIGNATED CONTACT IF APPLICANT IS A GROUP:<br><br>Jerrel Barto                                                       |                                                                     |                                                                   |
| MAP AMENDMENT REQUESTS ONLY<br>(only complete this portion if you are requesting a Comprehensive Plan Land Use Map amendment) |                                                                     |                                                                   |
| SITE ADDRESS (if applicable):<br><br>21 Parcels, see attached                                                                 |                                                                     |                                                                   |
| PARCEL NUMBER(S) (if applicable):<br><br>See attached                                                                         | SECTION, TOWNSHIP, & RANGE<br><br>S 6/7, T 34N, R 2E                |                                                                   |
| LEGAL DESCRIPTION:<br><br>See attached                                                                                        | PRESENT LAND USE DESIGNATION:<br><br>Vacant / Residential           |                                                                   |
| PROPERTY OWNER INFORMATION: <input type="checkbox"/> Multiple owners attached                                                 |                                                                     |                                                                   |
| PROPERTY OWNER NAME:<br><br>Same as applicant                                                                                 |                                                                     | MAILING ADDRESS:                                                  |
| EMAIL ADDRESS:                                                                                                                |                                                                     | PHONE #:                                                          |
| OWNER'S AUTHORIZED AGENT/CONTACT:                                                                                             |                                                                     |                                                                   |
| PROPERTY OWNER NAME:<br><br>Ian Faulds - Core Design (agent)                                                                  |                                                                     | MAILING ADDRESS:<br><br>12100 NE 195th St #300, Bothell, WA 98011 |
| EMAIL ADDRESS:<br><br>ifaulds@coredesigninc.com                                                                               |                                                                     | PHONE #:<br><br>425.885.7877                                      |

**Property Owner(s)**

I am the owner of the property described above or am authorized by the owner to sign and submit this application. I grant permission for the City staff and agents to enter onto the subject property at any reasonable time to consider the merits of the application and post public notice. I certify under penalty of perjury of the laws of the State of Washington that the information on this application and all information submitted herewith is true, complete and correct.

I also acknowledge that by signing this application I am the responsible party to receive all correspondence from the City regarding this project.

Signature by Owner/Agent:

Date:

Printed Name:

Jerrell C. Barto

# PETITION NARRATIVE

## **For all types of amendment requests:**

Please fill in each space with the requested information, or note "see attached" and attach more pages to this form.

### **A. Detailed statement of what is proposed to be changed and why.**

Twenty-one-subject parent parcels are adjacent to each other, creating a one contiguous site area of approximately 132.17 acres, located towards the southeastern side of the City of Anacortes's city limits on Fidalgo Island. The site is less than a quarter mile to the southwest of Sharpe's Corner and regionally located north of the Similk Beach community.

The primary purpose of the urban growth boundary expansion, annexation, rezone, and land use designation amendments are to create additional housing opportunities in response to regional housing needs. The culminating results of this proposal would create an opportunity for mixed housing types directly in proximity to the City of Anacortes's recent investment in the Sharpe's Corner Mixed Use Business area. While the MUB Overlay does allow for both residential and non-residential uses, having additional housing available nearby would sustain commerce and the long-term economic development of the mixed-use area. Mixed housing types will also help support employment opportunities in the both the MUB Overlay area and the neighboring manufacturing zoning districts. Furthermore, there is additional interest in obtainable housing opportunities in connection with the Whidbey Island Naval Air Station.

As part of this Comprehensive Plan Map update a policy update is requested to Policy LU-11.1 to remove references to "within the City". Anticipated growth should occur in a manner that protects surrounding forest/parklands, minimizes urban sprawl, and locates the highest intensity residential uses close to commercial and transit, regardless of the current status of that land within City limits or not.

The adjacent Pioneer Trails RV Resort located on parcel P131687 has independently indicated they are also interested in being annexed; however, they are not included in this application at this time.

### **B. Statement of anticipated impacts to be caused by the change, including geographic area affected and issues presented.**

Anticipated impacts include annexation and rezoning of the 132.17 areas to urban standards, allowing for future development along the State Route 20 corridor near the Sharpe's Corner Mixed Use Business area. Issues likely to occur are an increase in traffic and residences in the vicinity, but facilities are already generally in place to accommodate these changes.

City of Anacortes maps show part of the site may contain wetlands, and a Biodiversity Habitat Corridor is present. Given these features, topography, and size of the site this proposed UGA expansion and future land use designation would act as a transition zone between nearby City owned Whistle Lake to the west and commercial, industrial, and highway areas to the north and east.

Any required analysis, protection, and/or mitigation measures would occur as part of future project actions, and any existing features would be incorporated into future development. All state and local regulations regarding wildlife habitat protection, mitigation, and enhancement will be adhered to by any future projects.

### **C. Demonstration of why the proposal is needed.**

The land in question is adjacent to the City of Anacortes city limits, but outside the UGA. This application is required to bring the land into the UGA and rezone it from rural to urban zones. This change will allow future development of the parcels at urban density levels in order to create additional housing opportunities in response to regional housing crisis.

**D. Statement of how the amendment is consistent with the comprehensive plan's vision and goals.**

The City of Anacortes's Comprehensive Plan Goal LU-10 notes that Healthy Communities 'are designed, built and programmed to support the physical, mental, and social well-being of the people who live, work, learn, and visit'. The additional developable land will allow for a mix of housing opportunities, including workforce housing, giving future citizens access to regional capital facilities, regional retail and professional services, proximity to recreation, and a variety of employment options.

Goal LU-11 calls for compact growth to minimize sprawl within areas to preserve surrounding forests and parklands. Bringing these parcels into the City under the R4 zone with MUB Overlay will allow future development to be concentrated near the Sharpe's Corner Mixed Use Business area, meeting this goal. Policy 11.1 should be updated to remove references to "within the City". Anticipated growth should occur in a manner that protects surrounding forest/parklands, minimizes urban sprawl, and locates the highest intensity residential uses close to commercial and transit, regardless of the current status of that land within City limits or not.

Additionally, housing for various income levels, including low income, would be proposed within any future development of the site in accordance with Goal H-1 of the Housing Element of the Comprehensive Plan and RCW 36.70A.030. An exact breakdown would be dependent on the implemented zoning and allowed code requirements at the time of the development application.

**E. For map amendments only: Description of how the map amendment complies with:**

1. The land use designation criteria in the comprehensive plan; and
2. Approval criteria for map amendments and rezones.

1. The Residential High Density (R4) zone proposed for these parcels is consistent with Future Land Use Map seen in Figure LU-1 of the Comprehensive Plan as it is directly adjacent to land with this designation. Furthermore, designating this land as R4 would allow for a mix of multifamily and single family dwellings within walking distance of existing public transit (Island Transit express bus service) and land utilized and zoned for commercial development. This provides additional transition area from higher intensity uses to the north (LM and C zones) and lower intensity uses to the south (rural county land) and meets the purpose described for Residential High Density land in Table LU-1.

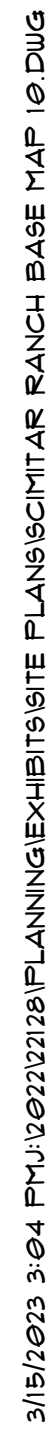
The Mixed Use Business Overlay (MUB-O) proposed for these parcels is consistent with the purpose described in Table LU-2 as this land is adjacent to land designated for commercial and manufacturing uses (C and LM zones). Allowing minor non-residential uses to be integrated with residential uses in this area will provide more commercial opportunity for the surrounding residential land and future residents in the vicinity.

2. All applicable City review criteria will be met as part of the approval process. Any required fees and notices will be processed to meet current code requirements.



| Scimitar Ranch Parcels |       |                     |                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|------------------------|-------|---------------------|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Parcel                 | Acres | Site Address        | Use                    | Legal Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| P19942                 | 9.01  | 7270 OLD BROOK LANE | Single Family Dwelling | TAX 10; THAT PORTION OF THE SW1/4 OF SECTION 5, TWP 34, RNG 2 MORE FULLY DESCRIBED AS FOLLOWS; BEGINNING AT THE SOUTHEAST CORNER OF THE SW1/4 SW1/4 OF SAID SECTION 5; THENCE WEST 40 RODS (660 FEET); THENCE NORTH 160 RODS(2640 FEET); THENCE EAST 22 RODS(363 FEET); THENCE SOUTH 20 RODS(330 FEET), TO THE TRUE POINT OF BEGINNING; THENCE EAST 24 RODS(396 FEET); THENCE SOUTH 60 RODS(990 FEET); THENCE WEST 24 RODS(396 FEET); THENCE NORTH 60 RODS(990 FEET), TO THE POINT OF BEGINNING                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| P19943                 | 10.98 | 7535 STATE ROUTE 20 | Vacant                 | DF-2003 AF#200205220038: W 22RDS OF E 40RDS OF NW1/4 SW1/4, SECTION 5, TOWNSHIP 34 NORTH, RANGE 2 EAST, W.M.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| P19979                 | 1.48  | 7503 STATE ROUTE 20 | Mobile Home            | (TITLE ELIMINATION) INCLUDING MANUFACTURED HOME 1986 FLEETWOOD BERKSHIRE 48X28 SERIAL NUMBER ORFL2AF48405539 THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 34 NORTH, RANGE 2 EAST, W.M., DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 5; THENCE WEST 528 FEET; THENCE NORTH PARALLEL TO SECTION LINE 165 FEET; THENCE EAST 528 FEET TO SECTION LINE; THENCE SOUTH 165 FEET ALONG SECTION LINE TO THE POINT OF BEGINNING, EXCEPT THAT PORTION LYING WITHIN SR-525; ALSO EXCEPT THAT PORTION CONVEYED TO THE STATE OF WASHINGTON FOR STATE ROUTE STATE ROUTE 20 BY DEED RECORDED UNDER AUDITOR'S FILE NUMBER 198210250040, RECORDS OF SKAGIT COUNTY, WASHINGTON; AND ALSO EXCEPT THAT PORTION THEREOF CONVEYED TO CEMETERY DISTRICT NO. 2, SKAGIT COUNTY, WASHINGTON, A MUNICIPAL CORPORATION, BY DEED DATED MARCH 31, 1967, AND RECORDED APRIL 4, 1967, UNDER AUDITOR'S FILE NUMBER 696904, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 5; THENCE NORTH 88-34 WEST ALONG THE SOUTH LINE OF SAID SUBDIVISION 30.01 FEET TO THE WEST LINE OF THE STATE HIGHWAY, AND THE TRUE POINT OF BEGINNING; THENCE NORTH 88-34 WEST 497.99 FEET TO THE SOUTHWEST CORNER OF THAT CERTAIN TRACT OF LAND CONVEYED TO CAL BRANHAM AND HELEN BRANHAM, HUSBAND AND WIFE, BY DEED RECORDED UNDER AUDITOR'S FILE NUMBER 613747, RECORDS OF SKAGIT COUNTY, WASHINGTON; THENCE NORTH 0-13 EAST ALONG THE WEST LINE OF SAID BRANHAM TRACT 18.57 FEET TO THE NORTH LINE OF THE PRESENT 'FERNHILL CEMETERY' PLAT; THENCE SOUTH 88-20-30 EAST ALONG THE NORTH LINE OF SAID PLAT, AND SAID NORTH LINE EXTENDED, 498.04 FEET TO THE WEST LINE OF STATE HIGHWAY; THENCE SOUTH 0-13 WEST ALONG THE WEST LINE OF SAID HIGHWAY 16.61 FEET TO THE TRUE POINT OF BEGINNING. ALSO EXCEPT THAT PORTION CONVEYED TO THE STATE OF WASHINGTON BY DEED RECORDED UNDER AF#201905150074 FOR HIGHWAY PURPOSES.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| P20013                 | 0.84  | 7517 STATE ROUTE 20 | Single Family Dwelling | THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 34 NORTH, RANGE 2 EAST, W.M., DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTH AND SOUTH CENTER SECTION LINE OF SAID SECTION AT A POINT 165 FEET NORTH OF THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION, SAID POINT BEING THE NORTHEAST CORNER OF THAT TRACT OF LAND CONVEYED TO ARLIE A. ANDERSON, UNDER AUDITOR'S FILE NO. 9001110097; RECORDS OF SKAGIT COUNTY, WA; THENCE WEST ALONG THE NORTH LINE OF SAID TRACT FOR A DISTANCE OF 436 FEET TO THE EAST LINE OF THAT TRACT CONVEYED TO FLOYD A. WILLETTE AND MARY S. WILLETTE, HUSBAND AND WIFE, UNDER AUDITOR'S FILE NO. 9009280056, RECORDS OF SKAGIT COUNTY, WASHINGTON; THENCE NORTH PARALLEL WITH THE CENTER SECTION LINE A DISTANCE OF 100 FEET; THENCE EAST A DISTANCE OF 436 FEET TO THE CENTER SECTION LINE; THENCE SOUTH ALONG THE CENTER SECTION LINE TO THE POINT OF BEGINNING; EXCEPT THAT PORTION LYING WITHIN SR-525; ALSO EXCEPT THAT PORTION CONVEYED TO THE STATE OF WASHINGTON BY DEED RECORDED UNDER AUDITOR'S FILE NO. 8210060040, RECORDS OF SKAGIT COUNTY, WASHINGTON, FOR HIGHWAY PURPOSES. ALSO EXCEPT THAT PORTION CONVEYED TO THE STATE OF WASHINGTON BY DEED RECORDED UNDER AF#201905150075 FOR HIGHWAY PURPOSES.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| P20014                 | 15.45 | 7442 OLD BROOK LANE | Single Family Dwelling | ALL THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 34 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 99 FEET EAST OF THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 5, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF THAT CERTAIN TRACT PREVIOUSLY CONVEYED TO RICHARD M ASH AND MARGARET A ASH, HUSBAND AND WIFE, AND RICHARD M ASH III BY DEED RECORDED UNDER AUDITOR'S FILE NO. 8711300013, RECORDS OF SKAGIT COUNTY, WASHINGTON; THENCE EAST FOR 1221 FEET; THENCE NORTH 713.625 FEET; THENCE WEST 1221 FEET TO THE EAST LINE OF SAID ASH TRACT; THENCE SOUTH ALONG THE EAST LINE OF SAID TRACT FOR 713.625 FEET TO THE POINT OF BEGINNING; EXCEPT THAT PORTION THEREOF LYING WITHIN STATE HIGHWAY RIGHT OF WAY; AND EXCEPT THE NORTH 15 FEET THEREOF CONVEYED TO SKAGIT COUNTY FOR ROAD PURPOSES BY INSTRUMENT DATED JANUARY 5, 1902, AND RECORDED OCTOBER 12, 1903, IN VOLUME 52 OF DEEDS, PAGES 535; AND ALSO EXCEPT THE FOLLOWING DESCRIBED TRACTS: EXCEPT TRACT#1: BEGINNING AT A POINT ON THE NORTH AND SOUTH CENTER SECTION LINE OF SAID SECTION AT A POINT 165 FEET NORTH OF THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE WEST 436 FEET; THENCE NORTH PARALLEL WITH THE CENTER SECTION LINE 100 FEET; THENCE EAST 436 FEET, MORE OR LESS, TO THE CENTER SECTION LINE; THENCE SOUTH ALONG THE CENTER SECTION LINE TO THE POINT OF BEGINNING; ALSO EXCEPT TRACT 2: BEGINNING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE WEST 528 FEET; THENCE NORTH PARALLEL WITH THE CENTER OF THE SECTION LINE 165 FEET; THENCE EAST TO THE CENTER SECTION LINE; THENCE SOUTH ALONG THE CENTER SECTION LINE TO THE POINT OF BEGINNING; ALSO EXCEPT TRACT #3: BEGINNING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 5; THENCE NORTH 88-34 WEST ALONG THE SOUTH LINE OF SAID SUBDIVISION 528.00 FEET TO THE EAST LINE OF THAT CERTAIN TRACT OF LAND AS DESCRIBED IN REAL ESTATE CONTRACT BETWEEN CHARLES M DEAN AND MABLE M DEAN, VENDORS, AND LOUIS H VIENHAGE AND PAULINE VIENHANGE, VENDEES, RECORDED UNDER AUDITOR'S FILE NO. 683089, RECORDS OF SKAGIT COUNTY, WASHINGTON, SAID POINT BEING THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUE NORTH 88-34 WEST ALONG THE SOUTH LINE OF SAID SUBDIVISION 461.22 FEET TO THE WEST LINE OF THE PLAT OF FERNHILL CEMETERY; THENCE NORTH 1-39-30 EAST ALONG THE WEST LINE OF SAID CEMETERY 20.36 FEET TO THE NORTHWEST CORNER OF SAID CEMETERY; THENCE SOUTH 88-20-30 EAST ALONG THE NORTH LINE OF SAID CEMETERY 460.75 FEET TO THE WEST LINE OF THAT CERTAIN TRACT OF LAND CONVEYED TO CAL BRANHAM AND HELEN BRANHAM, HUSBAND AND WIFE, BY DEED RECORDED UNDER AUDITOR'S FILE NO. 613747, RECORDS OF SKAGIT COUNTY, WASHINGTON; THENCE SOUTH 00-13 WEST ALONG SAID BRANHAM TRACT 18.57 FEET TO THE TRUE POINT OF BEGINNING. ALSO EXCEPT THAT PORTION CONVEYED TO THE STATE OF WASHINGTON BY DEED RECORDED UNDER AF#201905150076 FOR HIGHWAY PURPOSES. |
| P20015                 | 20.00 | None                | Vacant                 | DF-2003 AF#200205220038: W1/2 NW1/4 SW1/4, SECTION 5, TOWNSHIP 34 NORTH, RANGE 2 EAST, W.M.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| P20019                 | 1.00  | None                | Vacant                 | A PORTION OF W1/2 SW1/4 SW1/4, SECTION 5, TOWNSHIP 34 NORTH, RANGE 2 EAST, W.M., DEFINED AS FOLLOWS: BEGINNING AT THE SW CORNER OF SAID W1/2 SW1/4 SW1/4; THENCE NORTH, 200 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH, 208.7 FEET; THENCE EAST, 208.7 FEET; THENCE SOUTH, 208.7 FEET; THENCE WEST, 208.7 FEET TO THE TRUE POINT OF BEGINNING. BEING A PORTION OF PARCEL B OF SURVEY AF#202209070051                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| P20030                 | 20.00 | None                | Vacant                 | DF-2003 AF#200205220038: N1/2 NE1/4 SE1/4, SECTION 6, TOWNSHIP 34 NORTH, RANGE 2 EAST, W.M.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| P20031                 | 10.00 | None                | Vacant                 | DF-2003 AF#200205220038: SW1/4 NE1/4 SE1/4, SECTION 6, TOWNSHIP 34 NORTH, RANGE 2 EAST, W.M.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| P20032                 | 10.00 | None                | Vacant                 | DF-2003 AF#200205220038: SE1/4 NE1/4 SE1/4, SECTION 6, TOWNSHIP 34 NORTH, RANGE 2 EAST, W.M.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| P20116                 | 1.05  | None                | Vacant                 | N 60FT OF E 53 1/2 RDS OF N 30 RDS OF NW1/4 NW1/4, SECTION 8, TOWNSHIP 34 NORTH, RANGE 2 EAST, W.M., NWLY OF CO RD EXC N 10FT OF E 41 RDS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| P20120                 | 2.50  | None                | Vacant                 | N 2.5 ACRES W 26 2/3 RDS OF N 30 RDS OF NW1/4 NW1/4, SECTION 8, TOWNSHIP 34 NORTH, RANGE 2 EAST, W.M.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

|               |               |      |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|---------------|---------------|------|--------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| P20153        | 0.09          | None | Vacant | THAT PORTION OF THE NE 1/4 OF THE NW 1/4 OF SECTION 8, TOWNSHIP 34 NORTH, RANGE 2 EAST, W.M., LYING NORTH OF THE NORTH LINE THEREOF AND LYING NORTH OF THE NORTH LINE OF THE AS BUILT AND EXISTING MILLER COUNTY ROAD ACCORDING TO AUDITOR'S FILE NO. 200612280082, PARCEL H, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER; THENCE SOUTH 86-47-00 EAST ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER, 384.867 FEET; THENCE SOUTH 86-11-48 WEST 221.659 FEET; THENCE SOUTH 75-57-05 WEST, 99.678 FEET; THENCE SOUTH 54-59-27 WEST, 83.210 FEET TO THE WEST LINE OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER; THENCE NORTH 1-55-56 EAST, 108.247 FEET TO THE POINT OF BEGINNING; EXCEPT ANY PORTION THEREOF LYING WITHIN SAID MILLER ROAD. EXCEPT A PARCEL OF LAND IN THE NW 1/4 OF SECTION 8, TOWNSHIP 34 NORTH, RANGE 2 EAST, W.M., DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF SAID SECTION 8 AND THE NORTH LINE OF A PRIVATE ROAD FROM WHICH THE NORTHWEST CORNER OF SAID SECTION 8 ACCORDING TO SURVEY RECORDED UNDER AUDITO'S FILE NUMBER (AFN) 9610220001, RECORDS OF SKAGIT COUNTY, BEARS N 87-54-25 W, 1264.39 FEET; THENCE ALONG SAID NORTH SECTION LINE S 87-54-28 EE, 62.36 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER FROM WHICH A REBAR AND CAP MARKED 'LS 17651' BEARS N 87-54-28 W, 1.68 FEET; THENCE CONTINUING ALONG SAID NORTH SECTION LINE S 87-54-28 EE, 384.38 (364.87 PER PARCEL H, AFN 200612280062) FEET TO THE INTERSECTION OF THE NORTH LINE OF MILLER ROAD; THENCE TURNING AND FOLLOWING THE NORTH LINE OF MILLER ROAD S 85-34-37 W, 221.66 FEET THENCE CONTINUING ALONG THE NORTH LINE OF MILLER ROAD S 76-29-29 WW, 77.23 FEET TO THE INTERSECTION OF THE NORTH LINE OF SAID PRIVATE ROAD; THENCE ALONG THE NORTH LINE OF SAID PRIVATE ROAD THE FOLLOWING FOUR COURSES, N 74-50-29 W, 36.82 FEET; N 53-25-21 W, 16.03 FEET; N 62-26-54 W 34.40 FEET; N 78-46-54 W, 72.86 FEET TO THE POINT OF BEGINNING. |
| P111417       | 2.72          | None | Vacant | DF-2003 AF#200205220038: THAT PORTION OF THE E1/2 OF THE SW1/4 SW1/4, SECTION 5, TOWNSHIP 34 NORTH, RANGE 2 EAST, W.M., LYING NORTHWESTERLY OF EASEMENT AS DESCRIBED IN AF#9702140107                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| P111509       | 0.35          | None | Vacant | THE WEST 20 RODS OF THE SE1/4 SW1/4, SECTION 5, TOWNSHIP 34 NORTH, RANGE 2 EAST, W.M., THAT LIES NORTHWESTERLY OF AN EASEMENT DESCRIBED IN AF#9702140107                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| P112030       | 3.54          | None | Vacant | DF-2003 AF#200205220038: LAKE CAMPBELL TO ANACORTES, BLOCK 1 AND 2, TOGETHER WITH NORTH HALF OF VACATED MAPLE STREET LYING EASTERLY OF CENTERLINE OF GARFIELD AVENUE AND ALL OF GRANT AVENUE AND THE UNNAMED EASTERLY MARGINAL STREET LYING BETWEEN THE PROLONGATIONS OF THE NORTH AND SOUTH LINES OF MAPLE STREET.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| P119164       | 19.15         | None | Vacant | DF-2003 AF#200205220038: THE W1/2 SW1/4 SW1/4, SECTION 5, TOWNSHIP 34 NORTH, RANGE 2 EAST, W.M., EXCEPT FOR THE FOLLOWING DESCRIBED TRACT OF LAND: BEGINNING AT THE SW CORNER OF SAID W1/2 SW1/4 SW1/4; THENCE NORTH, 200 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH, 208.7 FEET; THENCE EAST, 208.7 FEET; THENCE SOUTH, 208.7 FEET; THENCE WEST, 208.7 FEET TO THE TRUE POINT OF BEGINNING. BEING A PORTION OF PARCEL B OF SURVEY AF#202209070051                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| P130136       | 0.13          | None | Vacant | A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 34 NORTH RANGE 2 EAST, WM IN SKAGIT COUNTY, WASHINGTON AND BEING A PORTION OF THAT PROPERTY DESCRIBED UNDER SKAGIT COUNTY AUDITOR FILE NUMBER 200201180005 DESCRIBED AS FOLLOWS: ALL THAT PORTION OF A PRIVATE ROAD LYING NORTH OF THE SOUTH BOUNDARY OF SAID SECTION 5 AND LYING SOUTH AND WEST OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF SAID SECTION 5 AND THE NORTH LINE OF SAID PRIVATE ROAD FROM WHICH THE SOUTHWEST CORNER OF SAID SECTION 5 ACCORDING TO SURVEY RECORDED UNDER AUDITORS FILE NUMBER 9610220001, RECORDS OF SKAGIT COUNTY, BEARS NORTH 87 DEGREES 54 MINUTES 28 SECONDS WEST, 1264.39 FEET THENCE ALONG THE NORTH LINE OF SAID ROAD THE FOLLOWING FIVE COURSES NORTH 76 DEGREES 31 MINUTES 47 SECOND WEST, 34.28 FEET NORTH 85 DEGREES 33 MINUTES 59 SECOND WEST, 88.08 FEET NORTH 87 DEGREES 32 MINUTES 42 SECONDS WEST, 124.20 FEET SOUTH 88 DEGREES 38 MINUTES 56 SECONDS WEST 65.91 FEET NORTH 87 DEGREES 03 MINUTES 21 SECONDS, 124.62 TO THE WEST BOUNDARY OF SAID PARCEL DESCRIBED UNDER AUDITORS FILE NUMBER 200201180005 THENCE SOUTH 00 DEGREES 40 MINUTES 37 SECONDS WEST, 9.04 FEET BEING THE TERMINUS OF SAID LINE AND FROM WHICH THE POINT OF BEING BEARS SOUTH 87 DEGREES 54 MINUTES 28 SECOND EAST ALONG SAID SECTION LINE 435.97 FEET.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| P136524       | 3.15          | None | Vacant | DF-2003 AF#200205220038: THE NORTH 1104.84 FEET OF THE FOLLOWING DESCRIBED TRACT OF LAND: BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 6; THENCE NORTH 87-47-14 WEST, ALONG THE SOUTH LINE OF SAID SECTION, 124.00 FEET; THENCE NORTH 2-06-55 EAST 1276.11 FEET; THENCE NORTH 21-52-35 WEST 40.45 FEET, TO THE NORTH LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER; THENCE SOUTH 87-59-28 EAST, ALONG THE NORTH LINE, 140.45 FEET TO THE EAST LINE OF SAID SECTION; THENCE SOUTH 02-06-55 WEST ALONG SAID EAST LINE, 1313.54 FEET TO THE POINT OF BEGINNING. EXCEPT THE SOUTH 208.7 FEET THEREOF. BEING A PORTION OF PARCEL B OF SURVEY AF#202209070051                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| P136525       | 0.58          | None | Vacant | THE SOUTH 208.7 FEET OF THE FOLLOWING DESCRIBED TRACT OF LAND: BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 6; THENCE NORTH 87-47-14 WEST, ALONG THE SOUTH LINE OF SAID SECTION, 124.00 FEET; THENCE NORTH 2-06-55 EAST 1276.11 FEET; THENCE NORTH 21-52-35 WEST 40.45 FEET, TO THE NORTH LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER; THENCE SOUTH 87-59-28 EAST, ALONG THE NORTH LINE, 140.45 FEET TO THE EAST LINE OF SAID SECTION; THENCE SOUTH 02-06-55 WEST ALONG SAID EAST LINE, 1313.54 FEET TO THE POINT OF BEGINNING. BEING A PORTION OF PARCEL B OF SURVEY AF#202209070051                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| P136526       | 0.15          | None | Vacant | DF-2003 AF#200205220038: N 10FT OF E 41 RDS OF THE N 60FT OF E 53 1/2 RDS OF N 30 RDS OF NW1/4 NW1/4, SECTION 8, TOWNSHIP 34 NORTH, RANGE 2 EAST, W.M., NWLY OF CO RD. ALSO EXCEPT ANY PORTION LYING WITHIN PIONEER TRAILS RESORT CONDOMINIUM RECORDED UNDER AF#201202020087.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Total:</b> | <b>132.17</b> |      |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

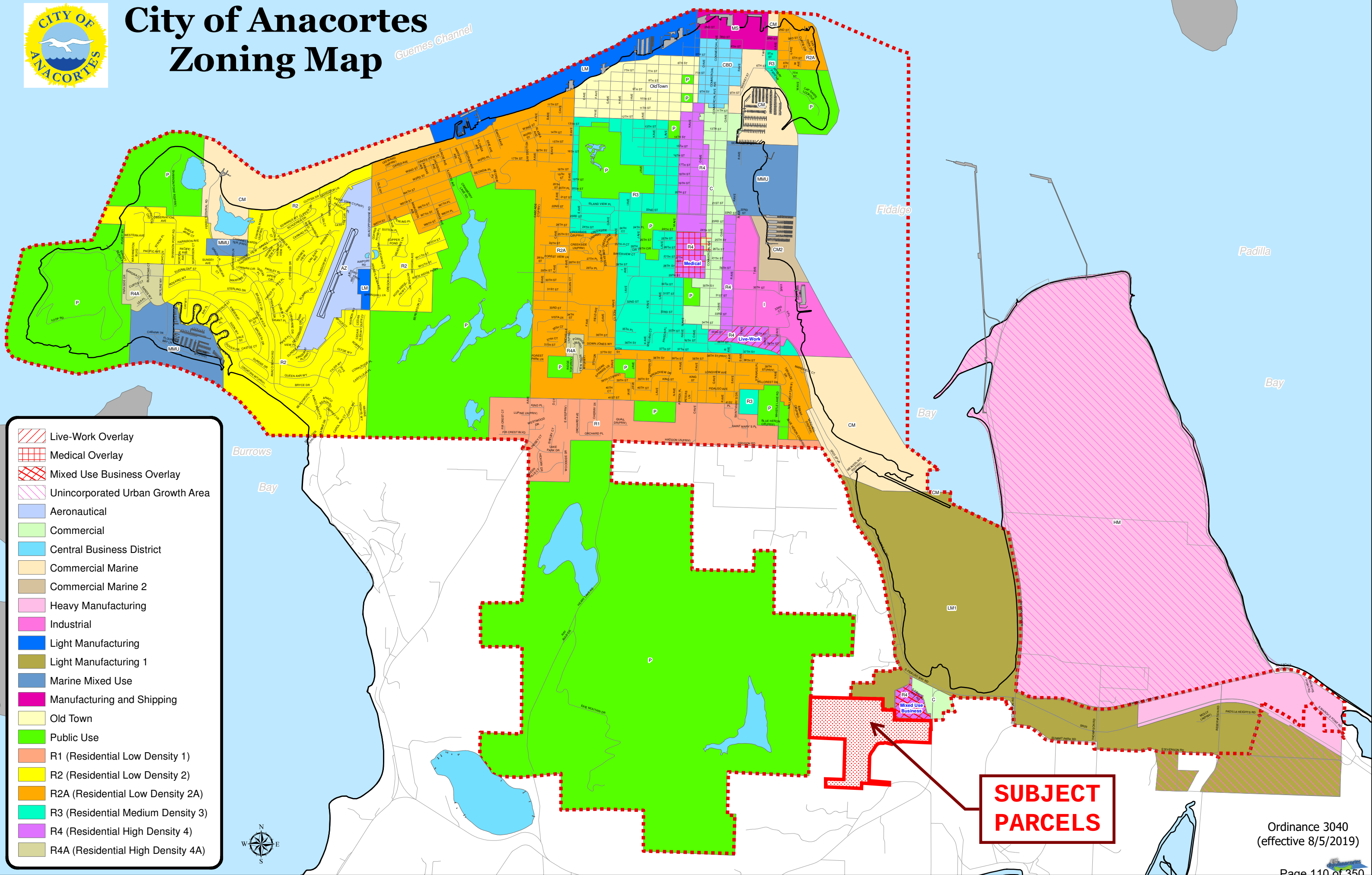






# City of Anacortes Zoning Map

Guemes Channel











## **SEPA ENVIRONMENTAL CHECKLIST**

### **Purpose of checklist**

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

### **Instructions for applicants**

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

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

### **Instructions for lead agencies**

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

### **Use of checklist for nonproject proposals**

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

## A. Background

### 1. Name of proposed project, if applicable:

Scimitar Ranch UGA Expansion

### 2. Name of applicant:

Signal Hill Family Limited Partnership

### 3. Address and phone number of applicant and contact person:

#### Applicant:

Signal Hill Family Limited Partnership  
Attn: Jerrol Barto  
2633 Cherry Ave  
Signal Hill, CA 90755  
562-595-6440

#### Contact:

Core Design, Inc.  
Attn: Ian Faulds  
12100 NE 195<sup>th</sup> St, Suite 300  
Bothell, WA 98011  
425-466-7877

### 4. Date checklist prepared:

March 2024

### 5. Agency requesting checklist:

City of Anacortes

### 6. Proposed timing or schedule (including phasing, if applicable):

The project is anticipated to be approved as part of the current Comprehensive Plan cycle ending in June 2025.

### 7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

Future land use applications for specific development projects would be submitted once the UGA expansion and future land use designation process are completed, and the land is annexed into the City limits.

### 8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

No specific environmental information has been completed at this time as this is a non-project action SEPA. Additional reports such as a critical area report, geotechnical report, and traffic report will likely be prepared with any future project action applications submitted once the UGA expansion and future land use designation are completed.

**9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.**

None known. The Pioneer Trails RV Resort may be applying for a similar UGA expansion, future land use designation change, and annexation.

**10. List any government approvals or permits that will be needed for your proposal, if known.**

UGA expansion, future land use designation change, Annexation Application, Comprehensive Plan Amendment.

Future project actions will require separate permitting for preliminary land use, construction design, and building permit approval.

**11. Give a brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)**

A total of 21 subject parcels included, creating a one contiguous site area of approximately 132.17 acres located towards the southeastern side of the City of Anacortes's city limits on Fidalgo Island. The site is less than a quarter mile to the southwest of Sharpe's Corner and regionally located north the Similk Beach community. The request is to bring these parcels into the UGA and City of Anacortes City Limits with the R4 zoning, which is consistent with the area.

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

The project includes 21 parcels totaling 132.17 acres within portions of Section 5, 6, 7, and 8 of Township 34 N and Range 2 E. These parcels are near State Route 20 and the Sharpe's Corner Mixed Use Business area. Legal Descriptions have been provided as part of the application package.



## B. Environmental Elements

### 1. Earth

**a. General description of the site:**

The site generally slopes downward from a high point in the west toward the east. Elevations range from roughly 570 feet on parcel P20031 to 70 ft in parcel P20014.

**Circle or highlight one:** Flat, rolling, **hilly**, steep slopes, mountainous, other:

**b. What is the steepest slope on the site (approximate percent slope)?**

Roughly 50% slope

**c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them, and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.**

Per the USDA NRCS Web Soil Survey map soils on the site are progress in bands from west to east as the following:

Whistle-Fidalgo-Rock outcrop complex, 30 to 65 percent slopes

Swinomish-Fidalgo-Rock outcrop complex, 3 to 30 percent slopes

Coveland gravelly loam, 0 to 3 percent slopes

Clallam gravelly loam, 8 to 15 percent slopes

Clallam gravelly loam, 0 to 8 percent slopes

Laconner very gravelly loamy sand, 0 to 8 percent slopes

Laconner very gravelly loamy sand, 8 to 15 percent slopes

**d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.**

Not that we are aware of.

**e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.**

None at the moment, future project action applications will assess earth movement qualities as needed.

**f. Could erosion occur because of clearing, construction, or use? If so, generally describe.**

No clearing or construction is proposed as part of this UGA expansion and future land use designation change.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?**

No new impervious surfaces are proposed as part of this UGA expansion and future land use designation change.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any.**

No erosion or earth impacts will occur as part of this UGA expansion and future land use designation change.

## 2. Air

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.**

No emission impacts will occur as part of this UGA expansion and future land use designation change.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.**

None.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any.**

None needed or proposed as part of this UGA expansion and future land use designation change.

## 3. Water

### a. Surface Water:

- 1. Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.**

Whistle Lake is roughly 0.25 miles to the west of the site. An unnamed pond sits directly south of parcel P20116. Fidalgo Bay is roughly 0.25 miles to the north east of the closest point of the project site. The site has not been mapped for critical areas, but wetlands may exist on the site per City of Anacortes maps. All applicable critical areas regulations will be adhered to as part of future project actions.

- 2. Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.**

No work is proposed as part of this UGA expansion and future land use designation change; however, Whistle Lake and Fidalgo Bay are greater than 200 ft away from the site. The site has not been

mapped for critical areas, but wetlands may exist on the site per City of Anacortes maps. All applicable critical areas regulations will be adhered to as part of future project actions.

- 3. Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.**

No work is proposed as part of this UGA expansion and future land use designation change.

- 4. Will the proposal require surface water withdrawals or diversions? Give a general description, purpose, and approximate quantities if known.**

No work is proposed as part of this UGA expansion and future land use designation change.

- 5. Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.**

Per FEMA Flood Map 5301510225C there are no 100-year floodplains on the site.

- 6. Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.**

No work is proposed as part of this UGA expansion and future land use designation change.

#### **b. Ground Water:**

- 1. Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give a general description, purpose, and approximate quantities if known.**

No work is proposed as part of this UGA expansion and future land use designation change.

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

No work is proposed as part of this UGA expansion and future land use designation change.

#### **c. Water Runoff (including stormwater):**

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

No work is proposed as part of this UGA expansion and future land use designation change.

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

No work is proposed as part of this UGA expansion and future land use designation change.

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

No work is proposed as part of this UGA expansion and future land use designation change.

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

No measures are proposed as no site work will occur as part of this UGA expansion and future land use designation change.

#### **4. Plants**

**a. Check the types of vegetation found on the site:**

☒ deciduous tree: alder, maple, aspen, other

☒ evergreen tree: fir, cedar, pine, other

☒ shrubs

☒ grass

☐ pasture

☐ crop or grain

☐ orchards, vineyards, or other permanent crops.

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

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

☐ other types of vegetation

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

No vegetation will be removed or altered as part of this UGA expansion and future land use designation change.

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

None known.

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

No vegetation will be planted, modified, or altered as part of this UGA expansion and future land use designation change.

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

None known.

## 5. Animals

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

- Birds: hawk, songbirds
- Mammals: deer, squirrel
- Fish: none

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

None known.

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

All of Western Washington is part of the Pacific Flyway migration route.

- d. Proposed measures to preserve or enhance wildlife, if any.

No work will occur as part of this UGA expansion and future land use designation change.

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

None known.

## 6. Energy and Natural Resources

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

No work will occur as part of this UGA expansion and future land use designation change.

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

No work will occur as part of this UGA expansion and future land use designation change.

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

No work will occur as part of this UGA expansion and future land use designation change.

## 7. Environmental Health

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

None known.

**1. Describe any known or possible contamination at the site from present or past uses.**

None known.

- a. Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.**

None known.

- b. Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.**

None known.

- c. Describe special emergency services that might be required.**

No work will occur as part of this UGA expansion and future land use designation change.

- d. Proposed measures to reduce or control environmental health hazards, if any.**

None proposed as work will occur as part of this UGA expansion and future land use designation change.

**b. Noise**

- 1. What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?**

No work will occur as part of this UGA expansion and future land use designation change.

- 2. What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site)?**

No work will occur as part of this UGA expansion and future land use designation change.

- 3. Proposed measures to reduce or control noise impacts, if any.**

No work will occur as part of this UGA expansion and future land use designation change.

**8. Land and Shoreline Use**

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.**

The majority of the subject parcels are currently vacant, with only four having a residential use.

- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses because of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?**

No.

- 1. Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how?**

No.

- c. Describe any structures on the site.**

Parcels P19942, P19979, P20013, and P20014 all contain residential structures. The remaining parcels are vacant.

- d. Will any structures be demolished? If so, what?**

No structures will be removed as part of this UGA expansion and future land use designation change.

- e. What is the current zoning classification of the site?**

These parcels are currently zoned Rural Reserve (RRv) in Skagit County.

- f. What is the current comprehensive plan designation of the site?**

These parcels are currently zoned Rural Reserve (RRv) in Skagit County.

- g. If applicable, what is the current shoreline master program designation of the site?**

None.

- h. Has any part of the site been classified as a critical area by the city or county? If so, specify.**

The middle portion of the site is classified as non-delineated wetlands and may contain wetland features.

- i. Approximately how many people would reside or work in the completed project?**

None as this is a request for UGA expansion and future land use designation change.

- j. Approximately how many people would the completed project displace?**

None as this is a request for UGA expansion and future land use designation change.

**k. Proposed measures to avoid or reduce displacement impacts, if any.**

None as this is a request for UGA expansion and future land use designation change.

**l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any.**

Compliance with City of Anacortes and State of Washington code and City of Anacortes Comprehensive Plan goals and policies will occur. The proposed R4 zone with MUB overlay will complement the adjacent zoning currently in place at Sharpe's Corner, within City limits.

**m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any.**

None needed or proposed.

## **9. Housing**

**a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.**

None as this is a request for UGA expansion and future land use designation change.

**b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.**

None as this is a request for UGA expansion and future land use designation change.

**c. Proposed measures to reduce or control housing impacts, if any.**

None as this is a request for UGA expansion and future land use designation change.

## **10. Aesthetics**

**a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?**

None as this is a request for UGA expansion and future land use designation change.

**b. What views in the immediate vicinity would be altered or obstructed?**

None as this is a request for UGA expansion and future land use designation change.

**c. Proposed measures to reduce or control aesthetic impacts, if any.**

None as this is a request for UGA expansion and future land use designation change.



## 11. Light and Glare

- a. **What type of light or glare will the proposal produce? What time of day would it mainly occur?**

None as this is a request for UGA expansion and future land use designation change.

- b. **Could light or glare from the finished project be a safety hazard or interfere with views?**

None as this is a request for UGA expansion and future land use designation change.

- c. **What existing off-site sources of light or glare may affect your proposal?**

None as this is a request for UGA expansion and future land use designation change.

- d. **Proposed measures to reduce or control light and glare impacts, if any.**

None as this is a request for UGA expansion and future land use designation change.

## 12. Recreation

- a. **What designated and informal recreational opportunities are in the immediate vicinity?**

Swinomish Golf Links is located roughly 0.8 miles from the project site.

- b. **Would the proposed project displace any existing recreational uses? If so, describe.**

No.

- c. **Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any.**

None as this is a request for UGA expansion and future land use designation change.

## 13. Historic and Cultural Preservation

- a. **Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.**

Yes, per the Skagit County Assessor records one home on parcel P20014 was built in 1900 and one home on parcel P20013 was built in 1940.

- b. **Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.**

Not to our knowledge.

- c. **Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.**

The Washington State Department of Archaeology and Historic Preservation web mapping tool (Wisaard) was consulted. No work is associated with this request for UGA expansion and future land use designation change.

- d. **Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.**

No work is associated with this request for UGA expansion and future land use designation change.

## 14. Transportation

- a. **Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.**

The site is served by State Highway 20 to the east and Miller Road to the south.

- b. **Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?**

Yes, an existing Island Transit bus stop is located directly north of the project frontage at Sharpe's Corner along State Route 20. Additionally, the March's Point Park and Ride is roughly 1 mile to the east.

- c. **Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle, or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).**

No, as this is a request for UGA expansion and future land use designation change.

- d. **Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.**

No, as this is a request for UGA expansion and future land use designation change.

- e. **How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?**

None as this is a request for UGA expansion and future land use designation change.

- f. Will the proposal interfere with, affect, or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

No, as this is a request for UGA expansion and future land use designation change.

- g. Proposed measures to reduce or control transportation impacts, if any.

None as this is a request for UGA expansion and future land use designation change.

## 15. Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

No, as this is a request for UGA expansion and future land use designation change.

- b. Proposed measures to reduce or control direct impacts on public services, if any.

None as this is a request for UGA expansion and future land use designation change.

## 16. Utilities

- a. Utilities currently available at the site: electricity, water, refuse service, telephone, septic systems

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

None as this is a request for UGA expansion and future land use designation change.

## C. Signature

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

Signature: 

Type name of signee: Ian Faulds

Position and agency/organization: Agent / Senior Project Planner at Core Design, Inc.

Date submitted: 3/4/2024

## D. Supplemental sheet for nonproject actions

**IT IS NOT REQUIRED** to use this section for project actions.

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

### 1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The UGA expansion and future land use designation change will not increase discharge to water, emissions to air, noise pollution, or the release of hazardous substances itself; however, any future project applications for development likely have impacts to water, air, and ambient noise levels on site consistent with urban development. These impacts will be assessed on a project specific basis.

- **Proposed measures to avoid or reduce such increases are:**

Any structures and infrastructure built as part of project applications after the UGA expansion, future land use designation change, and annexation are completed would be required to meet current stringent environmental protection requirements including all current stormwater runoff regulations per City, Washington State Department of Ecology, and Federal requirements. These features will likely include collection, retention, and treatment of any stormwater from the site before it is discharged along the natural flow path. Additionally, any air pollution would likely come from vehicle exhaust and would be required to meet State and Federal Clean Air Act requirements. Any future noise emissions would be required to meet AMC 19.69.020 requirements. The production, storage, or release of toxic or hazardous substances as part of any future site development is not anticipated; however, would be subject to any applicable City and State regulations.

### 2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The UGA expansion and future land use designation change will not affect existing habitat itself; however, any future project applications for development would likely impact plants and animals on the site through site clearing, grading, and buildout. City of Anacortes maps show part of the site may contain wetlands, and a Biodiversity Habitat Corridor is present. All necessary mitigation measures would occur as part of those future project actions.

- **Proposed measures to protect or conserve plants, animals, fish, or marine life are:**

Any structures and infrastructure built as part of project applications after the UGA expansion, future land use designation change, and annexation are completed would be required to meet current stringent environmental protection requirements including mitigation for impacts to plant and animal life. No fish or marine life are anticipated to be impacted by any future development of these parcels. Any required reports assessing impacts and recommending mitigation or protection measures would be prepared as necessary for these future project actions.

### **3. How would the proposal be likely to deplete energy or natural resources?**

The UGA expansion and future land use designation change will not deplete any energy or natural resources in itself; however, any future project applications for development would require natural resources and energy to construct and maintain.

- **Proposed measures to protect or conserve energy and natural resources are:**

Any structures and infrastructure built as part of project applications after the UGA expansion, future land use designation change, and annexation are completed would be required to meet current stringent energy code regulations and building code standards. Additionally, protection and/or mitigation of any critical areas on site would be required, helping to protect natural resources on site.

### **4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?**

The UGA expansion and future land use designation change will not affect environmentally sensitive areas itself; however, any future project applications for development would likely impact any areas delineated as environmentally sensitive. The project site does not have any areas designated for government protection and does not include any parks, wilderness, rivers or streams, endangered species habitat, known historic or cultural sites, floodplains, or farmland. City of Anacortes maps show part of the site may contain wetlands, and a Biodiversity Habitat Corridor is present. Any required analysis, protection, and/or mitigation measures would occur as part of future project actions.

- **Proposed measures to protect such resources or to avoid or reduce impacts are:**

Any structures and infrastructure built as part of project applications after the UGA expansion, future land use designation change, and annexation are completed would be required to meet current stringent environmental protection requirements including mitigation for impacts to environmentally sensitive areas. Any required reports assessing impacts and recommending mitigation or protection measures would be prepared as necessary for these future project actions.

### **5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?**

The UGA expansion and future land use designation change will bring the subject parcels from a rural use (Rural Reserve zoning) in Skagit County to an urban use (R4 zone with MUB Overlay) within the UGA and City of Anacortes limits. This change in land use will allow any future development of the site to have a significantly higher residential density than before, and would allow certain non-residential uses that were not previously allowed. These uses already exist directly adjacent to the site, at Sharpe's Corner Mixed Use Business area and are compatible with existing plans for the vicinity. No shoreline uses will be impacted by the project site.

- **Proposed measures to avoid or reduce shoreline and land use impacts are:**

Any buffers or landscaping between uses required by City of Anacortes Municipal Code would be implemented by future developments on the site in order to help mitigate for visual impacts on neighbors. Parcels to the northwest of the site already have the same proposed land use designation and zoning, and topography and existing State Route 20 alignment should help limit impacts on neighboring rural land uses to the south and east. City owned park land is located to the west and topography helps limit visual impacts on that land.

**6. How would the proposal be likely to increase demands on transportation or public services and utilities?**

This UGA expansion and future land use designation change will allow for the potential development of the site to the standards of the R4 zone with MUB overlay, which is likely to increase the number of residents in the Sharpe's Corner area once specific project applications are submitted under the new zoning map. The increased population would increase the demands on the existing transportation system, public services, and utilities in the immediate vicinity; however, an accurate estimation is not possible at this time. Transit facilities and utilities already exist adjacent to the project site.

- **Proposed measures to reduce or respond to such demand(s) are:**

The project area was specifically chosen for the R4 zone with MUB overlay due to its close proximity the existing R4 and MUB overlay at Sharpe's Corner, just to the northwest of the site. This will concentrate future development in a location where service and infrastructure improvements are already anticipated and limit any negative impacts to the surrounding area.

**7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.**

This proposal meets the intent of the City of Anacortes Comprehensive Plan, City of Anacortes Municipal Code, and State of Washington Code regarding land use regulations, housing, and submission of applicable permits and documents. This UGA expansion and future land use designation change will provide for future development to meet the regulations of the City of Anacortes. All future project applications would be required to adhere to the applicable local, state, and federal regulations regarding environmental protection, including mapping of any critical areas on site and mitigating for any potential impacts.

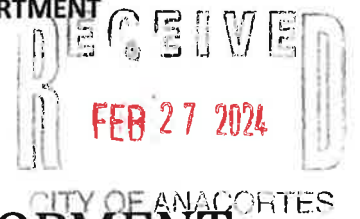


**PLANNING, COMMUNITY, & ECONOMIC DEVELOPMENT DEPARTMENT**

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

Office Location: 904 6<sup>th</sup> Street, Anacortes WA 98821

Phone: (360) 299-1984



# COMPREHENSIVE PLAN / DEVELOPMENT REGULATION AMENDMENT PETITION

| APPLICANT CHECKLIST                                                                                                                                                                           | <b>Petition Application Submittal Checklist</b><br>See <a href="#">AMC Ch. 19.16 Legislative Actions</a> for complete requirements.                 | OFFICE USE ONLY                                                                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/>                                                                                                                                                           | Application form (attached)                                                                                                                         |                                                                                                                                              |
| <input checked="" type="checkbox"/>                                                                                                                                                           | Petition narrative (attached)                                                                                                                       |                                                                                                                                              |
| <input type="checkbox"/>                                                                                                                                                                      | SEPA Checklist, including Part D for Non-Project Actions                                                                                            |                                                                                                                                              |
| <input checked="" type="checkbox"/>                                                                                                                                                           | Map identifying the property included in the proposed amendment (if applicable) showing parcels and streets located within and adjacent to the site |                                                                                                                                              |
| <b>For Submittals:</b><br><br><b>Digital</b> copy of the application and all submitted materials (flash drive or to <a href="mailto:pced@cityofanacortes.org">pced@cityofanacortes.org</a> .) |                                                                                                                                                     | <b>Application Fee</b><br><a href="#">See the Land Use Application Fee Schedule</a><br>(There is no fee for policy/text amendment petitions) |

Completed petitions must be received by the last business day of March. Early contact with the Planning, Community, & Economic Development Department is encouraged prior to submittal of your petition. Please review AMC 19.16 for more information about the amendment review process.

Contact Libby Grage, Planning Manager, at 360-299-1986 or [libbyb@cityofanacortes.org](mailto:libbyb@cityofanacortes.org) with questions about this application form or process.

## APPLICATION INFORMATION

| TYPE OF AMENDMENT REQUESTED                                                                                                   |                                                                           |                                                  |
|-------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|--------------------------------------------------|
| <input type="checkbox"/> Comprehensive Plan Policies                                                                          | <input checked="" type="checkbox"/> Comprehensive Plan Land Use Map       | <input type="checkbox"/> Development Regulations |
| AMENDMENT REQUEST INFO                                                                                                        |                                                                           |                                                  |
| AMENDMENT NAME/TITLE:<br><b>FPRD Public Zoning</b>                                                                            |                                                                           |                                                  |
| APPLICANT INFORMATION                                                                                                         |                                                                           |                                                  |
| NAME:<br>Fidalgo Park & Recreation District                                                                                   | MAILING ADDRESS:<br>1603 22nd St, Anacortes WA 98221                      |                                                  |
| PHONE:<br>3602930673 x107                                                                                                     | EMAIL ADDRESS:<br>rpeterson@fidalgopool.com                               |                                                  |
| NAME OF DESIGNATED CONTACT IF APPLICANT IS A GROUP:<br>Rob Peterson                                                           |                                                                           |                                                  |
| MAP AMENDMENT REQUESTS ONLY<br>(only complete this portion if you are requesting a Comprehensive Plan Land Use Map amendment) |                                                                           |                                                  |
| SITE ADDRESS (if applicable):<br><b>1603 22nd St</b>                                                                          |                                                                           |                                                  |
| PARCEL NUMBER(S) (if applicable):<br><small>P31794, P31795, P31796, P31798, P31799, P31802, P31803, P31805, P21804</small>    | SECTION, TOWNSHIP, & RANGE<br>SECTION 24, TOWNSHIP 35 NORTH, RANGE 1 EAST |                                                  |
| LEGAL DESCRIPTION:                                                                                                            | PRESENT LAND USE DESIGNATION:<br><b>R3</b>                                |                                                  |
| PROPERTY OWNER INFORMATION: <input type="checkbox"/> Multiple owners attached                                                 |                                                                           |                                                  |
| PROPERTY OWNER NAME:<br>Fidalgo Park and Recreation District                                                                  | MAILING ADDRESS:<br>1603 22nd St, Anacortes WA 98221                      |                                                  |
| EMAIL ADDRESS:<br>rpeterson@fidalgopool.com                                                                                   | PHONE #:<br>3602930673 x107                                               |                                                  |
| OWNER'S AUTHORIZED AGENT/CONTACT:                                                                                             |                                                                           |                                                  |
| PROPERTY OWNER NAME:                                                                                                          | MAILING ADDRESS:                                                          |                                                  |
| EMAIL ADDRESS:                                                                                                                | PHONE #:                                                                  |                                                  |



**Property Owner(s)**

I am the owner of the property described above or am authorized by the owner to sign and submit this application. I grant permission for the City staff and agents to enter onto the subject property at any reasonable time to consider the merits of the application and post public notice. I certify under penalty of perjury of the laws of the State of Washington that the information on this application and all information submitted herewith is true, complete and correct.

I also acknowledge that by signing this application I am the responsible party to receive all correspondence from the City regarding this project.

Signature by Owner/Agent:

Date:



3/25/2024

Printed Name:

Rob Peterson

## PETITION NARRATIVE

**For all types of amendment requests:**

Please fill in each space with the requested information, or note "see attached" and attach more pages to this form.

A. Detailed statement of what is proposed to be changed and why.

Proposal to change the area to public use. Portions of the land have historically been used as public use since 1973. The other portions have been acquired to provide for future replacement of the current facilities. This land will continue to be used for public use.

B. Statement of anticipated impacts to be caused by the change, including geographic area affected and issues presented.

No issues impacted as much of the land is already public use and has limited R3 use.

C. Demonstration of why the proposal is needed.

This will better align the zoning with the current use as well as future use.

**D. Statement of how the amendment is consistent with the comprehensive plan's vision and goals.**

This proposal will protect public lands for future generations. It will create resource protections and a community gathering space. It will provide for a healthy community, park financing, and sustainable design.

Goal PR-1. Park & Recreational Facilities. Provide a range of high quality and easily accessible park and recreational areas, facilities and opportunities that will serve a wide range of age groups, recreational interests and ability levels.

Goal PR-3. Efficient Parks Program Management. Provide parks, open space, recreation facilities, and a comprehensive recreation services program to the citizens of Anacortes in a well-run, economical and cost-effective manner.

Policy ED-3.5. Encourage activities and facilities that attract visitors throughout the year.

Policy ED-6.1. Encourage opportunities to train the workforce to develop skills for new technologies and family-wage jobs.

Policy EC-1.5. Identify and inventory areas of aesthetic, educational, historical, cultural and/or biological significance, encourage their preservation, and regulate development which could cause significant deterioration of these qualities.

**E. For map amendments only: Description of how the map amendment complies with:**

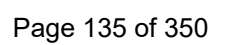
1. The land use designation criteria in the comprehensive plan; and
2. Approval criteria for map amendments and rezones.

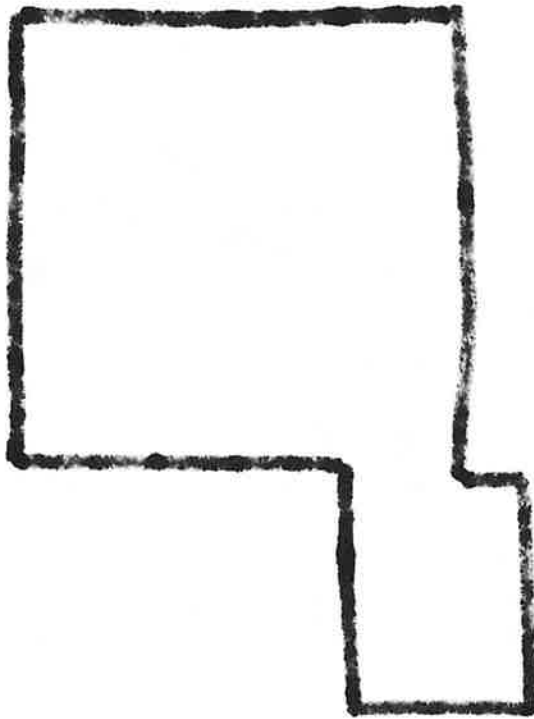
1. Public Use principal uses & density: Public parks and recreation facilities, open space, single family residences under certain circumstances, schools, and other public facilities.

This will land will contain recreation facilities and the senior center.

2.









**PLANNING, COMMUNITY, & ECONOMIC DEVELOPMENT**

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

Office Location: 904 6<sup>th</sup> Street, Anacortes WA 98221

Phone: (360) 299-1984

Petition #3  
"Port of Anacortes - Rockwell"



**PCED Received**

Date: March 29, 2024

Document received by the Planning, Community  
& Economic Development Department

# COMPREHENSIVE PLAN / DEVELOPMENT REGULATION AMENDMENT PETITION

| APPLICANT CHECKLIST                                                                                                                                                                              |                                                                                                                                                     | OFFICE USE ONLY                                                                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                  | <b>Petition Application<br/>Submittal Checklist</b><br>See <a href="#">AMC Ch. 19.16 Legislative Actions</a> for complete requirements.             |                                                                                                                                              |
| <input checked="" type="checkbox"/>                                                                                                                                                              | Application form (attached)                                                                                                                         |                                                                                                                                              |
| <input checked="" type="checkbox"/>                                                                                                                                                              | Petition narrative (attached)                                                                                                                       |                                                                                                                                              |
| <input type="checkbox"/>                                                                                                                                                                         | SEPA Checklist, including Part D for Non-Project Actions                                                                                            |                                                                                                                                              |
| <input checked="" type="checkbox"/>                                                                                                                                                              | Map identifying the property included in the proposed amendment (if applicable) showing parcels and streets located within and adjacent to the site |                                                                                                                                              |
| <b>For Submittals:</b><br><br><b>Digital</b> copy of the application and all submitted materials<br>(flash drive or to <a href="mailto:pced@cityofanacortes.org">pced@cityofanacortes.org</a> .) |                                                                                                                                                     | <b>Application Fee</b><br><a href="#">See the Land Use Application Fee Schedule</a><br>(There is no fee for policy/text amendment petitions) |

Completed petitions must be received by the last business day of March. Early contact with the Planning, Community, & Economic Development Department is encouraged prior to submittal of your petition. Please review AMC 19.16 for more information about the amendment review process.

Contact Libby Grage, Planning Manager, at 360-299-1986 or [libbyb@cityofanacortes.org](mailto:libbyb@cityofanacortes.org) with questions about this application form or process.

## APPLICATION INFORMATION

| TYPE OF AMENDMENT REQUESTED                                                                    |                                                                     |                                                  |
|------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|--------------------------------------------------|
| <input type="checkbox"/> Comprehensive Plan Policies                                           | <input checked="" type="checkbox"/> Comprehensive Plan Land Use Map | <input type="checkbox"/> Development Regulations |
| AMENDMENT REQUEST INFO                                                                         |                                                                     |                                                  |
| AMENDMENT NAME/TITLE:                                                                          |                                                                     |                                                  |
| Rockwell Light Manufacturing Zoning Reconsiderations                                           |                                                                     |                                                  |
| APPLICANT INFORMATION                                                                          |                                                                     |                                                  |
| NAME:                                                                                          | MAILING ADDRESS:                                                    |                                                  |
| Port of Anacortes                                                                              | 100 Commercial Ave, Anacortes, WA 98221                             |                                                  |
| PHONE:                                                                                         | EMAIL ADDRESS:                                                      |                                                  |
| 360-293-3134                                                                                   | kevin.anderson@portofanacortes.com                                  |                                                  |
| NAME OF DESIGNATED CONTACT IF APPLICANT IS A GROUP:                                            |                                                                     |                                                  |
| Kevin Anderson                                                                                 |                                                                     |                                                  |
| MAP AMENDMENT REQUESTS ONLY                                                                    |                                                                     |                                                  |
| (only complete this portion if you are requesting a Comprehensive Plan Land Use Map amendment) |                                                                     |                                                  |
| SITE ADDRESS (if applicable):                                                                  |                                                                     |                                                  |
| 4015 Airport Road, Anacortes, WA 98221                                                         |                                                                     |                                                  |
| PARCEL NUMBER(S) (if applicable):                                                              | SECTION, TOWNSHIP, & RANGE                                          |                                                  |
| P32363, P32361, P32362, P32372                                                                 | 27 35 01                                                            |                                                  |
| LEGAL DESCRIPTION:                                                                             | PRESENT LAND USE DESIGNATION:                                       |                                                  |
| See attached table with legal descriptions                                                     | Split between LM and AZ                                             |                                                  |
| PROPERTY OWNER INFORMATION: <input type="checkbox"/> Multiple owners attached                  |                                                                     |                                                  |
| PROPERTY OWNER NAME:                                                                           | MAILING ADDRESS:                                                    |                                                  |
| Port of Anacortes                                                                              | 100 Commercial Ave                                                  |                                                  |
| EMAIL ADDRESS:                                                                                 | PHONE #:                                                            |                                                  |
| kevin.anderson@portofanacortes                                                                 | 360-293-3134                                                        |                                                  |
| OWNER'S AUTHORIZED AGENT/CONTACT:                                                              |                                                                     |                                                  |
| PROPERTY OWNER NAME:                                                                           | MAILING ADDRESS:                                                    |                                                  |
|                                                                                                |                                                                     |                                                  |
| EMAIL ADDRESS:                                                                                 | PHONE #:                                                            |                                                  |
|                                                                                                |                                                                     |                                                  |



**Property Owner(s)**

I am the owner of the property described above or am authorized by the owner to sign and submit this application. I grant permission for the City staff and agents to enter onto the subject property at any reasonable time to consider the merits of the application and post public notice. I certify under penalty of perjury of the laws of the State of Washington that the information on this application and all information submitted herewith is true, complete and correct.

I also acknowledge that by signing this application I am the responsible party to receive all correspondence from the City regarding this project.

Signature by Owner/Agent:

Date:

---

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Printed Name:

---

# PETITION NARRATIVE

**For all types of amendment requests:**

Please fill in each space with the requested information, or note "see attached" and attach more pages to this form.

**A. Detailed statement of what is proposed to be changed and why.**

The Port of Anacortes proposes re-designation of the future land use mapping of a portion of a parcel adjacent to the LM zoned parcels known as "Rockwell". Presently, there are three parcels zoned LM in feasibility and design for development at Rockwell (P32363, P32361, P32362). These parcels have wetlands; avoiding impacts to wetlands on these parcels is important.

As a component of future development, we anticipate a Boundary Line Adjustment for these lots to form one or more larger lots. To better avoid wetland impacts, we anticipate including a portion of parcel P32372 directly north of the future BLA. This portion of P32372 would be generally north of the Rockwell lots and south of the Airport Road ROW. See the included map for the area under consideration. If the BLA were to occur, this would not be acceptable as forming a lot with more than a single zoning designation is not permissible. We request that this portion of the P32372 have a re-designation to LM like the adjacent Rockwell Parcel from the current AZ designation.

**B. Statement of anticipated impacts to be caused by the change, including geographic area affected and issues presented.**

No immediate anticipated changes from the current and future zoning. However, in the future having the consistent zoning across these lots will help siting development to avoid wetland impacts. The portion of P32372 we are requesting FLUM changes to is a narrow strip between a ROW and the Rockwell parcels. We do not anticipate any aeronautical uses for this narrow strip.

**C. Demonstration of why the proposal is needed.**

The wedge of land between Airport Road and the Rockwell Parcels is a relatively narrow (60-75 ft in width) area zoned AZ. Its shape and configuration preclude aeronautical uses. It will be included in the Rockwell development as it is needed for site access. The Port will likely include this parcel in the BLA to form a single large lot. The underlying zoning is AZ as compared to the LM zoning of the Rockwell parcels. It is not permissible to form a lot with more than one zoning designation with a BLA. We request this narrow strip be changed to LM for future land use designations. This will facilitate siting of future developments to avoid wetland impacts.

The proposed amendment aligns with the Comp Plan's vision to encourage diverse economic opportunities and acquire and retain highly skilled trades/crafts. This proposed change also aligns with the vision of environmental sustainability. It is further congruent with the Comp Plan's goals of having a consistent development pattern (LU-1) and maintaining Anacorte's environmental stewardship (LU-4).

E. For map amendments only: Description of how the map amendment complies with:

1. The land use designation criteria in the comprehensive plan; and
2. Approval criteria for map amendments and rezones.

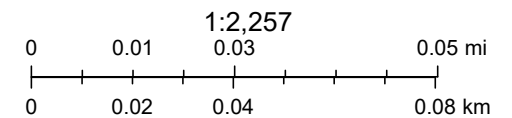
This designation provides for as consistent zoning pattern across several parcels that will merged in BLA to facilitate avoidance of wetland impacts.



3/29/2024, 11:05:56 AM

County Parcels City Zoning

|                                                                                     |                                                                                     |    |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|----|
|   |  | LM |
|  |  | R2 |
|                                                                                     | AZ                                                                                  |    |



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



**PLANNING, COMMUNITY, & ECONOMIC DEVELOPMENT**

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

Office Location: 904 6<sup>th</sup> Street, Anacortes WA 98221

Phone: (360) 299-1984

Petition #4  
"Port of Anacortes - Cap Sante Marina"



**PCED Received**

Date: March 29, 2024

Document received by the Planning, Community  
& Economic Development Department

# COMPREHENSIVE PLAN / DEVELOPMENT REGULATION AMENDMENT PETITION

| APPLICANT CHECKLIST                                                                                                                                                                           |                                                                                                                                                     | OFFICE USE ONLY                                                                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                               | <b>Petition Application Submittal Checklist</b><br>See <a href="#">AMC Ch. 19.16 Legislative Actions</a> for complete requirements.                 |                                                                                                                                              |
| <input checked="" type="checkbox"/>                                                                                                                                                           | Application form (attached)                                                                                                                         |                                                                                                                                              |
| <input checked="" type="checkbox"/>                                                                                                                                                           | Petition narrative (attached)                                                                                                                       |                                                                                                                                              |
| <input type="checkbox"/>                                                                                                                                                                      | SEPA Checklist, including Part D for Non-Project Actions                                                                                            |                                                                                                                                              |
| <input checked="" type="checkbox"/>                                                                                                                                                           | Map identifying the property included in the proposed amendment (if applicable) showing parcels and streets located within and adjacent to the site |                                                                                                                                              |
| <b>For Submittals:</b><br><br><b>Digital</b> copy of the application and all submitted materials (flash drive or to <a href="mailto:pced@cityofanacortes.org">pced@cityofanacortes.org</a> .) |                                                                                                                                                     | <b>Application Fee</b><br><a href="#">See the Land Use Application Fee Schedule</a><br>(There is no fee for policy/text amendment petitions) |

Completed petitions must be received by the last business day of March. Early contact with the Planning, Community, & Economic Development Department is encouraged prior to submittal of your petition. Please review AMC 19.16 for more information about the amendment review process.

Contact Libby Grage, Planning Manager, at 360-299-1986 or [libbyb@cityofanacortes.org](mailto:libbyb@cityofanacortes.org) with questions about this application form or process.

## APPLICATION INFORMATION

| TYPE OF AMENDMENT REQUESTED                                                                    |                                                                     |                                                  |
|------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|--------------------------------------------------|
| <input type="checkbox"/> Comprehensive Plan Policies                                           | <input checked="" type="checkbox"/> Comprehensive Plan Land Use Map | <input type="checkbox"/> Development Regulations |
| AMENDMENT REQUEST INFO                                                                         |                                                                     |                                                  |
| AMENDMENT NAME/TITLE:                                                                          |                                                                     |                                                  |
| Cap Sante Marina Zoning Harmonization Scheme                                                   |                                                                     |                                                  |
| APPLICANT INFORMATION                                                                          |                                                                     |                                                  |
| NAME:                                                                                          | MAILING ADDRESS:                                                    |                                                  |
| Port of Anacortes                                                                              | 100 Commercial Ave, Anacortes, WA 98221                             |                                                  |
| PHONE:                                                                                         | EMAIL ADDRESS:                                                      |                                                  |
| 360-293-3134                                                                                   | kevin.anderson@portofanacortes.com                                  |                                                  |
| NAME OF DESIGNATED CONTACT IF APPLICANT IS A GROUP:                                            |                                                                     |                                                  |
| Kevin Anderson                                                                                 |                                                                     |                                                  |
| MAP AMENDMENT REQUESTS ONLY                                                                    |                                                                     |                                                  |
| (only complete this portion if you are requesting a Comprehensive Plan Land Use Map amendment) |                                                                     |                                                  |
| SITE ADDRESS (if applicable):                                                                  |                                                                     |                                                  |
| Multiple please see attached table of parcel numbers and legals descriptions.                  |                                                                     |                                                  |
| PARCEL NUMBER(S) (if applicable):                                                              | SECTION, TOWNSHIP, & RANGE                                          |                                                  |
| LEGAL DESCRIPTION:                                                                             | PRESENT LAND USE DESIGNATION:                                       |                                                  |
| PROPERTY OWNER INFORMATION: <input type="checkbox"/> Multiple owners attached                  |                                                                     |                                                  |
| PROPERTY OWNER NAME:                                                                           | MAILING ADDRESS:                                                    |                                                  |
| Port of Anacortes                                                                              | 100 Commercial Ave                                                  |                                                  |
| EMAIL ADDRESS:                                                                                 | PHONE #:                                                            |                                                  |
| kevin.anderson@portofanacortes                                                                 | 360-293-3134                                                        |                                                  |
| OWNER'S AUTHORIZED AGENT/CONTACT:                                                              |                                                                     |                                                  |
| PROPERTY OWNER NAME:                                                                           | MAILING ADDRESS:                                                    |                                                  |
| EMAIL ADDRESS:                                                                                 | PHONE #:                                                            |                                                  |



**Property Owner(s)**

I am the owner of the property described above or am authorized by the owner to sign and submit this application. I grant permission for the City staff and agents to enter onto the subject property at any reasonable time to consider the merits of the application and post public notice. I certify under penalty of perjury of the laws of the State of Washington that the information on this application and all information submitted herewith is true, complete and correct.

I also acknowledge that by signing this application I am the responsible party to receive all correspondence from the City regarding this project.

Signature by Owner/Agent:

Date:

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Printed Name:

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# PETITION NARRATIVE

**For all types of amendment requests:**

Please fill in each space with the requested information, or note “see attached” and attach more pages to this form.

A. Detailed statement of what is proposed to be changed and why.

The Port of Anacortes proposes redesignation of the future land use mapping of parcels associated with Cap Sante Marina. The marina is currently a mix of Commercial, Commercial Marine, and Marine Mixed Use future land use designations. The existing and anticipated future uses most closely align with Commercial Marine. We request the parcels listed in the included table have their future land use designations changed to Commercial Marine. Please also see the attached letter dated November 29th, 2024 further articulating our rationale.

B. Statement of anticipated impacts to be caused by the change, including geographic area affected and issues presented.

No immediate anticipated changes from the current and future zoning. However, in the future having the zoning across the marina the same will be beneficial for both planning and implementation. Portions of the marina uplands are zoned commercial which does not allow for piers, docks, and wharves; this conflict with the existing use is self-evident. Having the Commercial Marine designation will ease permitting of amenities associated with the water dependent uses of the marina while allowing for a wide range permitted mixed uses.

C. Demonstration of why the proposal is needed.

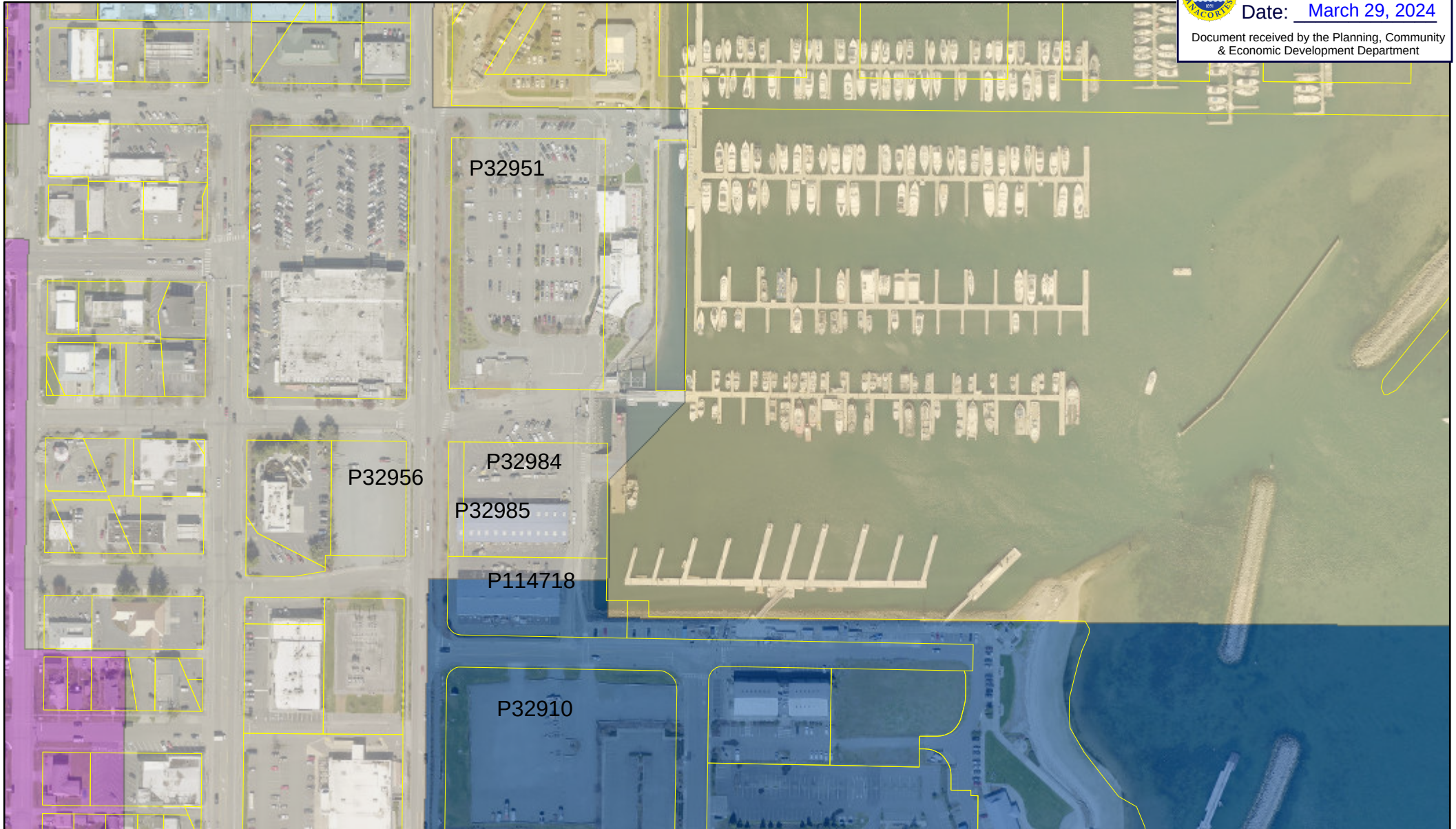
Currently, the main commercial pier in the marina, T-Dock, is split between Commercial and Commercial Marine zoning. Commercial zoning designation does not allow for docks and piers. Additionally, one of the Port's web lockers (underlying parcel P114718) is split between Marine Mixed Use and Commercial zoning. The web lockers are used to support marine-oriented uses and commercial and industrial enterprises where orientation to navigable waterways is of primary importance. Having a consistent zoning to support these important components of the unique maritime economy in Anacortes is important.



The proposed amendment aligns with the Comp Plan's vision to encourage diverse economic opportunities, leverage our marine traditions, and acquire and retain highly skilled trades/crafts. It is further congruent with the Comp Plan's goals of having a consistent development pattern (LU-1) and maintaining the waterfront as a unique economic amenity for the City (LU-8).

Marine-oriented commercial, recreational, and industrial uses. Tourism uses building on marine access and views are encouraged. Retail uses are limited to small scale establishments in support of primary uses. Large and multi-story buildings are allowed provided they are designed and oriented to provide public marine views.

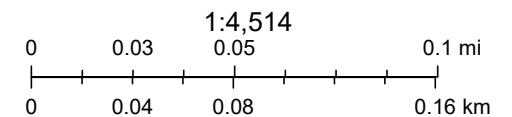
# ArcGIS Web Map



3/29/2024, 11:03:58 AM

County Parcels  
 City Zoning  
 C

CBD  
 CM  
 R4  
 MMU



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



PLANNING, COMMUNITY, & ECONOMIC DEVELOPMENT DEPARTMENT

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

Office Location: 904 6<sup>th</sup> Street, Anacortes WA 98221

Phone: (360) 299-1984

Petition #5  
"Port of Anacortes - Marine Terminal"



**PCED Received**

Date: March 29, 2024

Document received by the Planning, Community  
& Economic Development Department

# COMPREHENSIVE PLAN / DEVELOPMENT REGULATION AMENDMENT PETITION

| APPLICANT CHECKLIST                                                                                                                                                                              |                                                                                                                                                     | OFFICE USE ONLY                                                                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                  | <b>Petition Application<br/>Submittal Checklist</b><br>See <a href="#">AMC Ch. 19.16 Legislative Actions</a> for complete requirements.             |                                                                                                                                              |
| <input checked="" type="checkbox"/>                                                                                                                                                              | Application form (attached)                                                                                                                         |                                                                                                                                              |
| <input checked="" type="checkbox"/>                                                                                                                                                              | Petition narrative (attached)                                                                                                                       |                                                                                                                                              |
| <input type="checkbox"/>                                                                                                                                                                         | SEPA Checklist, including Part D for Non-Project Actions                                                                                            |                                                                                                                                              |
| <input checked="" type="checkbox"/>                                                                                                                                                              | Map identifying the property included in the proposed amendment (if applicable) showing parcels and streets located within and adjacent to the site |                                                                                                                                              |
| <b>For Submittals:</b><br><br><b>Digital</b> copy of the application and all submitted materials<br>(flash drive or to <a href="mailto:pced@cityofanacortes.org">pced@cityofanacortes.org</a> .) |                                                                                                                                                     | <b>Application Fee</b><br><a href="#">See the Land Use Application Fee Schedule</a><br>(There is no fee for policy/text amendment petitions) |

Completed petitions must be received by the last business day of March. Early contact with the Planning, Community, & Economic Development Department is encouraged prior to submittal of your petition. Please review AMC 19.16 for more information about the amendment review process.

Contact Libby Grage, Planning Manager, at 360-299-1986 or [libbyb@cityofanacortes.org](mailto:libbyb@cityofanacortes.org) with questions about this application form or process.

## APPLICATION INFORMATION

| TYPE OF AMENDMENT REQUESTED                                                                                                           |                                                                     |                                                  |
|---------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|--------------------------------------------------|
| <input type="checkbox"/> Comprehensive Plan Policies                                                                                  | <input checked="" type="checkbox"/> Comprehensive Plan Land Use Map | <input type="checkbox"/> Development Regulations |
| AMENDMENT REQUEST INFO                                                                                                                |                                                                     |                                                  |
| AMENDMENT NAME/TITLE:<br><br>Marine Terminal Zoning Harmonization Scheme                                                              |                                                                     |                                                  |
| APPLICANT INFORMATION                                                                                                                 |                                                                     |                                                  |
| NAME:<br><br>Port of Anacortes                                                                                                        | MAILING ADDRESS:<br><br>100 Commercial Ave, Anacortes, WA 98221     |                                                  |
| PHONE:<br><br>360-293-3134                                                                                                            | EMAIL ADDRESS:<br><br>kevin.anderson@portofanacortes.com            |                                                  |
| NAME OF DESIGNATED CONTACT IF APPLICANT IS A GROUP:<br><br>Kevin Anderson                                                             |                                                                     |                                                  |
| MAP AMENDMENT REQUESTS ONLY<br>(only complete this portion if you are requesting a Comprehensive Plan Land Use Map amendment)         |                                                                     |                                                  |
| SITE ADDRESS (if applicable):<br><br>100 O Avenue, Anacortes, WA 98221                                                                |                                                                     |                                                  |
| PARCEL NUMBER(S) (if applicable):<br><br>P55355                                                                                       | SECTION, TOWNSHIP, & RANGE<br><br>13 35 01                          |                                                  |
| LEGAL DESCRIPTION:<br><br><small>LOTS 7 TO 10, BLOCK 66, MAP OF THE CITY OF ANACORTES, ACCORDING TO THE PLAT THEREOF RECORDED</small> | PRESENT LAND USE DESIGNATION:<br><br>Split between LM and MS        |                                                  |
| PROPERTY OWNER INFORMATION: <input type="checkbox"/> Multiple owners attached                                                         |                                                                     |                                                  |
| PROPERTY OWNER NAME:<br><br>Port of Anacortes                                                                                         | MAILING ADDRESS:<br><br>100 Commercial Ave                          |                                                  |
| EMAIL ADDRESS:<br><br>kevin.anderson@portofanacortes                                                                                  | PHONE #:<br><br>360-293-3134                                        |                                                  |
| OWNER'S AUTHORIZED AGENT/CONTACT:                                                                                                     |                                                                     |                                                  |
| PROPERTY OWNER NAME:                                                                                                                  | MAILING ADDRESS:                                                    |                                                  |
| EMAIL ADDRESS:                                                                                                                        | PHONE #:                                                            |                                                  |

**Property Owner(s)**

I am the owner of the property described above or am authorized by the owner to sign and submit this application. I grant permission for the City staff and agents to enter onto the subject property at any reasonable time to consider the merits of the application and post public notice. I certify under penalty of perjury of the laws of the State of Washington that the information on this application and all information submitted herewith is true, complete and correct.

I also acknowledge that by signing this application I am the responsible party to receive all correspondence from the City regarding this project.

Signature by Owner/Agent:

Date:

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Printed Name:

---

# PETITION NARRATIVE

**For all types of amendment requests:**

Please fill in each space with the requested information, or note "see attached" and attach more pages to this form.

A. Detailed statement of what is proposed to be changed and why.

The Port of Anacortes proposes redesignation of the future land use mapping of a parcel at the Marine Terminal (MT). The MT is primarily zoned MS; this designation is ideal for the unique mix of uses and infrastructure along the Guemes Channel. However, portions of parcel P55355 are within the LM zoning designation. The existing and anticipated future uses most closely align with MS. We request the parcel listed have its future land use designations changed to MS. This

B. Statement of anticipated impacts to be caused by the change, including geographic area affected and issues presented.

No immediate anticipated changes from the current and future zoning. However, in the future having the zoning across the MT the same will be beneficial for both planning and implementation. Having clarity of the permitted use and a single zoning designation for a parcel will allow the site to be utilized to its fullest potential.

C. Demonstration of why the proposal is needed.

Currently, parcel P55355 is split between two zoning designations. The parcel is part of a larger site referred to as "Quiet Cove"; the site is composed of several parcels (P55354, P55355, P55358, and P355359). The site is used as a single lot for practical purposes. Having a consistent designation across the site will ease future development strategies for Quiet Cove and eliminate confusion when it comes to permitting.

The proposed amendment aligns with the Comp Plan's vision to encourage diverse economic opportunities, leverage our marine traditions, and acquire and retain highly skilled trades/crafts. It is further congruent with the Comp Plan's goals of having a consistent development pattern (LU-1) and maintaining the waterfront as a unique economic amenity for the City (LU-8).

E. For map amendments only: Description of how the map amendment complies with:

1. The land use designation criteria in the comprehensive plan; and
2. Approval criteria for map amendments and rezones.

This designation provides for manufacturing and shipping uses that can utilize the deep waters of the Guemes Channel. Marine oriented manufacturing and shipping uses plus complementary support uses.



# ArcGIS Web Map



## PCED Received

Date: March 29, 2024

Document received by the Planning, Community & Economic Development Department



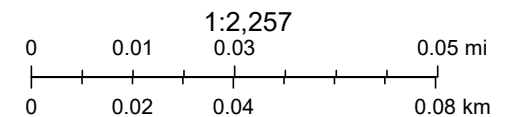
3/29/2024, 11:05:03 AM

 County Parcels

City Zoning

 LM
  MS

 CBD



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



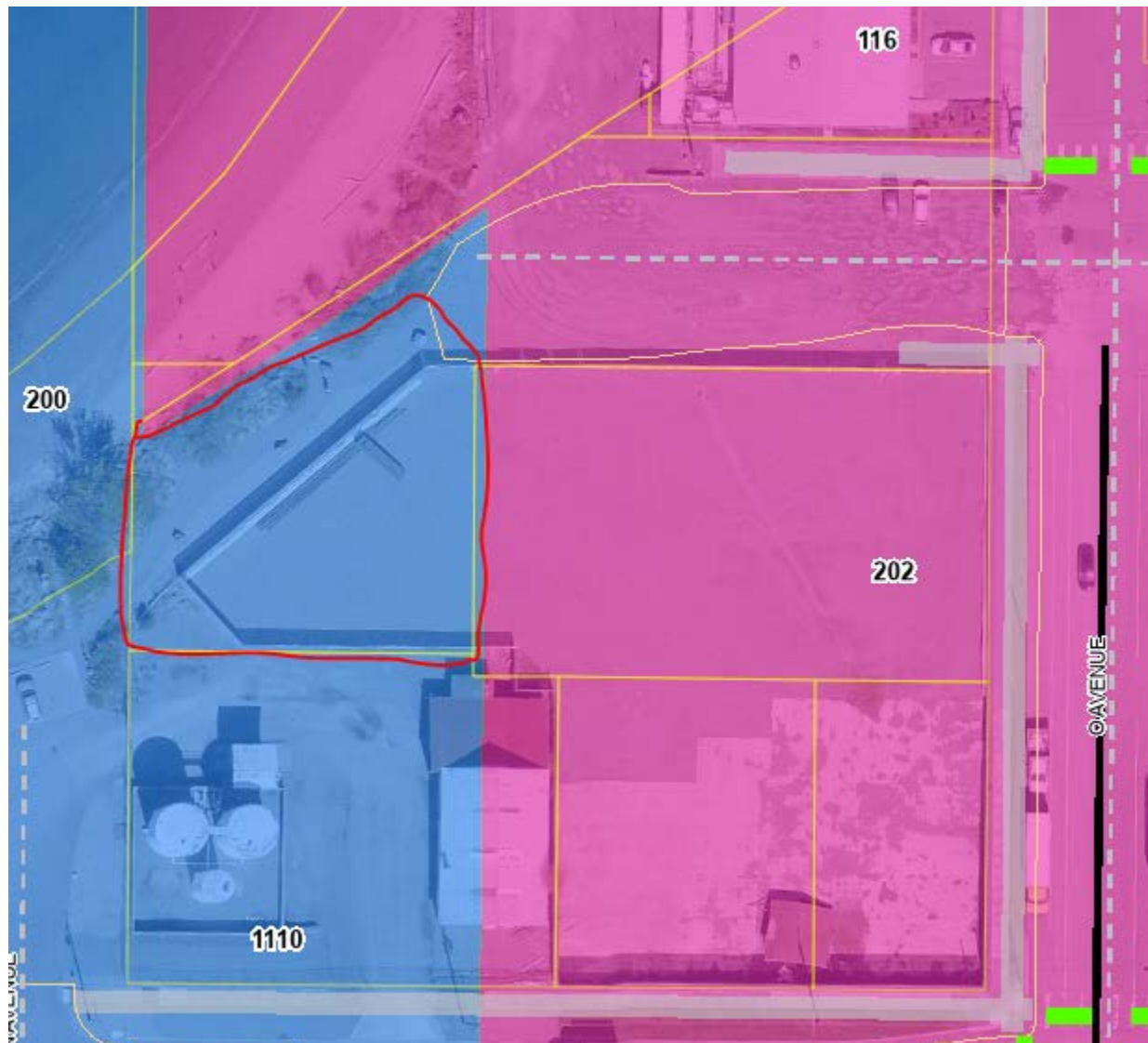


| Site Address                           | Parcel Number | Legal Description                                                                                                                                                                                                                                     | Section, Township, Range | Current Zoning          |
|----------------------------------------|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------|
| <b>Cap Sante Marina Upland Parcels</b> |               |                                                                                                                                                                                                                                                       |                          |                         |
| 1401 Q Avenue                          | P114718       | PORT TRACT AS SHOWN ON SHORT PLAT ANA-98-003 AF#9902170072 LOCATED IN NW1/4, SECTION 19, TOWNSHIP 35 NORTH, RANGE 2 EAST, W.M.                                                                                                                        | NW 19 35 02              | Split between C and MMU |
| 1606 R Avenue                          | P32910        | LOT 1 OF SHORT PLAT #ANA-98-003 AF#9902170072 LOCATED IN NW1/4, SECTION 19, TOWNSHIP 35 NORTH, RANGE 2 EAST, W.M.                                                                                                                                     | 19 36 02                 | MMU                     |
| 1217 Q Avenue                          | P32951        | ANACORTES TIDE LANDS TR 8 PL 10, SECTION 19, TOWNSHIP 35 NORTH, RANGE 2 EAST, W.M., TGW S 1/2 OF VACATED 11TH THE W 1/2 VACATED R AVE N 1/2 VACATED 13TH AND VACATED ALLEY CITY OF ANACORTES ORD #1201                                                | 19 35 02                 | C                       |
| 909 13 <sup>th</sup> Street            | P32956        | ANACORTES TIDE LANDS TR 13 PL 10, SECTION 19, TOWNSHIP 35 NORTH, RANGE 2 EAST, W.M., EXC TH PTN OF TR 13 PLATE 10 DAF BAT NW COR OF SD TR 13 SD PT BEING TH INT OF TH SLY MGN OF 13TH ST & TH ELY MGN OF COMMERCIAL AVE TH N 89-57-30 E ALG SD S M    | 19 35 02                 | C                       |
| 1319 Q Ave                             | P32985        | ANACORTES TIDE LANDS W 30FT TR 31 PL 10, SECTION 19, TOWNSHIP 35 NORTH, RANGE 2 EAST, W.M.                                                                                                                                                            | 19 35 02                 | C                       |
| 1319 Q Ave                             | P32984        | ANACORTES TIDE LANDS W 30FT TR 31 PL 10, SECTION 19, TOWNSHIP 35 NORTH, RANGE 2 EAST, W.M.                                                                                                                                                            | 19 35 02                 | C                       |
| <b>Marine Terminal Parcel</b>          |               |                                                                                                                                                                                                                                                       |                          |                         |
| 100 O Ave                              | 55355         | LOTS 7 TO 10, BLOCK 66, MAP OF THE CITY OF ANACORTES, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGES 4 THROUGH 7, RECORDS OF SKAGIT COUNTY, WASHINGTON. TOGETHER WITH VACATED R/R. ALSO TOGETHER WITH THAT PORTION OF PLATTED 2ND | 13 35 01                 | Split between LM and MS |

## Amendment Petition Parcel Table—Port of Anacortes

|                   |        |                                                                                                                                                                                                                                                                |             |    |
|-------------------|--------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|----|
|                   |        | STREET LYING WESTERLY OF THE WEST LINE OF 'O' AVENUE AND BETWEEN BLOCKS 66 AND 67 AS DEDICATED ON THE PLAT OF MAP OF CITY OF ANACORTES, ACCORDING TO THE MAP THEREOF, RECORDED IN VOLUME 2 OF PLATS, PAGES 4 TO 7, RECORDS OF SKAGIT COUNTY, WASHINGTON.       |             |    |
| Airport Parcels   |        |                                                                                                                                                                                                                                                                |             |    |
| 4015 Airport Road | P32363 | TAX 13 1/2: THE WEST 203.5 FEET OF THE EAST 407 FEET OF THE NORTH 535 FEET OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 35 NORTH, RANGE 1 EAST, W.M.                                                                              | NE 27 35 01 | LM |
| 4015 Airport Road | P32361 | TAX 13: THE WEST 41.5 FEET OF THE EAST 203.5 FEET OF THE NORTH 535 FEET OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 35 NORTH, RANGE 1 EAST, W.M.                                                                                 | NE 27 35 01 | LM |
| 4015 Airport Road | P32362 | THE EAST 162 FEET OF THE NORTH 535 FEET OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 27, TOWNSHIP 35 NORTH, RANGE 1 EAST, W.M.                                                                                                                         | NE 27 35 01 | LM |
| 4000 Airport Rd   | P32372 | PORTION OF THE NORTH 1/2 OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 27 TOWNSHIP 35 NORTH RANGE 1 EAST WM TOGETHER WITH A PORTION OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 22 TOWNSHIP 35 NORTH RANGE 1 EAST WM BEING MORE PARTICULARLY DESCR | NE 27 35 01 | AZ |







During the recent pre-application conference for the T-Dock Reconfiguration project, it was brought to the Port's attention that there is some incongruous zoning in the uplands around Cap Sante Marina. The issue directly impacts the permitting of T-Dock. T-Dock is split between the Commercial (C) and Commercial Marine (CM) zoning areas (Figure 1). In the C zone, piers and wharves are not allowed. This seems to be an artifact of old mapping.

At present, it appears there is no straightforward pathway to add "non-conforming, existing" uses in the Shoreline Master Program. One potential solution mentioned to move forward with T-Dock permitting is to allow piers and wharves in the C zoning designation. The only portion of C zoning with shoreline in the City is at Cap Sante Marina; it appears the inclusion of piers and wharfs in the C designation would have a limited larger impact to the City's overall planning. The Port supports this effort as an intermediate step to expedite the permitting of T-Dock.

A long-term remedy to this problem is to change the underlying zoning to something more consistent with the adjoining and existing uses. The Port strongly supports changing the underlying zoning to reflect the current uses. Currently much of the marina is zoned CM with small sections of Marine Mixed Use (MMU) and C zoning designations. All three of these designations are "mixed-use" zoning and allow for a wide range of activities and developments. However, to ensure consistency moving forward, we propose modest changes to the zoning.

During the recent pre-application conference for the T-Dock Reconfiguration project, it was brought to the Port's attention that there is some incongruous zoning in the uplands around Cap Sante Marina. The issue directly impacts the permitting of T-Dock. T-Dock is split between the Commercial (C) and Commercial Marine (CM) zoning areas (Figure 1). In the C zone, piers and wharves are not allowed. This seems to be an artifact of old mapping.

At present, it appears there is no straightforward pathway to add "non-conforming, existing" uses in the Shoreline Master Program. One potential solution mentioned to move forward with T-Dock permitting is to allow piers and wharves in the C zoning designation. The only portion of C zoning with shoreline in the City is at Cap Sante Marina; it appears the inclusion of piers and wharfs in the C designation would have a limited larger impact to the City's overall planning. The Port supports this effort as an intermediate step to expedite the permitting of T-Dock.

A long-term remedy to this problem is to change the underlying zoning to something more consistent with the adjoining and existing uses. The Port strongly supports changing the underlying zoning to reflect the current uses. Currently much of the marina is zoned CM with small sections of Marine Mixed Use (MMU) and C zoning designations. All three of these designations are "mixed-use" zoning and allow for a wide range of activities and developments. However, to ensure consistency moving forward, we propose modest changes to the zoning.



CITY OF ANACORTES

# PLANNING, COMMUNITY, and ECONOMIC DEVELOPMENT DEPARTMENT



PCED R

Date: June 26, 2024

Document received by the Planning, Community  
& Economic Development Department

Petition #6  
"MJB"

## Application Submittal Checklist

# Comprehensive Plan / Development Regulation Amendment

AMC 19.16, Legislative Actions

## DOCUMENTS

- ☒ This checklist completed and signed
- ☒ Application and Narrative form
- ☒ State Environmental Policy Act (SEPA) Checklist (including Part D for Non-Project Actions)
- ☐ A map identifying the property included in the proposed amendment (for future land use map changes)
- ☐ If applicable, supplemental studies and reports

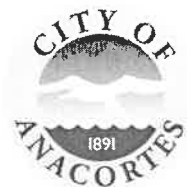
\* **Fees for Comprehensive Plan amendment requests:** An initial application fee (\$960) is due after petition submittal and initial staff review. An additional fee (\$1,870) will be due if/when the amendment is docketed for consideration (within 14 days).

## DOCUMENT REQUIREMENTS

- ☐ **Application and Narrative.** If you need to attach supplemental documents to your narrative, first save the document as a pdf and then combine the supplemental document(s) to the Project Narrative form before uploading to the permit portal. The Project Narrative application submittal should be a single pdf file.
- ☐ **Supplemental studies and reports.** Additional information may be required to evaluate the impact of your proposal. (Staff will contact you after submittal to identify additional required supporting information, if any is needed.)

X

Applicant's eSignature (electronic / digital) verifying all application submittal checklist items are complete.



CITY OF ANACORTES

# PLANNING, COMMUNITY, and ECONOMIC DEVELOPMENT DEPARTMENT

Petition for Amendment to the Comprehensive Plan /  
Development Regulations

## Amendment Application and Narrative

|                                                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------|
| <b>Applicant Information</b> (Name, mailing address, phone number, email address)                                              |
| Jimmy Blais, MJB Properties, 5050 1 <sup>st</sup> Avenue South, Suite 102, Seattle, WA 98134, 206-255-5153, jblais@gmccinc.com |
| <b>Property Information</b> – <i>For map amendments</i> (Address, parcel number(s), property owner(s))                         |
| Click or tap here to enter text.                                                                                               |

### Amendment Request Narrative

Per AMC 19.16.040(D), petition for amendment of the Comprehensive Plan or development regulations must include the following:

- 1. A detailed statement of what is proposed to be changed and why.**  
See attached.
- 2. A statement of anticipated impacts to be caused by the change, including geographic area affected and issues presented.**  
See attached.
- 3. A demonstration of why the proposal is needed.**  
See attached.
- 4. A statement of how the amendment is consistent with the Comprehensive Plan's vision and goals.**

See Attached.

5. **A description of how the map amendment complies with the land use designation criteria in the comprehensive plan, if applicable.**

N/A

Attach additional pages if needed.



**Table 19.41.050**

Add a multi family “workforce” housing category to the principle use table and allow the use as a conditional use in the industrial zone.

Add daycare facilities as conditional uses under the industrial zone. Could condition to only allow when clustered with a larger community center.

Add heavy service as a permitted use under the industrial zone. As an alternative, condition to only apply to commercial vehicle repair and heavy service.

Add Recreation Indoor as a permitted use under the industrial zone.

Add Self-Service Storage as a permitted use in the industrial zone. Condition to only allow 19.45.050.1 and 19.45.050.2.

Change Community Centers from conditional uses to permitted uses under the industrial zone.

Narrative: The above changes are proposed to the industrial code permitted use table. The daycare facility addition, community center change and indoor recreation addition are all in anticipation of building a youth center on MJB’s property. Changing a community center to a permitted use would fast track the permitting process for this center once funds are raised. Allowing conditional uses for the other two would allow additional standalone buildings associated with a community center in the future. Adding heavy service would promote more industrial use in the City’s heaviest zone. It doesn’t make sense that these uses are allowed in the light manufacturing but not industrial zone. Adding indoor self-storage to the zone would promote development of inside warehousing while limiting sprawl of traditional mini storage. Adding workforce housing as a conditional use would promote housing for traditional industrial workers in select areas. Since its conditioned, this could be studied by the community in order to make sure that the location of any workforce housing would be compatible with the surrounding land uses.

The above uses would promote development in the industrial zone consistent with already permitted land uses. These changes would promote job creation and would have limited impacts on energy, transportation or the environment above those that are already permitted in the zone.

**Figure 19.42.070.4**

Current language:

4. Provide space for a public park equal to at least 5 percent of the gross floor area of the applicable building, but not less than 10,000 square feet in area, on a site agreed upon by, and dedicated to, the city. The space should be configured and located so it is able to incorporate common municipal park features such as playgrounds, fitness areas, picnic areas, pavilions, etc.

Proposed language:

4. Provide space for a public park equal to at least 5 percent of the gross floor area of the applicable building, but not less than ~~10,000~~ 5,000 square feet in area, on a site agreed upon by, ~~and dedicated to,~~ the city. The space should be configured and located so it is able to incorporate common municipal park features such as playgrounds, fitness areas, picnic areas, pavilions, etc.

Narrative: This change is requested in order to promote cost-effective development and to better align figures in the code. 5% of the gross floor area is a reasonable figure; the 10,000 square foot minimum is not and doesn't seem to align with the 5%. In order to reach the 10,000 square foot minimum threshold using the 5% minimum standard, you'd have to build a 200,000 square foot building. That would be a massive building by any standard. 100,000 – 130,000 square feet is much more in line with traditional 80–130-unit multifamily buildings. These buildings can be built on approximately 20,000 square feet of property if the parking is contained within the building footprint. Adding an additional 10,000 for open space in order to gain a floor is not cost effective due to land costs. Anacortes should have code provisions that are obtainable and to scale. Not all open space should be required to be dedicated to the City. These areas could just as easily be preserved by deed restrictions. This would also reduce the City's maintenance burden.

If this code change was approved, it could reduce the overall open space provided by a development. Though the existing provision is likely so onerous that no developer would likely elect to use the provision in the first place.

#### **19.42.120.C.5.c.**

Current language:

5. *MMU Zone East of Q Avenue*. Base maximum height is 45 feet. The maximum height with bonus is 65 feet (see AMC 19.42.070(B) for applicable bonus provisions). Buildings are also subject to special height, width, and orientation standards:

- a. All buildings are subject to building massing and articulation standards in AMC 19.63.040.
- b. Buildings up to four stories tall or no more than 50 feet tall are limited to 200 feet in width in the north-south direction.
- c. Buildings taller than four stories or more than 50 feet tall are limited to 150 feet in width in the north-south direction.

Proposed language:

5. *MMU Zone East of Q Avenue*. Base maximum height is 45 feet. The maximum height with bonus is 65 feet (see AMC 19.42.070(B) for applicable bonus provisions). Buildings are also subject to special height, width, and orientation standards:

- a. All buildings are subject to building massing and articulation standards in AMC 19.63.040.
- b. Buildings up to four stories tall or no more than 50 feet tall are limited to 200 feet in width in the north-south direction.
- ~~c. Buildings taller than four stories or more than 50 feet tall are limited to 150 feet in width in the north-south direction.~~

Narrative: We are proposing that the limitation of 150' long buildings in the north south direction be eliminated from the code. All buildings would still be limited to 200' in the north south direction. This provision was added to the 2016 comprehensive plan and only applies to MJB's and the Port's properties. The provision makes no sense as the zone already requires central waterfront view and

access corridors throughout the site, view studies when exceeding the base zone and building setbacks for upper floors. The only thing that this provision really does is drive up the cost of development and create less efficient buildings.

There could be some view impacts from the change, though these already have to be studied for any development over the base height.

#### **19.42.120.c.7.**

Current language:

7. *CBD and MMU Zone Setback Requirements.* For buildings which exceed the maximum base height in the CBD and MMU zones, buildings must incorporate a minimum horizontal setback of eight feet along at least 75 percent of the facade. The required setback must be placed somewhere between the ground floor and the top floor. See Figure 19.42.120(C)(7) for an example.

Proposed language, Option 1

~~7. *CBD and MMU Zone Setback Requirements.* For buildings which exceed the maximum base height in the CBD and MMU zones, buildings must incorporate a minimum horizontal setback of eight feet along at least 75 percent of the facade. The required setback must be placed somewhere between the ground floor and the top floor. See Figure 19.42.120(C)(7) for an example.~~

Proposed language, Option 2

7. *CBD and MMU Zone Setback Requirements.* For buildings which exceed the maximum base height in the CBD and MMU zones, buildings must incorporate a minimum horizontal setback of eight feet along at least 75 percent of the *street facing* façade *that is above the maximum base height*. The required setback must be placed somewhere between the ground floor and the top floor. See Figure 19.42.120(C)(7) for an example.

Narrative: We propose removing the setback requirement for portions of buildings above the maximum base height in the MMU and CBD zones or as an alternative cleanup the language such that it cannot be mis-interpreted. The current code seems to suggest that if you exceed the maximum base height, then 75 percent of the entire façade needs to be setback 8'. The intent of the code is that 75% of the façade above the base height be setback. We additionally propose that this be limited to the street facing façade as the backs and sides of buildings should not need to incorporate human scale elements. Eliminating this in its entirety would allow more flexibility in building design. Building articulation would still be required under the code.

This change is needed in order to clarify the intent of the code. Eliminating it would allow greater flexibility in building design but could impact street-facing human scale elements. Clarifying the code would have no impact on the surrounding area.

#### **19.43.010.G.3.C.**

##### **Current Language**

c. In the MMU zone east of Q Avenue, townhouses and other permitted residential uses within single-purpose buildings may cover up to 60 percent of the site area (parcel or contiguous parcels held under common ownership), provided they meet access, site and building design standards in this title. Associated parking, landscaping, open space, and other facilities accessory to the residential uses are included within the site area limitation. The maximum percentage may be increased through a framework development plan (AMC 19.61.180).

##### **Proposed Language**

c. In the MMU zone east of Q Avenue, townhouses and other permitted residential uses within single-purpose buildings may cover up to 60 percent of the site area (parcel or contiguous parcels held under common ownership), provided they meet access, site and building design standards in this title. Associated parking, ~~landscaping, open space,~~ and other facilities accessory to the residential uses are included within the site area limitation. The maximum percentage may be increased through a framework development plan (AMC 19.61.180).

Narrative: We are proposing the removal of landscaping and open space from 60% residential site area calculation. This change would actually promote additional open space and landscaping on the site as we would not limit it in order to preserve residential capacity. This change is also needed as there is no code provision stating that landscaping and open space count toward the 40% commercial site area calculation.

This change would promote additional open space and landscaping throughout the MMU zone. It could allow for additional residential development, in line with the original intent of the code. Overall, it would not penalize adding additional open space to the zone and would make residential and commercial site area calculations consistent with each other.

#### **19.43.010.H.3.b.**

##### **Current language**

b. Multifamily dwellings and other permitted residential uses within single-purpose residential buildings\* may cover up to 60 percent of the site area (parcel or contiguous parcels held under common ownership), provided they meet access, site and building design standards in this title. Associated parking, landscaping, open space, and other facilities accessory to the residential uses are included within the site area limitation. The maximum percentage may be increased through a framework development plan (AMC 19.61.180).

##### **Proposed language**

b. Multifamily dwellings and other permitted residential uses within single-purpose residential buildings\* may cover up to 60 percent of the site area (parcel or contiguous parcels held under common ownership), provided they meet access, site and building design standards in this title. Associated parking, ~~landscaping, open space,~~ and other facilities accessory to the residential uses are included within the site area limitation. The maximum percentage may be increased through a framework development plan (AMC 19.61.180).

Narrative: We are proposing the removal of landscaping and open space from 60% residential site area calculation. This change would actually promote additional open space and landscaping on the site as we would not limit it in order to preserve residential capacity. This change is also needed as there is no code provision stating that landscaping and open space count toward the 40% commercial site area calculation.

This change would promote additional open space and landscaping throughout the MMU zone. It could allow for additional residential development, in line with the original intent of the code. Overall, it would not penalize adding additional open space to the zone and would make residential and commercial site area calculations consistent with each other.

#### **19.43.020.C.3.b**

##### **Current language**

b. Assisted living facilities and other permitted residential uses within single-purpose buildings may cover up to 60 percent of the site area (parcel or contiguous parcels held under common ownership), provided they meet access, site and building design standards in this title. Associated parking, landscaping, open space, and other facilities accessory to the residential uses are included within the site area limitation. The maximum percentage may be increased through a framework development plan (AMC 19.61.180).

##### **Proposed language**

b. Assisted living facilities and other permitted residential uses within single-purpose buildings may cover up to 60 percent of the site area (parcel or contiguous parcels held under common ownership), provided they meet access, site and building design standards in this title. Associated parking, ~~landscaping, open space,~~ and other facilities accessory to the residential uses are included within the site area limitation. The maximum percentage may be increased through a framework development plan (AMC 19.61.180).

Narrative: We are proposing the removal of landscaping and open space from 60% residential site area calculation. This change would actually promote additional open space and landscaping on the site as we would not limit it in order to preserve residential capacity. This change is also needed as there is no code provision stating that landscaping and open space count toward the 40% commercial site area calculation.

This change would promote additional open space and landscaping throughout the MMU zone. It could allow for additional residential development, in line with the original intent of the code. Overall it would not penalize adding additional open space to the zone and would make residential and commercial site area calculations consistent with each other.

**Table 19.53.030.**

Current language

F. *Driveway Cut Width.* Driveway cuts are limited to the widths identified in Table 19.53.030.

**Table 19.53.030**  
Driveway cut width.

| Use Type                       | Minimum Width | Maximum Width                                     |
|--------------------------------|---------------|---------------------------------------------------|
| Residential                    |               |                                                   |
| Lot width = 50 feet or greater | 10 feet       | 20 feet                                           |
| Lot width < 50 feet            | 10 feet       | 12 feet or<br>20 feet if shared with adjacent lot |
| Commercial and Industrial      | 20 feet       | 30 feet                                           |

Proposed language

F. *Driveway Cut Width.* Driveway cuts are limited to the widths identified in Table 19.53.030, *unless otherwise approved by the public works director.*

**Table 19.53.030**  
Driveway cut width.

| Use Type                       | Minimum Width | Maximum Width                                     |
|--------------------------------|---------------|---------------------------------------------------|
| Residential                    |               |                                                   |
| Lot width = 50 feet or greater | 10 feet       | 20 feet                                           |
| Lot width < 50 feet            | 10 feet       | 12 feet or<br>20 feet if shared with adjacent lot |
| Commercial and Industrial      | 20 feet       | 30 feet                                           |

Narrative: Adding a provision to the driveway cut width to allow the public works director to modify the maximum and minimum cut widths based on specific proposals. This is needed in order to allow for developments and/or uses that require alternative standards. For example, the travelift at Pacific Marine Center has a 36' wheelbase. Under the current code we cannot permit a driveway cut large enough to accommodate this permitted use.

There are no impacts due to the proposed change other than allowing permitted uses to operate.

### 19.62.030.C

#### Current Language

C. Light and Air Access and Privacy near Interior Side and Rear Property Lines. Buildings or portions thereof containing multifamily dwelling units whose only solar access (windows) is from the applicable side of the building (facing towards the interior side property line) must be set back from the applicable interior side or rear property lines at least 15 feet. See Figure 19.62.030(C).

#### Proposed Language

C. Light and Air Access and Privacy near Interior Side and Rear Property Lines. Buildings or portions thereof containing multifamily dwelling units whose only solar access (windows) is from the applicable side of the building (facing towards the interior side property line) must be set back from the applicable interior side or rear property lines at least 15 feet. See Figure 19.62.030(C). *Balconies meeting the standards of 19.62.030(B) and ground level patios may extend into the set back. This section shall not apply to interior side and rear property lines that abut a central waterfront corridor.*

Narrative: Adding language to the interior and rear property line setback requirements to clarify that balconies can protrude into the setback. This is currently unclear in the code with some conflicting language and figures. Allowing balconies in the setback would still allow for light and air transmittal to the units and would promote private open space. There would be no impact on the surrounding area from the code clarification.

### 19.62.040.1.e

#### Current Language

e. *Shared Roof Decks*. For multifamily buildings, up to 50 percent of the required open space may be provided by shared roof decks located on the top of buildings which are available to all residents and meet the requirements below. For mixed-use buildings, 100 percent of the required open space may be provided by shared roof decks. Design requirements:

#### Proposed Language

e. *Shared Roof Decks*. For multifamily buildings, up to 50 percent of the required open space may be provided by shared roof decks located on the top of buildings which are available to all residents and meet the requirements below. For mixed-use buildings *or multifamily buildings incorporated into a horizontal mixed-use development*, 100 percent of the required open space may be provided by shared roof decks. Design requirements:

Narrative: Adding additional language to the shared roof deck provisions clarifying that multifamily buildings in a horizontal mixed-use development could achieve 100 percent of the required open space through shared roof decks. This provision aligns with the existing language as it still provides residents with commercial uses within the community. There is no reason for the reduction in applicable open space when the commercial uses are provided next door compared to on the first floor of the building.

The proposed change would allow for more shared open space on roof decks. It could limit open space in other shared or private spaces. It would potentially reduce unused commercial spaces on the ground floor of multifamily buildings that could be built solely to utilize the code provision.

#### **19.62.060**

##### **Current Language**

The standards herein supplement the provisions of AMC Chapters 19.64, Parking, and 19.53, Private Driveways and Access. Where there is a conflict, these provisions herein apply.

##### **Proposed Language**

The standards herein supplement the provisions of AMC Chapters 19.52, *Public Street Design*, 19.64, Parking, and 19.53, Private Driveways and Access. Where there is a conflict, these provisions herein apply.

Narrative: Adding Public Street Design to the supplemental street design standards in the code. This would allow for alternative street designs to be used on public streets instead of just parking areas and private access roadways. This seems to be the intent of the code as there is a provision for internal roadway design in the supplemental section, but it only applies to parking and private driveways and access. This change would have no effect on the surrounding community and would simply clarify the code.

#### **19.67.110.H.3 Allow provisions for temporary window signs and construction screening.**

Narrative: Currently there does not appear to be an option to permit window signs or construction fence screening on a temporary basis. Window signs are commonly used during construction and lease up in order to limit views into vacant spaces that are still under construction. This helps with site security and is more aesthetically appealing to the public. Construction fence screening has the same effect, limiting unsightly views, providing project information and reducing dust and noise pollution from the site. These uses should be permitted on a temporary basis through construction and lease-up.

These changes would not have any long-term impact on the surrounding area. In the short term they would limit crime, provide more aesthetically pleasing street scape and reduce environmental impacts.



# SEPA<sup>1</sup> Environmental Checklist

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## Purpose of checklist

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

## Instructions for applicants

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

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

## Instructions for lead agencies

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

## Use of checklist for nonproject proposals

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B, plus the Supplemental Sheet for Nonproject Actions (Part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in “Part B: Environmental Elements” that do not contribute meaningfully to the analysis of the proposal.

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<sup>1</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/Checklist-guidance>

## A. Background

Find help answering background questions<sup>2</sup>

**1. Name of proposed project, if applicable:**

Anacortes 2026 Comprehensive Plan Update

**2. Name of applicant:**

MJB Properties, LLC

**3. Address and phone number of applicant and contact person:**

5050 1<sup>st</sup> Avenue South, Suite 102, Seattle, WA 98134. 206-255-5153, Jimmy Blais

**4. Date checklist prepared:**

6-25-2024

**5. Agency requesting checklist:**

City of Anacortes

**6. Proposed timing of schedule (including phasing, if applicable):**

N/A

**7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.**

No.

**8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.**

N/A

**9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.**

N/A

**10. List any government approvals or permits that will be needed for your proposal, if known.**

N/A

**11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)**

Changes to portions of the development code.

**12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section,**

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<sup>2</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-A-Background>

township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

N/A

## **B.Environmental Elements**

### **1. Earth**

Find help answering earth questions<sup>3</sup>

**a. General description of the site:**

N/A

**Circle or highlight one: Flat, rolling, hilly, steep slopes, mountainous, other:**

**b. What is the steepest slope on the site (approximate percent slope)?**

N/A

**c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them, and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.**

N/A

**d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.**

N/A

**e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.**

N/A

**f. Could erosion occur because of clearing, construction, or use? If so, generally describe.**

N/A

**g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?**

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<sup>3</sup> <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-b-environmental-elements/environmental-elements-earth>

N/A

- h. **Proposed measures to reduce or control erosion, or other impacts to the earth, if any.**

N/A

## 2. Air

Find help answering air questions<sup>4</sup>

- a. **What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.**

N/A

- b. **Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.**

N/A

- c. **Proposed measures to reduce or control emissions or other impacts to air, if any:**

N/A

## 3. Water

Find help answering water questions<sup>5</sup>

- a. **Surface:**

Find help answering surface water questions<sup>6</sup>

1. **Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.**

N/A

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<sup>4</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-Air>

<sup>5</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-3-Water>

<sup>6</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-3-Water/Environmental-elements-Surface-water>

2. Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

N/A

3. Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

N/A

4. Will the proposal require surface water withdrawals or diversions? Give a general description, purpose, and approximate quantities if known.

N/A

5. Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

N/A

6. Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

N/A

b. Ground:

Find help answering ground water questions<sup>7</sup>

1. Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give a general description, purpose, and approximate quantities if known.

N/A

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

N/A

c. Water Runoff (including stormwater):

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

N/A

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<sup>7</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-3-Water/Environmental-elements-Groundwater>

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

N/A

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

N/A

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

N/A

#### 4. Plants

Find help answering plants questions

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

☐ deciduous tree: alder, maple, aspen, other

☐ evergreen tree: fir, cedar, pine, other

☐ shrubs

☐ grass

☐ pasture

☐ crop or grain

☐ orchards, vineyards, or other permanent crops.

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

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

☐ other types of vegetation

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

N/A

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

N/A

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

N/A

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

N/A

## 5. Animals

Find help answering animal questions<sup>8</sup>

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

Examples include:

- Birds: hawk, heron, eagle, songbirds, other:
- Mammals: deer, bear, elk, beaver, other:
- Fish: bass, salmon, trout, herring, shellfish, other:

N/A

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

N/A

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

N/A

- d. Proposed measures to preserve or enhance wildlife, if any.

N/A

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

N/A

## 6. Energy and natural resources

Find help answering energy and natural resource questions<sup>9</sup>

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

N/A

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

N/A

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

N/A

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<sup>8</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-5-Animals>

<sup>9</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-6-Energy-natural-resou>

## 7. Environmental health

Health Find help with answering environmental health questions<sup>10</sup>

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

1. Describe any known or possible contamination at the site from present or past uses.

N/A

2. Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

N/A

3. Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

N/A

4. Describe special emergency services that might be required.

N/A

5. Proposed measures to reduce or control environmental health hazards, if any.

N/A

b. Noise

1. What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

N/A

2. What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site)?

N/A

3. Proposed measures to reduce or control noise impacts, if any:

N/A

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<sup>10</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-7-Environmental-health>



## 8. Land and shoreline use

Find help answering land and shoreline use questions<sup>11</sup>

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

N/A

- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses because of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

N/A

1. Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how?

N/A

- c. Describe any structures on the site.

N/A

- d. Will any structures be demolished? If so, what?

N/A

- e. What is the current zoning classification of the site?

N/A

- f. What is the current comprehensive plan designation of the site?

N/A

- g. If applicable, what is the current shoreline master program designation of the site?

N/A

- h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

N/A

- i. Approximately how many people would reside or work in the completed project?

N/A

- j. Approximately how many people would the completed project displace?

N/A

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<sup>11</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-8-Land-shoreline-use>

- k. **Proposed measures to avoid or reduce displacement impacts, if any.**

N/A

- l. **Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any.**

N/A

- m. **Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:**

N/A

## 9. Housing

Find help answering housing questions<sup>12</sup>

- a. **Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.**

N/A

- b. **Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.**

N/A

- c. **Proposed measures to reduce or control housing impacts, if any:**

N/A

## 10. Aesthetics

Find help answering aesthetics questions<sup>13</sup>

- a. **What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?**

N/A

- b. **What views in the immediate vicinity would be altered or obstructed?**

N/A

- c. **Proposed measures to reduce or control aesthetic impacts, if any:**

N/A

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<sup>12</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-9-Housing>

<sup>13</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-10-Aesthetics>

## 11. Light and glare

Find help answering light and glare questions<sup>14</sup>

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? N/A
- b. Could light or glare from the finished project be a safety hazard or interfere with views? N/A
- c. What existing off-site sources of light or glare may affect your proposal?  
N/A
- d. Proposed measures to reduce or control light and glare impacts, if any:  
N/A

## 12. Recreation

Find help answering recreation questions

- a. What designated and informal recreational opportunities are in the immediate vicinity? N/A
- b. Would the proposed project displace any existing recreational uses? If so, describe.  
N/A
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

## 13. Historic and cultural preservation

Find help answering historic and cultural preservation questions<sup>15</sup>

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.  
N/A
- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. N/A

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<sup>14</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-11-Light-glare>

<sup>15</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-13-Historic-cultural-p>

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. N/A
- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. N/A

## 14. Transportation

Find help with answering transportation questions<sup>16</sup>

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.  
N/A
- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? N/A
- c. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle, or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).  
N/A
- d. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.  
N/A
- e. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?  
N/A
- f. Will the proposal interfere with, affect, or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.  
N/A

<sup>16</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-14-Transportation>

- g. Proposed measures to reduce or control transportation impacts, if any:

N/A

## 15. Public services

Find help answering public service questions<sup>17</sup>

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. N/A

- b. Proposed measures to reduce or control direct impacts on public services, if any.

N/A

## 16. Utilities

Find help answering utilities questions<sup>18</sup>

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other:

N/A

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

N/A

## C. Signature

Find help about who should sign<sup>19</sup>

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

X 

Type name of signee: *Jimmys Blair*

Position and agency/organization: *Director*

<sup>17</sup> <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-b-environmental-elements/environmental-elements-15-public-services>

<sup>18</sup> <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-b-environmental-elements/environmental-elements-16-utilities>

<sup>19</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-C-Signature>

Date submitted:

## D. Supplemental sheet for nonproject actions

Find help for the nonproject actions worksheet<sup>20</sup>

**Do not** use this section for project actions.

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

**1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?**

Changes of use could promote development in the industrial zone which could in turn lead to additional discharges of stormwater, emissions to air and production of noise. Code changes reducing parking counts would lower these discharges. Removing open space and landscaping from the 60% residential max would reduce these figures and promote more greenspace. Other code changes would have little impact.

- **Proposed measures to avoid or reduce such increases are:**

Increased noise, discharges to water and emission to air would all have to follow state and city regulations and could be mitigated as part of the specific project proposal.

**2. How would the proposal be likely to affect plants, animals, fish, or marine life?**

There would likely be very little impact on plants, animals, fish or marine life due to the code changes. A number of the provisions would promote more green space, reducing runoff and potential impacts to marine life. Additional development in the industrial zone, could have minor impacts on stormwater, potentially impacting marine life through discharges.

- **Proposed measures to protect or conserve plants, animals, fish, or marine life are:**

A number of the changes would promote more green space, creating more habitat for plants. All stormwater discharges would have to meet state and city codes and could be treated prior to discharge.

**3. How would the proposal be likely to deplete energy or natural resources?**

Additional uses in the industrial zone could promote development which would utilize energy in order to operate. These additional uses are no more intense than those already permitted in the zone and thus wouldn't deplete energy or natural resources more

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<sup>20</sup> <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-d-non-project-actions>

than what has already been contemplated. Other code changes would likely have limited impact on energy or natural resource use.

- **Proposed measures to protect or conserve energy and natural resources are:**

None.

- 4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?**

The code changes would not likely use or affect environmentally sensitive areas or areas designated for governmental protection.

- **Proposed measures to protect such resources or to avoid or reduce impacts are:**

None.

- 5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?**

The addition of new permitted and conditional uses within the industrial zone could add additional uses to the existing zone that are incompatible with heavy industrial activities. All of the potentially incompatible uses would be conditional such that they could be studied and mitigated if there were any impacts. The remainder of the changes are likely to encourage land uses that are compatible with the existing zones.

- **Proposed measures to avoid or reduce shoreline and land use impacts are:**

All potentially incompatible uses would be listed as conditional uses such that they could be studied and conditioned if there were any issues.

- 6. How would the proposal be likely to increase demands on transportation or public services and utilities?**

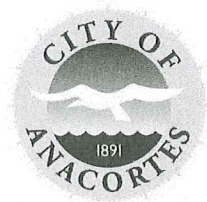
The proposals will likely not increase demands on transportation or services and utilities above what is already permitted in the zones.

- **Proposed measures to reduce or respond to such demand(s) are:**

None

- 7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.**

The proposal would not conflict with local, state or federal laws for the protection of the environment to the best of our knowledge.



CITY OF ANACORTES

# PLANNING, COMMUNITY, and ECONOMIC DEVELOPMENT DEPARTMENT



PCED RECEIVED

Date: June 28, 2024

Document received by the Planning, Community  
& Economic Development Department

Petition #7  
"Bowman"

Petition for Amendment to the Comprehensive Plan /  
Development Regulations

## Amendment Application and Narrative

| <b>Applicant Information</b> (Name, mailing address, phone number, email address)               |
|-------------------------------------------------------------------------------------------------|
| Erik Bowman<br>2402 Oregon Ave Anacortes, WA 98221<br>360-770-6325<br>Erikb1@frontier.com       |
| <b>Property Information</b> – For map amendments (Address, parcel number(s), property owner(s)) |
|                                                                                                 |

### Amendment Request Narrative

Per AMC 19.16.040(D), petition for amendment of the Comprehensive Plan or development regulations must include the following:

**1. A detailed statement of what is proposed to be changed and why.**

Applicant proposes an amendment to development regulations to allow indoor recreation as a permitted use in the LM1 zone.

**2. A statement of anticipated impacts to be caused by the change, including geographic area affected and issues presented.**

Anticipated impacts caused by the change include encouraged use of vacant land within the LM1 zone to support uses consistent with the comprehensive plan.



### **3. A demonstration of why the proposal is needed.**

Indoor recreation facilities are currently only permitted in the CBD, C, MMU, and CM zones for buildings with a net floor area less than 10,000sf. The net buildable acreage within these 4 zones is only 20% of that of the LM1 zone per Table LU-6 in the 2016 comprehensive plan.

Indoor recreation facilities typically require a higher net floor area, and more parking than other uses and require space that is not necessarily available in the permitted zones. LM1 consists of 5.6% of land in Anacortes and 55% of the nonresidential buildable acreage per Table LU-6. Allowing indoor recreation as a permittable use in the LM1 will encourage development of vacant land and provide economic benefits to the community.

The purpose of the Light Manufacturing zone provides for a mix of industrial structures and uses, service commercial uses and limited retail uses that minimize external visual or physical impacts on adjacent properties and generally do not compete with uses in the CBD and C zones. Indoor recreation uses require more area than what the CBD & C zones offer in terms of usable space. Indoor recreation would have limited external visual or physical impacts on adjacent properties.

### **4. A statement of how the amendment is consistent with the Comprehensive Plan's vision and goals.**

This code change is consistent with the following visions, goals, and policies provided in the comprehensive plan:

Policy ED-2.4. Encourage new businesses that serve local residents as well as visitors.

Policy ED-2.6. Encourage uses that provide gathering and meeting places.

Policy ED-3.5. Encourage activities and facilities that attract visitors throughout the year.

Policy ED-3.6. Encourage activities and facilities that serve residents as well as tourists.

Allowing indoor recreation within the LM1 zone has benefits that coincide to that of the civic aspect of the comprehensive plan as well:

Goal PR-1. Park & Recreational Facilities. Provide a range of high quality and easily accessible park and recreational areas, facilities and opportunities that will serve a wide range of age groups, recreational interests, and ability levels.

**5. A description of how the map amendment complies with the land use designation criteria in the comprehensive plan, if applicable.**

N/A

# SEPA<sup>1</sup> Environmental Checklist

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## Purpose of checklist

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

## Instructions for applicants

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

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

## Instructions for lead agencies

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

## Use of checklist for nonproject proposals

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

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<sup>1</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/Checklist-guidance>



## A. Background

Find help answering background questions<sup>2</sup>

**1. Name of proposed project, if applicable:**

City of Anacortes Code Amendment regarding LM1 Zone Permitted Uses

**2. Name of applicant:**

Erik Bowman

**3. Address and phone number of applicant and contact person:**

2402 Oregon Ave Anacortes, WA 98221  
360-770-6325

**4. Date checklist prepared:**

6/25/24

**5. Agency requesting checklist:**

City of Anacortes

**6. Proposed timing of schedule (including phasing, if applicable):**

None at this time

**7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.**

No, this proposal is for a non-project action with no directly related plans for future physical additions, expansions, or activities.

**8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.**

None know. Per WAC 197-11-315 (1)(e), as a non project proposal, section B of the Environmental Checklist will not be filled out.

**9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.**

None known

**10. List any government approvals or permits that will be needed for your proposal, if known.**

SEPA determination, City of Anacortes Planning Commission recommendation, and City Council approval.

**11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)**

Proposing non-project amendment to allow Indoor Recreation as a permitted use within the LM1 zone.

**12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section,**

<sup>2</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-A-Background>

township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

LM1 zone within Anacortes City limits

## **B.Environmental Elements**

### **1. Earth**

Find help answering earth questions<sup>3</sup>

**a. General description of the site:**

Circle or highlight one: Flat, rolling, hilly, steep slopes, mountainous, other:

**b. What is the steepest slope on the site (approximate percent slope)?**

**c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them, and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.**

**d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.**

**e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.**

**f. Could erosion occur because of clearing, construction, or use? If so, generally describe.**

**g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?**

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<sup>3</sup> <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-b-environmental-elements/environmental-elements-earth>

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any.**

## **2. Air**

Find help answering air questions<sup>4</sup>

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.**
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.**
- c. Proposed measures to reduce or control emissions or other impacts to air, if any:**

## **3. Water**

Find help answering water questions<sup>5</sup>

- a. Surface:**

Find help answering surface water questions<sup>6</sup>

- 1. Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.**
- 2. Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.**
- 3. Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.**

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<sup>4</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-Air>

<sup>5</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-3-Water>

<sup>6</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-3-Water/Environmental-elements-Surface-water>



4. Will the proposal require surface water withdrawals or diversions? Give a general description, purpose, and approximate quantities if known.
5. Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.
6. Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

**b. Ground:**

Find help answering ground water questions<sup>7</sup>

1. Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give a general description, purpose, and approximate quantities if known.
2. Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

**c. Water Runoff (including stormwater):**

1. Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.
2. Could waste materials enter ground or surface waters? If so, generally describe.
3. Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

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<sup>7</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-3-Water/Environmental-elements-Groundwater>

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

#### 4. Plants

Find help answering plants questions

- a. Check the types of vegetation found on the site:

- ☐ deciduous tree: alder, maple, aspen, other
- ☐ evergreen tree: fir, cedar, pine, other
- ☐ shrubs
- ☐ grass
- ☐ pasture
- ☐ crop or grain
- ☐ orchards, vineyards, or other permanent crops.
- ☐ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- ☐ water plants: water lily, eelgrass, milfoil, other
- ☐ other types of vegetation

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

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

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

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

#### 5. Animals

Find help answering animal questions<sup>8</sup>

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

Examples include:

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<sup>8</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-5-Animals>



- Birds: hawk, heron, eagle, songbirds, other:
- Mammals: deer, bear, elk, beaver, other:
- Fish: bass, salmon, trout, herring, shellfish, other:

- b. List any threatened and endangered species known to be on or near the site.
- c. Is the site part of a migration route? If so, explain.
- d. Proposed measures to preserve or enhance wildlife, if any.
- e. List any invasive animal species known to be on or near the site.

## 6. Energy and natural resources

Find help answering energy and natural resource questions<sup>9</sup>

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.
- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.
- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any.

## 7. Environmental health

Health Find help with answering environmental health questions<sup>10</sup>

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

<sup>9</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-6-Energy-natural-resou>

<sup>10</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-7-Environmental-health>

1. Describe any known or possible contamination at the site from present or past uses.
2. Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.
3. Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.
4. Describe special emergency services that might be required.
5. Proposed measures to reduce or control environmental health hazards, if any.

**b. Noise**

1. What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?
2. What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site)?
3. Proposed measures to reduce or control noise impacts, if any:

## **8. Land and shoreline use**

Find help answering land and shoreline use questions<sup>11</sup>

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.
- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses because of the proposal, if any? If resource lands have

<sup>11</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-8-Land-shoreline-use>

not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

1. Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how?
- c. Describe any structures on the site.
  - d. Will any structures be demolished? If so, what?
  - e. What is the current zoning classification of the site?
  - f. What is the current comprehensive plan designation of the site?
  - g. If applicable, what is the current shoreline master program designation of the site?
  - h. Has any part of the site been classified as a critical area by the city or county? If so, specify.
  - i. Approximately how many people would reside or work in the completed project?
  - j. Approximately how many people would the completed project displace?
  - k. Proposed measures to avoid or reduce displacement impacts, if any.
  - l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any.
  - m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:



## 9. Housing

Find help answering housing questions<sup>12</sup>

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.
- c. Proposed measures to reduce or control housing impacts, if any:

## 10. Aesthetics

Find help answering aesthetics questions<sup>13</sup>

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?
- b. What views in the immediate vicinity would be altered or obstructed?
- c. Proposed measures to reduce or control aesthetic impacts, if any:

## 11. Light and glare

Find help answering light and glare questions<sup>14</sup>

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?
- b. Could light or glare from the finished project be a safety hazard or interfere with views?
- c. What existing off-site sources of light or glare may affect your proposal?
- d. Proposed measures to reduce or control light and glare impacts, if any:

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<sup>12</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-9-Housing>

<sup>13</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-10-Aesthetics>

<sup>14</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-11-Light-glare>

## **12. Recreation**

Find help answering recreation questions

- a. What designated and informal recreational opportunities are in the immediate vicinity?**
- b. Would the proposed project displace any existing recreational uses? If so, describe.**
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:**

## **13. Historic and cultural preservation**

Find help answering historic and cultural preservation questions<sup>15</sup>

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.**
- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.**
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.**
- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.**

---

<sup>15</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-13-Historic-cultural-p>

## 14. Transportation

Find help with answering transportation questions<sup>16</sup>

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.
- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?
- c. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle, or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).
- d. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.
- e. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?
- f. Will the proposal interfere with, affect, or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.
- g. Proposed measures to reduce or control transportation impacts, if any:

## 15. Public services

Find help answering public service questions<sup>17</sup>

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.
- b. Proposed measures to reduce or control direct impacts on public services, if any.

<sup>16</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-14-Transportation>

<sup>17</sup> <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-b-environmental-elements/environmental-elements-15-public-services>



## 16. Utilities

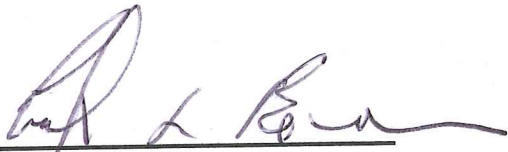
Find help answering utilities questions<sup>18</sup>

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other:
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

## C. Signature

Find help about who should sign<sup>19</sup>

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

X 

Type name of signee:

Position and agency/organization:

Date submitted:

## D. Supplemental sheet for nonproject actions

Find help for the nonproject actions worksheet<sup>20</sup>

Do not use this section for project actions.

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

<sup>18</sup> <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-b-environmental-elements/environmental-elements-16-utilities>

<sup>19</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-C-Signature>

<sup>20</sup> <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-d-non-project-actions>

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

**1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?**

The proposed changes will not affect how land uses discharge to water, emissions to the air, storage, or release of toxic or hazardous substances, or the production of noise.

- **Proposed measures to avoid or reduce such increases are:**

None proposed. Any future measure to avoid such increases will be dealt with at the project level.

**2. How would the proposal be likely to affect plants, animals, fish, or marine life?**

The proposed changes will not affect plants, animals, fish, or marine life, as they are regulatory in nature.

- **Proposed measures to protect or conserve plants, animals, fish, or marine life are:**

None proposed. Any future measure to avoid such increases will be dealt with at the project level.

**3. How would the proposal be likely to deplete energy or natural resources?**

The proposed changes do not involve regulations dealing with energy or natural resources.

- **Proposed measures to protect or conserve energy and natural resources are:**

None proposed. Any future measure to avoid such increases will be dealt with at the project level.

**4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?**

The proposed changes will not change or affect any environmentally sensitive areas or regulations

- **Proposed measures to protect such resources or to avoid or reduce impacts are:**

None proposed. Any future measure to avoid such increases will be dealt with at the project level.

**5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?**

No changes to shoreline uses are proposed.

- **Proposed measures to avoid or reduce shoreline and land use impacts are:**

None proposed. Any future measure to avoid such increases will be dealt with at the project level.

**6. How would the proposal be likely to increase demands on transportation or public services and utilities?**

Increases to traffic as a result of increase project density will be examined at the project level.

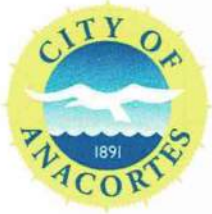
- **Proposed measures to reduce or respond to such demand(s) are:**

None proposed. Any future measure to avoid such increases will be dealt with at the project level.



**7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.**

The proposed changes will not conflict with any local, state, or federal laws, or requirements for the protection of the environment.



CITY OF ANACORTES

# PLANNING, COMMUNITY, and ECONOMIC DEVELOPMENT DEPARTMENT



**PCED Received**

Date: June 29, 2024

Document received by the Planning, Community  
& Economic Development Department

**Petition #8**  
**"Munce - 1 of 11"**

## Application Submittal Checklist

# Development Regulation Amendment

[AMC 19.16, Legislative Actions](#)

1 of 11

## FWHCA/HABITAT OF LOCAL IMPORTANCE

### DOCUMENTS

- ☒ This checklist completed and signed
- ☒ [Application and Narrative form](#)
- ☒ State Environmental Policy Act ([SEPA](#)) Checklist (including Part D for Non-Project Actions)
- ☐ A map identifying the property included in the proposed amendment (for future land use map changes)
- ☒ If applicable, supplemental studies and reports

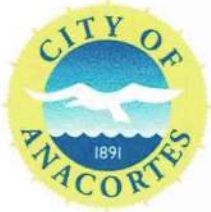
\* **Fees for Comprehensive Plan amendment requests:** An initial application fee (\$960) is due after petition submittal and initial staff review. An additional fee (\$1,870) will be due if/when the amendment is docketed for consideration (within 14 days).

### DOCUMENT REQUIREMENTS

- ☒ **Application and Narrative.** If you need to attach supplemental documents to your narrative, first save the document as a pdf and then combine the supplemental document(s) to the Project Narrative form before uploading to the permit portal. The Project Narrative application submittal should be a single pdf file.
- ☒ **Supplemental studies and reports.** Additional information may be required to evaluate the impact of your proposal. (Staff will contact you after submittal to identify additional required supporting information, if any is needed.)

X Ian S. Munce

Applicant's eSignature (electronic / digital) verifying all application submittal checklist items are complete.



CITY OF ANACORTES

# PLANNING, COMMUNITY, and ECONOMIC DEVELOPMENT DEPARTMENT

Petition for Amendment to the Comprehensive Plan /  
Development Regulations

## Amendment Application and Narrative

|                                                                                                                                              |                                                 |
|----------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|
| <b>Applicant Information</b> (Name, mailing address, phone number, email address)                                                            |                                                 |
| Ian Munce, JD, AICP<br>1711 Quail Drive<br>Anacortes, WA 98221<br>360-333-1646<br><a href="mailto:ianmunce@gmail.com">ianmunce@gmail.com</a> | Application 1 of 11<br><br>With Attachments A-F |
| <b>FWHCA/HABITAT OF LOCAL IMPORTANCE</b>                                                                                                     |                                                 |
| PROPOSED DEVELOPMENT REGULATION AMENDMENT                                                                                                    |                                                 |
| <b>Property Information</b> – For map amendments (Address, parcel number(s), property owner(s))                                              |                                                 |
| R1 Zone                                                                                                                                      |                                                 |

### Amendment Request Narrative

Per [AMC 19.16.040\(D\)](#), petition for amendment of the [Comprehensive Plan](#) or [development regulations](#) must include the following:

**1. A detailed statement of what is proposed to be changed and why.**

I am writing to propose that in AMC 19.70.010(A)1 the entire 300-acre R1 zone be designated under AMC 19.70.315 (Fish and Wildlife Habitat Conservation Areas)(FWHCA) as a Habitat of Local Importance (HLI) under AMC 19.70.315(B)1(b) and (f) and a Fish and Wildlife Habitat of Local Significance under WAC 365-190-030(6)(b). The reference to the AMC 19.70.315(B)1(b) is as follows: "The habitat represents either a high-quality native habitat, or the habitat has a high potential to recover to a suitable



condition and which is of limited availability, is highly vulnerable to alteration , or provides landscape connectivity which contributes to the integrity of the surrounding landscape". Further, the AMC 19.70.315(B)1(f) goes on to say: "Without protection, there is a likelihood that the species or habitat will be diminished".

All of the criteria set forth in HLI (b) and the HLI (f) are met. Yet, the City in the R1 zone has yet to implement the following section (AMC 19.70.315(C): "All areas within the City meeting one or more of these criteria, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this chapter".

The purpose of the R1 zone as stated in the current City Comprehensive Plan is as follows: "This density provides for low density residential development in the southern end of the City that is inappropriate for more intensive urban development due to topography, the frequent presence of wetlands, the high cost in extending public facilities, and the desire to create a lower intensity transitional area between the city and the surrounding unincorporated rural pasture, forest, and agricultural land".

Past practice has been for the City to (1) simply adopt Ecology's 2019 Stormwater Management Manual for Western Washington and the ignore its mandates, at least in my immediate neighborhood, (2) refuse to apply the wetland protection mandates set forth in AMC 19.70.040, (3) refuse to treat lands subject to 1000 foot radii protection for individual wells as critical areas despite the mandate to do so in AMC 19.70.520(A)1(b)iv refuse to treat most of the parcels in the R1 zone as the critical areas they demonstrably are, and (5) ignore the mandatory critical areas reports and conditions. Items 2 and 3 are mapped in the City's GIS system, as are streams and their buffers.

I can provide documentation of these practices but would rather move forward by persuading the City to add the extra level of protection provided by a FWHCA. And avoid piecemeal development by considering the 300 acres in the R1 zone as a mosaic of streams, wetlands, and their buffers that characterize it (Mosaic). The details regarding a mosaic of wetlands and streams and their buffers are available on the City's GIS maps. My request to have thea map of these features printed for the R1 zone, made at my expense, was denied. And, unlike standard practice in other cities, the GIS layers are not allowed to be downloaded so that the

public can produce their own map(s) as part of the public participation process. So, I will separately submit Attachments A, B, and C to this submission even though they are not overlayed as I would like.

**2. A statement of anticipated impacts to be caused by the change, including geographic area affected and issues presented.**

The geographic area affected is the 300-acre R1 zone and the connectivity to the Washington State Department of Fish and Wildlife's (WDFW) Biodiversity and Corridor (BAC) as set forth in WDFW's "Fidalgo Island Open Space Areas" (Fidalgo island OSA). The anticipated impacts are to have development activity considered not just piecemeal in relation to an individual parcel but in relation to the Mosaic.

The presence of the Mosaic and a Priority Habitat and Species (PHS) identified BAC are priority habitats under PHS and thus warrant consideration for a FWHL Critical Areas designation unless reasoned justification to the contrary is provided. The PHC List defines an urban BAC as: "The area is within a city ... and contains habitat that is valuable to fish or wildlife and is mostly comprised of native vegetation. Relative to other vegetated areas in the same city or UGA, the mapped area is vertically diverse(e.g. multiple canopy layers, snags, or downed wood), horizontally diverse (e.g. contains a mosaic of native habitat) ... These areas may have more limited wildlife functions than other priority habitat areas due to the general nature and constraints of these sites in that they are often isolated or surrounded by highly urbanized lands".

The issues presented are that certain real estate and development interests will oppose this extra layer of review, just as they have somehow persuaded the City in its "Housing Action Plan as a Guiding Document" (HAP Guidance) to consider increasing the density in the R1 zone from two units per acre to four units per acres with no proper public outreach, no critical area review, and to date just one public hearing. And to permit cottage housing outright. It is noteworthy that:

1. The Public Hearing Notice (Attachment D) proposed HAP Guidance, yet Resolution 3104 converted HAP Guidance into a stand alone Housing Action Plan (Attachment E) just days before the single public hearing on this matter.



2. The Public Hearing Notice (Attachment D) limited the scope of the proposal as follows: "The Resolution will be a useful foundation for updates of the policies in the 2025 Comprehensive Plan's Land Use and Housing Elements". However, Resolution 3104 added a whole new dimension by improperly adding the following: "The City Council intends to select measures from the Anacortes Housing Action Plan to propose as development regulation updates to address Anacortes' housing needs".

3. The 'sleight of hand', to put it politely, involved with Items 1 and 2 is a clear violation of the Growth Management Act's mandate for early and continuous public participation and simple due process decency and respect for the public.

It is also noteworthy that all property owners who bought property after passage of Wetland Protection Ordinance 2131 in 1990 knew or should have known that all wetlands over 10,000 square feet were protected.

The HAP Guidance 'stakeholder interviews' included no Homeowners Associations and no environmental advocacy groups. The stakeholder interviews were conducted with the following: Anacortes Family Center, Anacortes Housing Authority, Skagit Habitat for Humanity, Irwin Development, Landed Gentry, Strandberg Construction, Madrona Real Estate, Gary Merlino Construction, Island Hospital, Anacortes Community Health Council, Anacortes School District, Safeway, and Seattle Yachts. There is no disclosure as to what financial interests, if any, these 'stakeholders' and others involved in working on this document had/have in R1 property; a new building site in the R1 zone would probably be listed at \$300,000. To say that the stakeholder comments are one-sided and 'over the top' as to real estate and developments interests, as presented in pages 2-7 of the Anacortes HAP Guidance Public Engagement Strategy, would be an accurate and polite summary. And the survey should have been a random sample survey of Anacortes residents to have any validity and should not have allowed any interested party to self-select. The charts and graphics are carefully laid out, but the input is more than just questionable. It is misleading. Anacortes residents love their neighborhoods and after 40 years or so without dramatic zoning changes are totally unprepared for the dramatic up-zones currently under consideration. Where are the mailings and neighborhood meetings?

As to the specific recommendations to eliminate the provisos that cottage housing can be allowed only "under certain circumstances" and that four housing units can only be allowed through a "special review process", there is no conceivable way that these actions can pass environmental scrutiny and secure state agency support. Most of the parcels in the R1 zone qualify as critical areas under one of the following categories: Habitat of Local Importance, individual wells protected by a 1,000 foot aquifer recharge area, wetlands and their buffers, and streams and their buffers. Many parcels in the R1 zone are characterized by two or three of these City's designated critical areas.

**3. A demonstration of why the proposal is needed.**

The City is simply refusing, without explanation, to include these designated critical areas in its development review process. And this despite the fact that AMC 19.10.030 clearly states that the Planning Director has "the **duty** administer and enforce AMC Titles 16, 17, 18, and 19" (emphasis added).

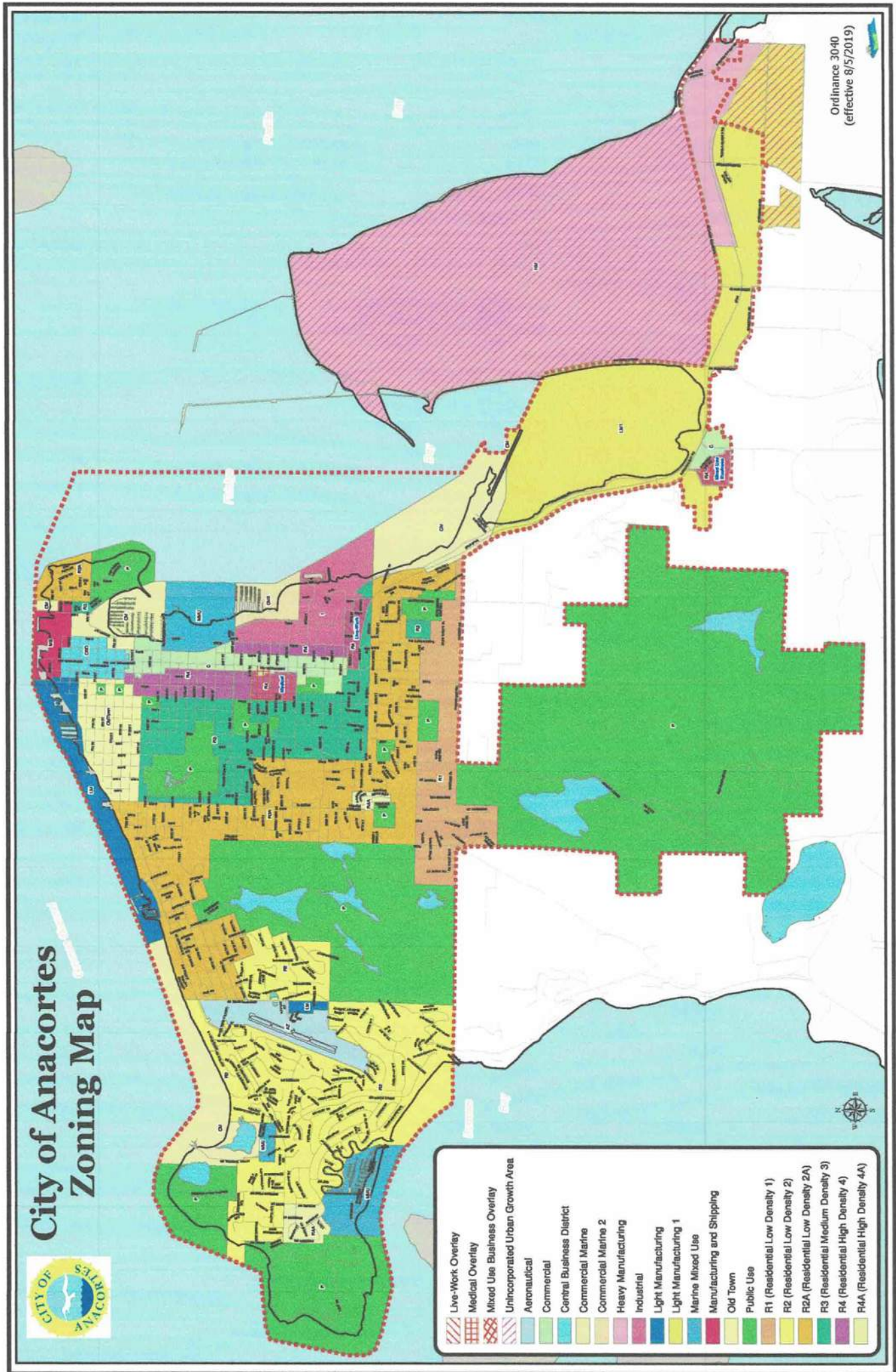
**4. A statement of how the amendment is consistent with the Comprehensive Plan's vision and goals.**

This proposal gives additional depth to the Purpose of the R1 zone and to the entire set of Environmental Goals and Policies. See Attachment F.

**5. A description of how the map amendment complies with the land use designation criteria in the comprehensive plan, if applicable.**

This proposal can be considered as an overlay to the current maps and is compatible with the City's land use designation criteria for the R1 zone.



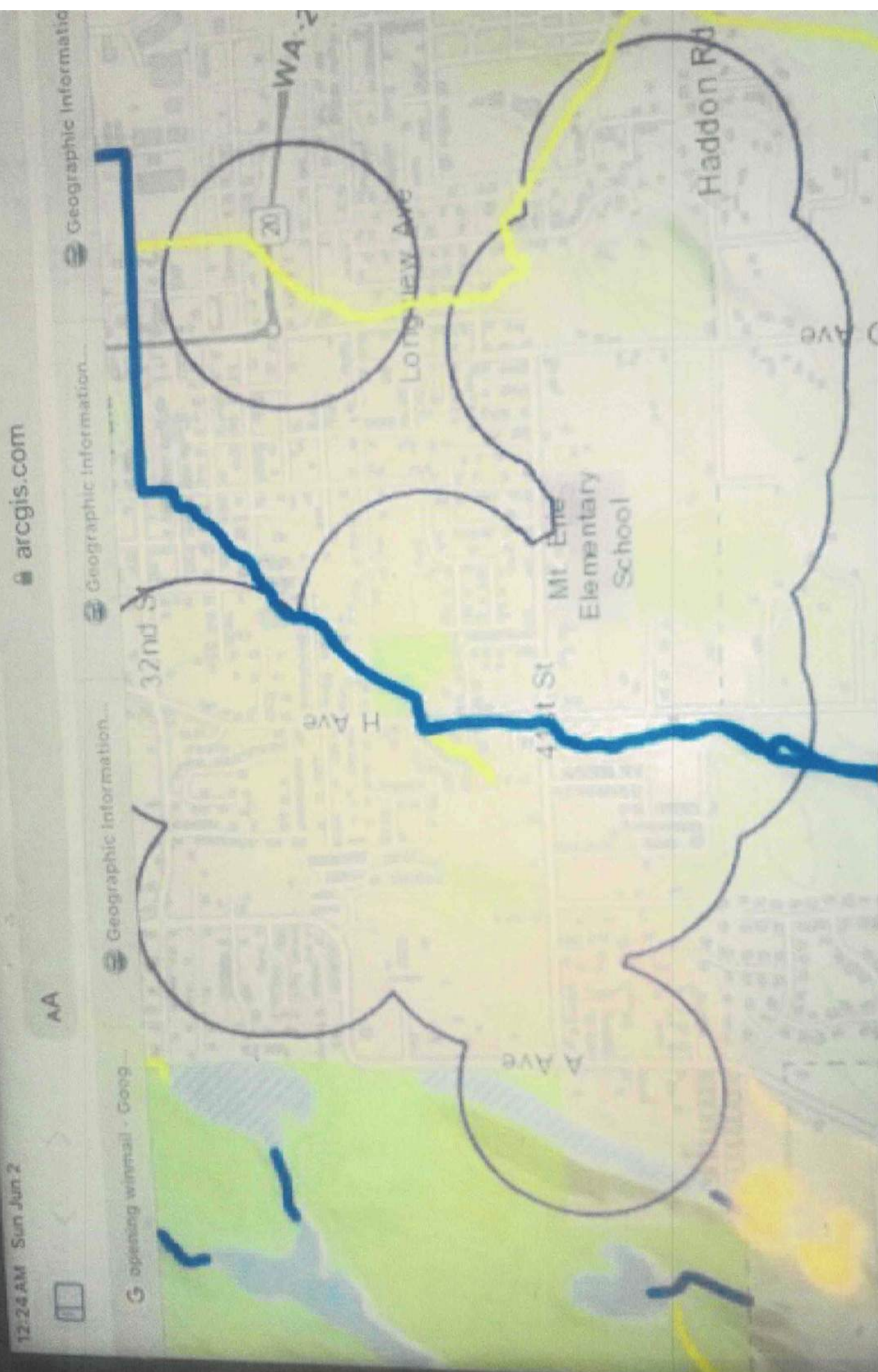






WETLANDS AND BUFFERS





# Attachment D



## **Notice of Public Hearing**

Including written comment period, public meeting date

|                         |                                                                                                                                                                                                                                            |
|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Publish Date:           | January 4, 2023                                                                                                                                                                                                                            |
| Proposal Name:          | Resolution 3104 Adopting a Housing Action Plan as a Guiding Document with Recommendations for Future Housing Policy, Planning, and Regulatory Amendments to Improve the Availability and Affordability of Housing for the Entire Community |
| Documents Available at: | <a href="https://www.anacorteswa.gov/198/Anacortes-Municipal-Code-Updates">https://www.anacorteswa.gov/198/Anacortes-Municipal-Code-Updates</a>                                                                                            |
| Lead Agency:            | City of Anacortes Planning, Community & Economic Development Department                                                                                                                                                                    |
| Contact Person          | Don Measamer, Director                                                                                                                                                                                                                     |
| Public Hearing Body:    | Anacortes City Council                                                                                                                                                                                                                     |
| Public Hearing Date:    | Monday, January 17, 2023, at 6:00 PM                                                                                                                                                                                                       |

### **Proposal Description**

The Resolution will be a useful foundation for updates of the policies in the 2025 Comprehensive Plan's Land Use and Housing Elements.

### **How to Comment**

**Email comments** are preferred and must be sent to [don@cityofanacortes.org](mailto:don@cityofanacortes.org). Please include your comments in the body of your email message rather than as attachments.

### **Paper comments may be mailed or delivered to:**

City of Anacortes  
Planning, Community & Economic Development Department  
ATTN: Don Measamer  
P.O. Box 547 / 904 6<sup>th</sup> St.  
Anacortes, WA 98221

**Verbal comments** may be made at the Public Hearing. The public hearing will be held remotely and in person. Meeting access information can be found on the City Council agenda, posted Wednesday prior to the meeting here:

<https://www.anacorteswa.gov/700/Meeting-Documents-and-Video>



# Attachment E

## RESOLUTION NO. 3104

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANACORTES ADOPTING A HOUSING ACTION PLAN ~~AS A GUIDING DOCUMENT WITH RECOMMENDATIONS FOR FUTURE HOUSING POLICY, PLANNING, AND REGULATORY AMENDMENTS TO~~ IMPROVE THE AVAILABILITY AND AFFORDABILITY OF HOUSING FOR THE ENTIRE COMMUNITY**

**WHEREAS**, Revised Code of Washington (RCW) 36.70A.600 provides for cities planning under the Growth Management Act (GMA) to prepare a Housing Action Plan (HAP); and

**WHEREAS**, the goal of the HAP is to encourage construction of additional affordable and market rate housing in a greater variety of housing types and prices that are accessible to a greater variety of incomes, ~~including strategies aimed at the for-profit single-family home market~~; and

**WHEREAS**, preparation of the HAP involved extensive public outreach that included stakeholder interviews, community survey, planning commission public meeting, city council public hearing, and city web page that made available related documents and allowed for early and continuous public participation and public comment; and

**WHEREAS**, the City of Anacortes finds that adequate and affordable housing is key to ensuring a vibrant community with a desirable quality of life; and

**WHEREAS**, ~~T~~he City of Anacortes finds that there is a need for a variety of housing types that are affordable across all income levels; and

**WHEREAS**, the City of Anacortes recognizes the need for a more comprehensive strategy in addressing housing needs; and

**WHEREAS**, the Housing Action Plan was developed by evaluating the City's ongoing efforts and analyzing Anacortes's current and future housing needs through a housing needs analysis and collaborating with the community; and

**WHEREAS**, the City Council held a meeting on December 19, 2022, to introduce the Housing Action Plan and take public comment; and

**WHEREAS**, the City Council held a public hearing on January 17, 2023;

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

**SECTION 1** – The Council hereby adopts- the Anacortes Housing Action Plan as shown in Attachment A.

**SECTION 2** – The City Council intends to select specific measures from the ~~the~~ Anacortes Housing Action Plan- to propose as development regulation updates to address Anacortes’s housing needs.

**SECTION 3** – The Housing Action Plan will be a useful foundation for updates of the policies in the 2025 Comprehensive Plan’s Land Use and Housing Elements.

~~Section 4 – The City Council intends no development outside its jurisdiction, e.g., Guemes Island...~~

**INTRODUCED, PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ANACORTES THIS \_\_\_\_\_.**

\_\_\_\_\_  
MATT MILLER, -MAYOR

Approved as to form and legality:

Steve D. Hoglund, City Clerk Treasurer

\_\_\_\_\_  
Darcy Swetnam, WSBA #40530  
City Attorney

ATTEST:

\_\_\_\_\_

Attachment F

**RESOLUTION NO. 3104**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANACORTES ADOPTING A HOUSING ACTION PLAN TO IMPROVE THE AVAILABILITY AND AFFORDABILITY OF HOUSING FOR THE ENTIRE COMMUNITY**

**WHEREAS**, Revised Code of Washington (RCW) 36.70A.600 provides for cities planning under the Growth Management Act (GMA) to prepare a Housing Action Plan (HAP); and

**WHEREAS**, the goal of the HAP is to encourage construction of additional affordable and market rate housing in a greater variety of housing types and prices that are accessible to a greater variety of incomes,; and

**WHEREAS**, preparation of the HAP involved extensive public outreach that included stakeholder interviews, community survey, planning commission public meeting, city council public hearing, and city web page that made available related documents and allowed for early and continuous public participation and public comment; and

**WHEREAS**, the City of Anacortes finds that adequate and affordable housing is key to ensuring a vibrant community with a desirable quality of life; and

**WHEREAS**, the City of Anacortes finds that there is a need for a variety of housing types that are affordable across all income levels; and

**WHEREAS**, the City of Anacortes recognizes the need for a more comprehensive strategy in addressing housing needs; and

**WHEREAS**, the Housing Action Plan was developed by evaluating the City’s ongoing efforts and analyzing Anacortes’s current and future housing needs through a housing needs analysis and collaborating with the community; and

**WHEREAS**, the City Council held a meeting on December 19, 2022, to introduce the Housing Action Plan and take public comment; and

**WHEREAS**, the City Council held a public hearing on **January 17, 2023;**

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

**SECTION 1** – The Council hereby adopts the Anacortes Housing Action Plan as shown in Attachment A.

**SECTION 2** – The City Council intends to select specific measures from the Anacortes Housing Action Plan to propose as development regulation updates to address Anacortes’s housing needs.

**SECTION 3** – The Housing Action Plan will be a useful foundation for updates of the policies in the 2025 Comprehensive Plan’s Land Use and Housing Elements.

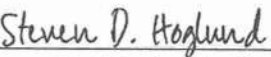
**INTRODUCED, PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ANACORTES THIS 17<sup>th</sup> OF JANUARY 2023.**

  
\_\_\_\_\_  
MATT MILLER, MAYOR

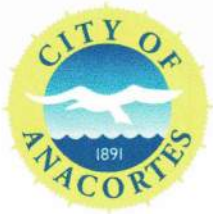
Approved as to form and legality:

  
\_\_\_\_\_  
Darcy Swetnam, WSBA #40530  
City Attorney

ATTEST:

  
\_\_\_\_\_  
Steven D. Hoglund, City Clerk Treasurer





CITY OF ANACORTES

# PLANNING, COMMUNITY, and ECONOMIC DEVELOPMENT DEPARTMENT

Application Submittal Checklist

## Development Regulation Amendment

[AMC 19.16, Legislative Actions](#)

2 of 11

### DELINEATING CRITICAL AREAS IN R1 ZONE

#### DOCUMENTS

- ☒ This checklist completed and signed
- ☒ [Application and Narrative form](#)
- ☒ State Environmental Policy Act ([SEPA](#)) Checklist (including Part D for Non-Project Actions)
- ☐ A map identifying the property included in the proposed amendment (for future land use map changes)
- ☒ If applicable, supplemental studies and reports

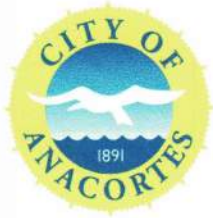
\* **Fees for Comprehensive Plan amendment requests:** An initial application fee (\$960) is due after petition submittal and initial staff review. An additional fee (\$1,870) will be due if/when the amendment is docketed for consideration (within 14 days).

#### DOCUMENT REQUIREMENTS

- ☒ **Application and Narrative.** If you need to attach supplemental documents to your narrative, first save the document as a pdf and then combine the supplemental document(s) to the Project Narrative form before uploading to the permit portal. The Project Narrative application submittal should be a single pdf file.
- ☒ **Supplemental studies and reports.** Additional information may be required to evaluate the impact of your proposal. (Staff will contact you after submittal to identify additional required supporting information, if any is needed.)

X Ian S. Munce (signature on hard copy)

Applicant's eSignature (electronic / digital) verifying all application submittal checklist items are complete.



CITY OF ANACORTES

## PLANNING, COMMUNITY, and ECONOMIC DEVELOPMENT DEPARTMENT

Petition for Amendment to the Comprehensive Plan /  
Development Regulations

# Amendment Application and Narrative

| Applicant Information (Name, mailing address, phone number, email address)                                                                   |                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| Ian Munce, JD, AICP<br>1711 Quail Drive<br>Anacortes, WA 98221<br>360-333-1646<br><a href="mailto:ianmunce@gmail.com">ianmunce@gmail.com</a> | Application 2 of 11<br><br>With Attachment F |
| <b>DELINEATING CRITICAL AREAS IN R1 Zone</b>                                                                                                 |                                              |
| Property Information – For map amendments (Address, parcel number(s), property owner(s))                                                     |                                              |
| R1 Zone                                                                                                                                      |                                              |

### Amendment Request Narrative

Per [AMC 19.16.040\(D\)](#), petition for amendment of the [Comprehensive Plan](#) or [development regulations](#) must include the following:

**1. A detailed statement of what is proposed to be changed and why.**

I propose the following changes the R1 Principal Uses and Density (additions in bold):

The purpose of this zone as stated in the current City Comprehensive Plan is as follows: "This density provides for low density residential development in the southern end of the City that is inappropriate for more intensive urban development due to topography, the frequent presence of wetlands, the high cost in extending public facilities, and the desire to

create a lower intensity transitional area between the city and the surrounding unincorporated rural pasture, forest, and agricultural land".

Add from Comprehensive Plan: "The principal uses and density are as follows: "Single -family detached dwellings are the predominant dwelling type. Other dwelling types, such as accessory dwellings and cottage housing may be allowed under certain circumstances. The permitted base density is up to 2 dwelling units per gross acre. Densities up to 4 units per gross acre may be permitted via a special review process".

Add **"The certain circumstances and special review process should only be defined once the '1,000 aquifer recharge area for individual wells', streams, wetlands, and their buffers have been delineated and mapped across the entire 300 acre R1 zone"**.

The reason for this proposal is that this transitional zone as described in the Purpose statement needs to be considered in light of the mosaic of wetlands and streams that make up this zone, with interconnection after interconnection. The delineation and mapping will facilitate additional density with the proper attention to critical areas and stormwater. Unsupervised, piecemeal development is destroying the entire character and function of the R1 zone. I can document this in detail but prefer to move forward on a positive note.

**2. A statement of anticipated impacts to be caused by the change, including geographic area affected and issues presented.**

The proposed change to the principal uses and density language will facilitate additional density with the proper attention to critical areas and stormwater issues.

**3. A demonstration of why the proposal is needed.**

Unsupervised, piecemeal development is destroying the entire character and function of the R1 zone. I can document this in detail but prefer to move forward on a positive note

**4. A statement of how the amendment is consistent with the Comprehensive Plan's vision and goals.**

This proposal is entirely consistent with the Comprehensive Plan vision and goals. It moves forward both the housing and environmental goals and policies. Attachment F.

**5. A description of how the map amendment complies with the land use designation criteria in the comprehensive plan, if applicable.**

N/A



From: Ian Munce [ianmunce@gmail.com](mailto:ianmunce@gmail.com)  
Subject: Vision, Goals, and Policies  
Date: Jun 20, 2024 at 12:24:57 PM  
To: Ian Munce [ianmunce@gmail.com](mailto:ianmunce@gmail.com)

---

## **ATTACHMENT F**

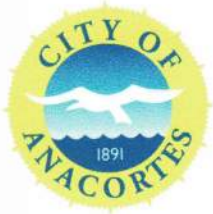
1. The Comprehensive Plan's (CP) "Vision Statement" includes the following: "... protects our natural environment ... for future generations". CP, p 1-9. The CP "Values Statements" includes the following: "Embrace a conservation ethic ... Adopt innovative and environmentally sensitive development practices ... Utilize residents extensive knowledge and experience ... Preserve our historic places and natural surroundings". CP, p. 1-9.
2. The "Environment and Conservation" element of the CP includes the following: "... natural features as defining features of the City. Preservation of these natural features is identified by the community as an important priority. This policy is expressed through the goals and policies that support environmental stewardship, protection of critical areas, and protection of surface and groundwater quality". CP, p. 1-40.
3. The "Environment and Conservation" Goals and Policies include the following as Goal EC-1: "Serve as a leader in environmental stewardship of the natural environment for current and future generations". CP, p.1-40. The policies to implement this goal include the following as Policy EC-1.2: "Work cooperatively with ... state governments and community organizations to protect and enhance the environment". And, the following under Policy EC-1.3(F): "Publish and make available information about ... cluster development and transferable development rights". CP, p.1-41.
4. This same element includes the following as Policy EC-1.5: "identify and inventory areas of ... biological significance ... regulate development which would cause significant deterioration of these qualities". CP, p.1-41. And, Policies EC-1.7 and EC-1.8: "Work cooperatively with Skagit County in development of land use plans and review development proposals to identify and protect habitat networks and critical areas on an interjurisdictional basis ... use best available science to preserve or enhance the function and values of critical areas through regulations,

programs, and incentives". CP, p.1-41.

5. The "Environment and Conservation" Goals and Policies include the following as Goal EC-4: "Protect and enhance water quality". CP, p.1-43. And, Policy EC-4.8: "Protect and preserve areas that are critical for aquifer recharge , such as wetlands, streams, and water bodies". CP, p.1-43.

6. The "Environment and Conservation" Goals and Policies include the following as Goal EC-5: "Protect and enhance fish and wildlife habitat". CP, p.1-43. And Policy EC-5.1: " Identify, plan for, and preserve habitat areas, including wildlife corridors and areas with healthy ecosystems through development regulations ...". CP, p.1-43.

7. The "Environment and Conservation " Goals and Policies include the following as Goal EC-6: "maintain or improve the functional integrity of watercourses, wetlands, bodies of water and their shores". CP, p. 1-44. And, Policies EC-6.2 and EC-6.5: "Streams and wetlands should be maintained in their existing natural condition, or restored where appropriate ... place appropriate restrictions on land surface modifications ... hydrology modifications ... including ... clearing". CP, p.1-44.



CITY OF ANACORTES

# PLANNING, COMMUNITY, and ECONOMIC DEVELOPMENT DEPARTMENT



**PCED Received**

Date: June 29, 2024

Document received by the Planning, Community  
& Economic Development Department

Petition #10  
"Munce - 3 of 11"

## Application Submittal Checklist

# Development Regulation Amendment

[AMC 19.16, Legislative Actions](#)

3 of 11

## CORRECT NORTH BASIN STORMWATER PLAN

### DOCUMENTS

- ☒ This checklist completed and signed
- ☒ [Application and Narrative form](#)
- ☒ State Environmental Policy Act ([SEPA](#)) Checklist (including Part D for Non-Project Actions)
- ☐ A map identifying the property included in the proposed amendment (for future land use map changes)
- ☒ If applicable, supplemental studies and reports

\* **Fees for Comprehensive Plan amendment requests:** An initial application fee (\$960) is due after petition submittal and initial staff review. An additional fee (\$1,870) will be due if/when the amendment is docketed for consideration (within 14 days).

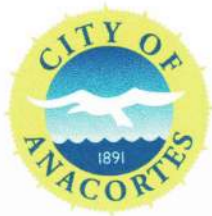
### DOCUMENT REQUIREMENTS

- ☒ **Application and Narrative.** If you need to attach supplemental documents to your narrative, first save the document as a pdf and then combine the supplemental document(s) to the Project Narrative form before uploading to the permit portal. The Project Narrative application submittal should be a single pdf file.
- ☒ **Supplemental studies and reports.** Additional information may be required to evaluate the impact of your proposal. (Staff will contact you after submittal to identify additional required supporting information, if any is needed.)

X Ian S. Munce

Applicant's eSignature (electronic / digital) verifying all application submittal checklist items are complete.





CITY OF ANACORTES

# PLANNING, COMMUNITY, and ECONOMIC DEVELOPMENT DEPARTMENT

Petition for Amendment to the Comprehensive Plan /  
Development Regulations

## Amendment Application and Narrative

| Applicant Information (Name, mailing address, phone number, email address)                                                                   |                                                                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| Ian Munce, JD, AICP<br>1711 Quail Drive<br>Anacortes, WA 98221<br>360-333-1646<br><a href="mailto:ianmunce@gmail.com">ianmunce@gmail.com</a> | Application 3 of 11<br><br><b>CORRECT NORTH BASIN STORMWATER PLAN</b><br><br>PROPOSED DEVELOPMENT REGULATION AMENDMENT |
| Property Information – For map amendments (Address, parcel number(s), property owner(s))                                                     |                                                                                                                        |
| R1 Zone                                                                                                                                      |                                                                                                                        |

### Amendment Request Narrative

Per [AMC 19.16.040\(D\)](#), petition for amendment of the [Comprehensive Plan](#) or [development regulations](#) must include the following:

**1. A detailed statement of what is proposed to be changed and why.**

If the Development Regulations includes by reference, or just references, the City's North Basin Stormwater Plan (NBSP) some corrections need to be made: the NBSP incorrectly identifies the basin as 500 acres in size when in fact it is 2400 acres in size. The NBSP describes the basin as 'substantially developed' when this description does not fit the 300 acre R1 zone where most of the acreage is wetlands or wetland buffers, streams and their buffers, aquifer recharge areas, and habitats of local importance,

2. **A statement of anticipated impacts to be caused by the change, including geographic area affected and issues presented.**

The geographic area affected is that mapped in the NBSP. There should be no impacts caused by the change. This submission seems to be my only way to secure these corrections.

3. **A demonstration of why the proposal is needed.**

Correct data and conclusions are of critical importance to sound planning

4. **A statement of how the amendment is consistent with the Comprehensive Plan's vision and goals.**

Correct data and conclusions are of critical importance to sound planning and thus the amendment/correction is consistent with the Comprehensive Plan's vision, goals, and policies.

5. **A description of how the map amendment complies with the land use designation criteria in the comprehensive plan, if applicable.**

N/A



CITY OF ANACORTES

# PLANNING, COMMUNITY, and ECONOMIC DEVELOPMENT DEPARTMENT



PCED Received

Date: June 30, 2024

Document received by the Planning, Community  
& Economic Development Department

Petition #11  
"Munce - 4 of 11"

## Application Submittal Checklist

# Development Regulation Amendment

[AMC 19.16, Legislative Action](#)

4 of 11

## REESTABLISH PLANNED UNIT DEVELOPMENTS

### DOCUMENTS

- ☒ This checklist completed and signed
- ☒ [Application and Narrative form](#)
- ☒ State Environmental Policy Act ([SEPA](#)) Checklist (including Part D for Non-Project Actions)
- ☐ A map identifying the property included in the proposed amendment (for future land use map changes)
- ☒ If applicable, supplemental studies and reports

\* **Fees for Comprehensive Plan amendment requests:** An initial application fee (\$960) is due after petition submittal and initial staff review. An additional fee (\$1,870) will be due if/when the amendment is docketed for consideration (within 14 days).

### DOCUMENT REQUIREMENTS

- ☒ **Application and Narrative.** If you need to attach supplemental documents to your narrative, first save the document as a pdf and then combine the supplemental document(s) to the Project Narrative form before uploading to the permit portal. The Project Narrative application submittal should be a single pdf file.
- ☒ **Supplemental studies and reports.** Additional information may be required to evaluate the impact of your proposal. (Staff will contact you after submittal to identify additional required supporting information, if any is needed.)

X Ian S. Munce

Applicant's eSignature (electronically) verifying all application submittal checklist items are complete.

Received this 27 day

of June, 2024

at 3:05 AM / PM

Megan A.  
City Clerk





CITY OF ANACORTES

# PLANNING, COMMUNITY, and ECONOMIC DEVELOPMENT DEPARTMENT

Petition for Amendment to the Comprehensive Plan /  
Development Regulations

## Amendment Application and Narrative

|                                                                                                                                              |                                                                                                                          |
|----------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| <b>Applicant Information</b> (Name, mailing address, phone number, email address)                                                            |                                                                                                                          |
| Ian Munce, JD, AICP<br>1711 Quail Drive<br>Anacortes, WA 98221<br>360-333-1646<br><a href="mailto:ianmunce@gmail.com">ianmunce@gmail.com</a> | Application 4 of 11<br><br><b>REESTABLISH PLANNED UNIT DEVELOPMENTS</b><br><br>PROPOSED DEVELOPMENT REGULATION AMENDMENT |
| <b>Property Information</b> – For map amendments (Address, parcel number(s), property owner(s)) <b>Citywide</b>                              |                                                                                                                          |

Per [AMC 19.16.040\(D\)](#), petition for amendment of the [Comprehensive Plan](#) or [development regulations](#) must include the following:

**1. A detailed statement of what is proposed to be changed and why.**

The City Development Regulations should reestablish Planned Unit Developments (PUDs) to allow property owners to cluster housing units outside of wetlands, streams, Fish and Wildlife critical areas, and their buffers. The unintended consequences of eliminating the City's PUD ordinance in Ordinance 2992, December 19, 2016 are that property owners are incentivized to: (1) 'landscape' as much critical areas and their buffers as they can get away with in order to gain building site(s); (2) submit less than adequate critical area reports and hope that the City will not require an independent third party review; (3) submit incomplete applications for a standard short plat or standard long plat and hope that the Planning Department will not receive comments or receive inadequate comments from all affected Departments and divisions; and,

(4) gamble that overworked City staff will miss or overlook critical area issues.

The PUD procedures and standards that were repealed in 2016 can simply be readopted.

**2. A statement of anticipated impacts to be caused by the change, including geographic area affected and issues presented.**

Adding PUD provisions will eliminate the unintended consequences described in Question 1 citywide and allow property owners to gain their site's maximum density without cutting any corners. There are simply no issues associated with reestablishing optional PUD regulations. They are simply one more tool in the planning toolbox.

**3. A demonstration of why the proposal is needed.**

The proposal is needed to address the unintended consequences, described in Question 1, of eliminating the PUD option in 2016.

**4. A statement of how the amendment is consistent with the Comprehensive Plan's vision and goals.**

The proposal will provide a means to address the Comprehensive Plan vision, goals, and policies. Of particular note is how it will advance the Environment and Conservation focus: "Environmental stewardship, protecting and enhancing shorelines and water quality, protecting wildlife habitat, protecting tree cover, promoting sustainable development practices, and addressing climate change". CP, p.1-7. And, Land Use Policy LU -4.1: "Maintain and strengthen regulations to protect sensitive natural areas, and pursue strategies/actions to restore degraded natural areas.

**5. A description of how the map amendment complies with the land use designation criteria in the comprehensive plan, if applicable.**

N/A



## Purpose of checklist

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

## Instructions for applicants

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

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

## Instructions for lead agencies

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

## Use of checklist for nonproject proposals

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

---

<sup>1</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/Checklist-guidance>



## A. Background

[Find help answering background questions<sup>2</sup>](https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-A-Background)

**1. Name of proposed project, if applicable:**

Reestablish Planned Unit Developments

**2. Name of applicant:**

Ian S. Munce

**3. Address and phone number of applicant and contact person:**

1711 Quail Drive, Anacortes. 360-333-1646

**4. Date checklist prepared:**

6/26/2024

**5. Agency requesting checklist:**

City of Anacortes

**6. Proposed timing of schedule (including phasing, if applicable):**

N/A

**7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.**

Implementation of the Comprehensive Plans Goals and Policies in the Environmental Element

**8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.**

City GIS layers as to streams and wetlands and their buffers and individual well aquifer protection locations

**9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.**

No, but they may be out there. I am aware of the partial application for 4219 H Avenue

**10. List any government approvals or permits that will be needed for your proposal, if known.**

**11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)**

Please see the forgoing application.

---

<sup>2</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-A-Background>

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

Citywide

## **B.Environmental Elements**

### **1. Earth**

[Find help answering earth questions](#)<sup>3</sup>

- a. **General description of the site:**

Circle or highlight one: Flat, rolling, hilly, steep slopes, mountainous, other:

- b. **What is the steepest slope on the site (approximate percent slope)?**
- c. **What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them, and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.**
- d. **Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.**
- e. **Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.**
- f. **Could erosion occur because of clearing, construction, or use? If so, generally describe.**

---

<sup>3</sup> <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-b-environmental-elements/environmental-elements-earth>

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?**
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any.**

## **2. Air**

[Find help answering air questions<sup>4</sup>](#)

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.**
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.**
- c. Proposed measures to reduce or control emissions or other impacts to air, if any:**

## **3. Water**

[Find help answering water questions<sup>5</sup>](#)

### **a. Surface:**

[Find help answering surface water questions<sup>6</sup>](#)

- 1. Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.**
- 2. Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.**

---

<sup>4</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-Air>

<sup>5</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-3-Water>

<sup>6</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-3-Water/Environmental-elements-Surface-water>



3. Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.
4. Will the proposal require surface water withdrawals or diversions? Give a general description, purpose, and approximate quantities if known.
5. Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.
6. Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

**b. Ground:**

[Find help answering ground water questions](https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-3-Water/Environmental-elements-Groundwater)<sup>7</sup>

1. Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give a general description, purpose, and approximate quantities if known.
2. Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

**c. Water Runoff (including stormwater):**

1. Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.
2. Could waste materials enter ground or surface waters? If so, generally describe.

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<sup>7</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-3-Water/Environmental-elements-Groundwater>

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

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

## 4. Plants

[Find help answering plants questions](#)

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

- ☐ deciduous tree: alder, maple, aspen, other
- ☐ evergreen tree: fir, cedar, pine, other
- ☐ shrubs
- ☐ grass
- ☐ pasture
- ☐ crop or grain
- ☐ orchards, vineyards, or other permanent crops.
- ☐ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- ☐ water plants: water lily, eelgrass, milfoil, other
- ☐ other types of vegetation

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

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

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

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

## 5. Animals

[Find help answering animal questions](#)<sup>8</sup>

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<sup>8</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-5-Animals>

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

Examples include:

- Birds: hawk, heron, eagle, songbirds, other:
- Mammals: deer, bear, elk, beaver, other:
- Fish: bass, salmon, trout, herring, shellfish, other:

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

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

- d. Proposed measures to preserve or enhance wildlife, if any.

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

## 6. Energy and natural resources

[Find help answering energy and natural resource questions](#)<sup>9</sup>

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.
- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.
- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any.

## 7. Environmental health

[Health Find help with answering environmental health questions](#)<sup>10</sup>

<sup>9</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-6-Energy-natural-resou>

<sup>10</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-7-Environmental-health>



- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur because of this proposal? If so, describe.
1. Describe any known or possible contamination at the site from present or past uses.
  2. Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.
  3. Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.
  4. Describe special emergency services that might be required.
  5. Proposed measures to reduce or control environmental health hazards, if any.

**b. Noise**

1. What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?
2. What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site)?
3. Proposed measures to reduce or control noise impacts, if any:

## **8. Land and shoreline use**

[Find help answering land and shoreline use questions](https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-8-Land-shoreline-use)<sup>11</sup>

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

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<sup>11</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-8-Land-shoreline-use>

- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses because of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?
1. Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how?
- c. Describe any structures on the site.
- d. Will any structures be demolished? If so, what?
- e. What is the current zoning classification of the site?
- f. What is the current comprehensive plan designation of the site?
- g. If applicable, what is the current shoreline master program designation of the site?
- h. Has any part of the site been classified as a critical area by the city or county? If so, specify.
- i. Approximately how many people would reside or work in the completed project?
- j. Approximately how many people would the completed project displace?
- k. Proposed measures to avoid or reduce displacement impacts, if any.
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any.

- m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

## 9. Housing

[Find help answering housing questions](#)<sup>12</sup>

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.
- c. Proposed measures to reduce or control housing impacts, if any:

## 10. Aesthetics

[Find help answering aesthetics questions](#)<sup>13</sup>

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?
- b. What views in the immediate vicinity would be altered or obstructed?
- c. Proposed measures to reduce or control aesthetic impacts, if any:

## 11. Light and glare

[Find help answering light and glare questions](#)<sup>14</sup>

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?
- b. Could light or glare from the finished project be a safety hazard or interfere with views?

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<sup>12</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-9-Housing>

<sup>13</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-10-Aesthetics>

<sup>14</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-11-Light-glare>



- c. What existing off-site sources of light or glare may affect your proposal?
- d. Proposed measures to reduce or control light and glare impacts, if any:

## 12. Recreation

[Find help answering recreation questions](#)

- a. What designated and informal recreational opportunities are in the immediate vicinity?
- b. Would the proposed project displace any existing recreational uses? If so, describe.
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

## 13. Historic and cultural preservation

[Find help answering historic and cultural preservation questions](#)<sup>15</sup>

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.
- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.
- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

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<sup>15</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-13-Historic-cultural-p>

## 14. Transportation

[Find help with answering transportation questions](#)<sup>16</sup>

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.
- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?
- c. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle, or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).
- d. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.
- e. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?
- f. Will the proposal interfere with, affect, or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.
- g. Proposed measures to reduce or control transportation impacts, if any:

## 15. Public services

[Find help answering public service questions](#)<sup>17</sup>

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.
- b. Proposed measures to reduce or control direct impacts on public services, if any.

<sup>16</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-14-Transportation>

<sup>17</sup> <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-b-environmental-elements/environmental-elements-15-public-services>

## 16. Utilities

[Find help answering utilities questions<sup>18</sup>](#)

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other:
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

## C. Signature

[Find help about who should sign<sup>19</sup>](#)

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

X *Ian S. Munce*

Type name of signee: Ian S. Munce

Position and agency/organization: Anacortes resident.

Date submitted: 6/26/2024.

## D. Supplemental sheet for nonproject actions

[Find help for the nonproject actions worksheet<sup>20</sup>](#)

Do not use this section for project actions.

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

<sup>18</sup> <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-b-environmental-elements/environmental-elements-16-utilities>

<sup>19</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-C-Signature>

<sup>20</sup> <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-d-non-project-actions/ian>



When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The proposal is designed to reduce these impacts.

- Proposed measures to avoid or reduce such increases are:

N/A

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The proposal would provide additional protections for these elements.

- Proposed measures to protect or conserve plants, animals, fish, or marine life are:

N/A

3. How would the proposal be likely to deplete energy or natural resources?

The proposal would likely conserve these elements.

- Proposed measures to protect or conserve energy and natural resources are:

N/A

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The proposal would likely add significant protections for environmentally sensitive areas, such as wetlands, streams, habitats of local importance, and aquifer protection areas.

- Proposed measures to protect such resources or to avoid or reduce impacts are:

N/A

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposal would discourage land uses incompatible with existing plans.

- Proposed measures to avoid or reduce shoreline and land use impacts are:

N/A

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

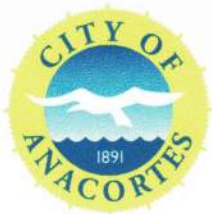
The proposal would likely reduce such demands.

- Proposed measures to reduce or respond to such demand(s) are:

- N/A

**7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.**

The proposal would not only not conflict with these laws and requirements but would add protections for the environment.

**PCED Received**Date: June 29, 2024Document received by the Planning, Community  
& Economic Development Department**Petition #12**  
**"Munce - 5 of 11"**

CITY OF ANACORTES

**PLANNING, COMMUNITY, and  
ECONOMIC DEVELOPMENT DEPARTMENT**

Application Submittal Checklist

**Development Regulation Amendment**AMC 19.16, Legislative Actions

5 of 11

**ADUs IN CRITICAL AREAS****DOCUMENTS**

- ☒ This checklist completed and signed
- ☒ Application and Narrative form
- ☒ State Environmental Policy Act (SEPA) Checklist (including Part D for Non-Project Actions)
- ☐ A map identifying the property included in the proposed amendment (for future land use map changes)
- ☒ If applicable, supplemental studies and reports

\* **Fees for Comprehensive Plan amendment requests:** An initial application fee (\$960) is due after petition submittal and initial staff review. An additional fee (\$1,870) will be due if/when the amendment is docketed for consideration (within 14 days).

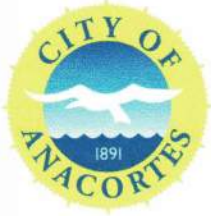
**DOCUMENT REQUIREMENTS**

- ☒ **Application and Narrative.** If you need to attach supplemental documents to your narrative, first save the document as a pdf and then combine the supplemental document(s) to the Project Narrative form before uploading to the permit portal. The Project Narrative application submittal should be a single pdf file.
- ☒ **Supplemental studies and reports.** Additional information may be required to evaluate the impact of your proposal. (Staff will contact you after submittal to identify additional required supporting information, if any is needed.)

**X Ian S. Munce**

Applicant's eSignature (electronic / digital) verifying all application submittal checklist items are complete.





CITY OF ANACORTES

# PLANNING, COMMUNITY, and ECONOMIC DEVELOPMENT DEPARTMENT

Petition for Amendment to the Comprehensive Plan /  
Development Regulations

## Amendment Application and Narrative

| <b>Applicant Information</b> (Name, mailing address, phone number, email address)                                                            |                                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| Ian Munce, JD, AICP<br>1711 Quail Drive<br>Anacortes, WA 98221<br>360-333-1646<br><a href="mailto:ianmunce@gmail.com">ianmunce@gmail.com</a> | Application 5 of 11<br><br>With Attachment F<br><br><b>ADUs IN CRITICAL AREAS</b><br><br>PROPOSED DEVELOPMENT REGULATION AMENDMENT |
| <b>Property Information</b> – For map amendments (Address, parcel number(s), property owner(s))                                              |                                                                                                                                    |
| R1 Zone                                                                                                                                      |                                                                                                                                    |

### Amendment Request Narrative

Per [AMC 19.16.040\(D\)](#), petition for amendment of the [Comprehensive Plan](#) or [development regulations](#) must include the following:

**1. A detailed statement of what is proposed to be changed and why.**

In the Development Regulations implement Commerce's advice as follows: "Cities ... may restrict ADU development ... in zones with a density of one unit or less that are in critical areas". Draft Guidance for ADUs in Washington State, p.8. State Department of Commerce, May 2024.

**2. A statement of anticipated impacts to be caused by the change, including geographic area affected and issues presented.**

Addressing critical areas in the R1 zone before allowing ADUs will delay the location of ADUs in the R1 Zone.

**3. A demonstration of why the proposal is needed.**

Building new residential units without appropriately integrating them into the multiple critical areas located in the R1 zone is just wrong and contrary to the environmental policies set forth in the Comprehensive Plan. See Attachment F.

**4. A statement of how the amendment is consistent with the Comprehensive Plan's vision and goals.**

The amendment is consistent with the Comprehensive Plan's vision, goals, and policies, particularly the environmental policies. See Attachment F.

**5. A description of how the map amendment complies with the land use designation criteria in the comprehensive plan, if applicable.**

N/A

From: Ian Munce [ianmunce@gmail.com](mailto:ianmunce@gmail.com)  
Subject: Vision, Goals, and Policies  
Date: Jun 20, 2024 at 12:24:57 PM  
To: Ian Munce [ianmunce@gmail.com](mailto:ianmunce@gmail.com)

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## **ATTACHMENT F**

1. The Comprehensive Plan's (CP) "Vision Statement" includes the following: "... protects our natural environment ... for future generations". CP, p 1-9. The CP "Values Statements" includes the following: "Embrace a conservation ethic ... Adopt innovative and environmentally sensitive development practices ... Utilize residents extensive knowledge and experience ... Preserve our historic places and natural surroundings". CP, p. 1-9.
2. The "Environment and Conservation" element of the CP includes the following: "... natural features as defining features of the City. Preservation of these natural features is identified by the community as an important priority. This policy is expressed through the goals and policies that support environmental stewardship, protection of critical areas, and protection of surface and groundwater quality". CP, p. 1-40.
3. The "Environment and Conservation" Goals and Policies include the following as Goal EC-1: "Serve as a leader in environmental stewardship of the natural environment for current and future generations". CP, p.1-40. The policies to implement this goal include the following as Policy EC-1.2: "Work cooperatively with ... state governments and community organizations to protect and enhance the environment". And, the following under Policy EC-1.3(F): "Publish and make available information about ... cluster development and transferable development rights". CP, p.1-41.
4. This same element includes the following as Policy EC-1.5: "identify and inventory areas of ... biological significance ... regulate development which would cause significant deterioration of these qualities". CP, p.1-41. And, Policies EC-1.7 and EC-1.8: "Work cooperatively with Skagit County in development of land use plans and review development proposals to identify and protect habitat networks and critical areas on an interjurisdictional basis ... use best available science to preserve or enhance the function and values of critical areas through regulations,

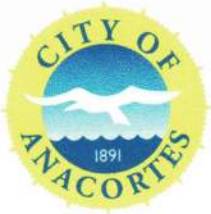


programs, and incentives". CP, p.1-41.

5. The "Environment and Conservation" Goals and Policies include the following as Goal EC-4: "Protect and enhance water quality". CP, p.1-43. And, Policy EC-4.8: "Protect and preserve areas that are critical for aquifer recharge , such as wetlands, streams, and water bodies". CP, p.1-43.

6. The "Environment and Conservation" Goals and Policies include the following as Goal EC-5: "Protect and enhance fish and wildlife habitat". CP, p.1-43. And Policy EC-5.1: " Identify, plan for, and preserve habitat areas, including wildlife corridors and areas with healthy ecosystems through development regulations ...". CP, p.1-43.

7. The "Environment and Conservation " Goals and Policies include the following as Goal EC-6: "maintain or improve the functional integrity of watercourses, wetlands, bodies of water and their shores". CP, p. 1-44.And, Policies EC-6.2 and EC-6.5: "Streams and wetlands should be maintained in their existing natural condition, or restored where appropriate ... place appropriate restrictions on land surface modifications ... hydrology modifications ... including ... clearing". CP, p.1-44.

**PCED Received**Date: June 29, 2024Document received by the Planning, Community  
& Economic Development Department**Petition #13**  
**"Munce - 6 of 11"**

CITY OF ANACORTES

**PLANNING, COMMUNITY, and  
ECONOMIC DEVELOPMENT DEPARTMENT**

Application Submittal Checklist

**Development Regulation Amendment**AMC 19.16, Legislative Actions

6 of 11

**CRITICAL AREA ENFORCEMENT****DOCUMENTS**

- ☒ This checklist completed and signed
- ☒ Application and Narrative form
- ☒ State Environmental Policy Act (SEPA) Checklist (including Part D for Non-Project Actions)
- ☐ A map identifying the property included in the proposed amendment (for future land use map changes)
- ☒ If applicable, supplemental studies and reports

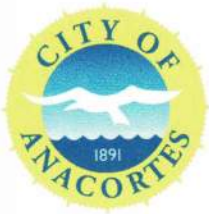
\* **Fees for Comprehensive Plan amendment requests:** An initial application fee (\$960) is due after petition submittal and initial staff review. An additional fee (\$1,870) will be due if/when the amendment is docketed for consideration (within 14 days).

**DOCUMENT REQUIREMENTS**

- ☒ **Application and Narrative.** If you need to attach supplemental documents to your narrative, first save the document as a pdf and then combine the supplemental document(s) to the Project Narrative form before uploading to the permit portal. The Project Narrative application submittal should be a single pdf file.
- ☒ **Supplemental studies and reports.** Additional information may be required to evaluate the impact of your proposal. (Staff will contact you after submittal to identify additional required supporting information, if any is needed.)

**X Ian S. Munce**

Applicant's eSignature (electronic / digital) verifying all application submittal checklist items are complete.



CITY OF ANACORTES

# PLANNING, COMMUNITY, and ECONOMIC DEVELOPMENT DEPARTMENT

Petition for Amendment to the Comprehensive Plan /  
Development Regulations

## Amendment Application and Narrative

| Applicant Information (Name, mailing address, phone number, email address)                                                                   |                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| Ian Munce, JD, AICP<br>1711 Quail Drive<br>Anacortes, WA 98221<br>360-333-1646<br><a href="mailto:ianmunce@gmail.com">ianmunce@gmail.com</a> | Application 6 of 11<br><br>With Attachment F |
| <b>CRITICAL AREA ENFORCEMENT</b>                                                                                                             |                                              |
| PROPOSED DEVELOPMENT REGULATION AMENDMENT                                                                                                    |                                              |
| Property Information – For map amendments (Address, parcel number(s), property owner(s))                                                     |                                              |
| Citywide                                                                                                                                     |                                              |

### Amendment Request Narrative

Per [AMC 19.16.040\(D\)](#), petition for amendment of the [Comprehensive Plan](#) or [development regulations](#) must include the following:

**1. A detailed statement of what is proposed to be changed and why.**

Add to AMC 19.70.165(A): if the Planning Director chooses not to take a critical area enforcement action, the Planning Director upon written request of an Anacortes resident shall issue Findings of Fact and Conclusions of Law setting out the justification(s) for this action. The Findings of Fact and Conclusions of Law must be published on the Planning Department's web page within 10 calendar days of the above referenced request. Further, In

these cases transparency and accountability are of critical importance: decisions involving acre upon acre of critical areas and penalties potentially involving hundreds of thousands of dollars should not be left to one individual but should be appealable to the City Hearing Examiner by those with standing.

**2. A statement of anticipated impacts to be caused by the change, including geographic area affected and issues presented.**

This is a citywide request. It should be a rare situation where the Planning Director chooses not to enforce the City's Critical Area Ordinance (CAO) and in such a rare situation timely action is essential.

**3. A demonstration of why the proposal is needed.**

The proposal is needed because it is the current City's position that the Planning Director has unbridled discretion to enforce or not to enforce newly enacted critical area protections and the restoration called for in the City Comprehensive Plan. See Attachment F.

**4. A statement of how the amendment is consistent with the Comprehensive Plan's vision and goals.**

The amendment is consistent with the Comprehensive Plan's vision, goals and policies, particularly the environmental policies and LU-1.4 ("Maintain and strengthen regulations to protect sensitive natural areas, and pursue strategies/actions to restore degraded natural areas"). See also Attachment F.

**5. A description of how the map amendment complies with the land use designation criteria in the comprehensive plan, if applicable.**

N/A



From: Ian Munce [ianmunce@gmail.com](mailto:ianmunce@gmail.com)  
Subject: Vision, Goals, and Policies  
Date: Jun 20, 2024 at 12:24:57 PM  
To: Ian Munce [ianmunce@gmail.com](mailto:ianmunce@gmail.com)

---

## **ATTACHMENT F**

1. The Comprehensive Plan's (CP) "Vision Statement" includes the following: "... protects our natural environment ... for future generations". CP, p 1-9. The CP "Values Statements" includes the following: "Embrace a conservation ethic ... Adopt innovative and environmentally sensitive development practices ... Utilize residents extensive knowledge and experience ... Preserve our historic places and natural surroundings". CP, p. 1-9.
2. The "Environment and Conservation" element of the CP includes the following: "... natural features as defining features of the City. Preservation of these natural features is identified by the community as an important priority. This policy is expressed through the goals and policies that support environmental stewardship, protection of critical areas, and protection of surface and groundwater quality". CP, p. 1-40.
3. The "Environment and Conservation" Goals and Policies include the following as Goal EC-1: "Serve as a leader in environmental stewardship of the natural environment for current and future generations". CP, p.1-40. The policies to implement this goal include the following as Policy EC-1.2: "Work cooperatively with ... state governments and community organizations to protect and enhance the environment". And, the following under Policy EC-1.3(F): "Publish and make available information about ... cluster development and transferable development rights". CP, p.1-41.
4. This same element includes the following as Policy EC-1.5: "identify and inventory areas of ... biological significance ... regulate development which would cause significant deterioration of these qualities". CP, p.1-41. And, Policies EC-1.7 and EC-1.8: "Work cooperatively with Skagit County in development of land use plans and review development proposals to identify and protect habitat networks and critical areas on an interjurisdictional basis ... use best available science to preserve or enhance the function and values of critical areas through regulations,

programs, and incentives". CP, p.1-41.

5. The "Environment and Conservation" Goals and Policies include the following as Goal EC-4: "Protect and enhance water quality". CP, p.1-43. And, Policy EC-4.8: "Protect and preserve areas that are critical for aquifer recharge , such as wetlands, streams, and water bodies". CP, p.1-43.

6. The "Environment and Conservation" Goals and Policies include the following as Goal EC-5: "Protect and enhance fish and wildlife habitat". CP, p.1-43. And Policy EC-5.1: " Identify, plan for, and preserve habitat areas, including wildlife corridors and areas with healthy ecosystems through development regulations ...". CP, p.1-43.

7. The "Environment and Conservation " Goals and Policies include the following as Goal EC-6: "maintain or improve the functional integrity of watercourses, wetlands, bodies of water and their shores". CP, p. 1-44.And, Policies EC-6.2 and EC-6.5: "Streams and wetlands should be maintained in their existing natural condition, or restored where appropriate ... place appropriate restrictions on land surface modifications ... hydrology modifications ... including ... clearing". CP, p.1-44.





CITY OF ANACORTES

# PLANNING, COMMUNITY, and ECONOMIC DEVELOPMENT DEPARTMENT



**PCED Received**

Date: June 30, 2024

Document received by the Planning, Community  
& Economic Development Department

**Petition #14**  
**"Munce - 7 of 11"**

Application Submittal Checklist

## Development Regulation Amendment

[AMC 19.16, Legislative Actions](#)

7 of 11

### PERMITS FOR 'LANDSCAPING' CRITICAL AREAS

#### DOCUMENTS

- ☒ This checklist completed and signed
- ☒ [Application and Narrative form](#)
- ☒ State Environmental Policy Act ([SEPA](#)) Checklist (including Part D for Non-Project Actions)
- ☐ A map identifying the property included in the proposed amendment (for future land use map changes)
- ☒ If applicable, supplemental studies and reports

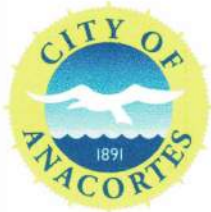
\* **Fees for Comprehensive Plan amendment requests:** An initial application fee (\$960) is due after petition submittal and initial staff review. An additional fee (\$1,870) will be due if/when the amendment is docketed for consideration (within 14 days).

#### DOCUMENT REQUIREMENTS

- ☒ **Application and Narrative.** If you need to attach supplemental documents to your narrative, first save the document as a pdf and then combine the supplemental document(s) to the Project Narrative form before uploading to the permit portal. The Project Narrative application submittal should be a single pdf file.
- ☒ **Supplemental studies and reports.** Additional information may be required to evaluate the impact of your proposal. (Staff will contact you after submittal to identify additional required supporting information, if any is needed.)

X Ian S. Munce

Applicant's eSignature (electronic / digital) verifying all application submittal checklist items are complete.



CITY OF ANACORTES

# PLANNING, COMMUNITY, and ECONOMIC DEVELOPMENT DEPARTMENT

Petition for Amendment to the Comprehensive Plan /  
Development Regulations

## Amendment Application and Narrative

| Applicant Information (Name, mailing address, phone number, email address)                                                                   |                                          |
|----------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|
| Ian Munce, JD, AICP<br>1711 Quail Drive<br>Anacortes, WA 98221<br>360-333-1646<br><a href="mailto:ianmunce@gmail.com">ianmunce@gmail.com</a> | Application 7 of 11<br>With Attachment F |
| <b>PERMITS FOR 'LANDSCAPING' CRITICAL AREAS</b>                                                                                              |                                          |
| PROPOSED DEVELOPMENT REGULATION AMENDMENT                                                                                                    |                                          |
| Property Information – For map amendments (Address, parcel number(s), property owner(s))                                                     |                                          |
| R1 Zone                                                                                                                                      |                                          |

### Amendment Request Narrative

Per [AMC 19.16.040\(D\)](#), petition for amendment of the [Comprehensive Plan](#) or [development regulations](#) must include the following:

#### 1. A detailed statement of what is proposed to be changed and why.

"Yard and Garden activities in critical areas be removed from exemption status in AMC 19.70.040 and a robust permit system shall be implemented". The City claims that it has unfettered discretion to just ignore AMC 19.70.040 with its limited exemptions for yard and garden activities, yet this was one of the bases upon which the Growth Management Hearings Board (GMHB) upheld the City's new Critical Areas Ordinance (CAO), an ordinance I argued *inter alia* needed a permit system to ensure

compliance. I wish to preserve this issue for a follow up appeal to the GMHB. Given the City's failure to apply AMC 19.70.040 I am of the opinion that the GMHB will agree with me next time that a permit system is necessary.

**2. A statement of anticipated impacts to be caused by the change, including geographic area affected and issues presented.**

Failure to robustly implement AMC 19.70.040 removes one of the most significant gains secured in the new CAO, not just in the R 1 zone but across the City.

**3. A demonstration of why the proposal is needed.**

Failure to robustly implement AMC 19.70.040 removes one of the most significant gains secured in the new CAO, not just in my R1 zone but across the City.

**4. A statement of how the amendment is consistent with the Comprehensive Plan's vision and goals.**

The proposal is entirely consistent with the Comprehensive Plan's vision and its environmental goals and policies, particularly the wetland policies that call for restoration. See Attachment F.

**5. A description of how the map amendment complies with the land use designation criteria in the comprehensive plan, if applicable.**

N/A



From: Ian Munce [ianmunce@gmail.com](mailto:ianmunce@gmail.com)  
Subject: Vision, Goals, and Policies  
Date: Jun 20, 2024 at 12:24:57 PM  
To: Ian Munce [ianmunce@gmail.com](mailto:ianmunce@gmail.com)

---

## **ATTACHMENT F**

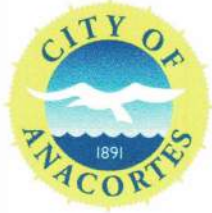
1. The Comprehensive Plan's (CP) "Vision Statement" includes the following: "... protects our natural environment ... for future generations". CP, p 1-9. The CP "Values Statements" includes the following: "Embrace a conservation ethic ... Adopt innovative and environmentally sensitive development practices ... Utilize residents extensive knowledge and experience ... Preserve our historic places and natural surroundings". CP, p. 1-9.
2. The "Environment and Conservation" element of the CP includes the following: "... natural features as defining features of the City. Preservation of these natural features is identified by the community as an important priority. This policy is expressed through the goals and policies that support environmental stewardship, protection of critical areas, and protection of surface and groundwater quality". CP, p. 1-40.
3. The "Environment and Conservation" Goals and Policies include the following as Goal EC-1: "Serve as a leader in environmental stewardship of the natural environment for current and future generations". CP, p.1-40. The policies to implement this goal include the following as Policy EC-1.2: "Work cooperatively with ... state governments and community organizations to protect and enhance the environment". And, the following under Policy EC-1.3(F): "Publish and make available information about ... cluster development and transferable development rights". CP, p.1-41.
4. This same element includes the following as Policy EC-1.5: "identify and inventory areas of ... biological significance ... regulate development which would cause significant deterioration of these qualities". CP, p.1-41. And, Policies EC-1.7 and EC-1.8: "Work cooperatively with Skagit County in development of land use plans and review development proposals to identify and protect habitat networks and critical areas on an interjurisdictional basis ... use best available science to preserve or enhance the function and values of critical areas through regulations,

programs, and incentives". CP, p.1-41.

5. The "Environment and Conservation" Goals and Policies include the following as Goal EC-4: "Protect and enhance water quality". CP, p.1-43. And, Policy EC-4.8: "Protect and preserve areas that are critical for aquifer recharge , such as wetlands, streams, and water bodies". CP, p.1-43.

6. The "Environment and Conservation" Goals and Policies include the following as Goal EC-5: "Protect and enhance fish and wildlife habitat". CP, p.1-43. And Policy EC-5.1: " Identify, plan for, and preserve habitat areas, including wildlife corridors and areas with healthy ecosystems through development regulations ...". CP, p.1-43.

7. The "Environment and Conservation " Goals and Policies include the following as Goal EC-6: "maintain or improve the functional integrity of watercourses, wetlands, bodies of water and their shores". CP, p. 1-44.And, Policies EC-6.2 and EC-6.5: "Streams and wetlands should be maintained in their existing natural condition, or restored where appropriate ... place appropriate restrictions on land surface modifications ... hydrology modifications ... including ... clearing". CP, p.1-44.



CITY OF ANACORTES

# PLANNING, COMMUNITY, and ECONOMIC DEVELOPMENT DEPARTMENT



**PCED Received**

Date: June 30, 2024

Document received by the Planning, Community  
& Economic Development Department

**Petition #15  
"Munce - 8 of 11"**

Application Submittal Checklist

## Development Regulation Amendment

AMC 19.16, Legislative Actions

8 of 11

### SPECIAL DUTY AS TO INDIVIDUAL WELLS

#### DOCUMENTS

- ☒ This checklist completed and signed
- ☒ Application and Narrative form
- ☒ State Environmental Policy Act (SEPA) Checklist (including Part D for Non-Project Actions)
- ☐ A map identifying the property included in the proposed amendment (for future land use map changes)
- ☒ If applicable, supplemental studies and reports

\* **Fees for Comprehensive Plan amendment requests:** An initial application fee (\$960) is due after petition submittal and initial staff review. An additional fee (\$1,870) will be due if/when the amendment is docketed for consideration (within 14 days).

#### DOCUMENT REQUIREMENTS

- ☒ **Application and Narrative.** If you need to attach supplemental documents to your narrative, first save the document as a pdf and then combine the supplemental document(s) to the Project Narrative form before uploading to the permit portal. The Project Narrative application submittal should be a single pdf file.
- ☒ **Supplemental studies and reports.** Additional information may be required to evaluate the impact of your proposal. (Staff will contact you after submittal to identify additional required supporting information, if any is needed.)

**X Ian S. Munce**

Applicant's eSignature (electronic / digital) verifying all application submittal checklist items are complete.





CITY OF ANACORTES

# PLANNING, COMMUNITY, and ECONOMIC DEVELOPMENT DEPARTMENT

Petition for Amendment to the Comprehensive Plan /  
Development Regulations

## Amendment Application and Narrative

| Applicant Information (Name, mailing address, phone number, email address)                                                                   |                                                                                                                                                 |
|----------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| Ian Munce, JD, AICP<br>1711 Quail Drive<br>Anacortes, WA 98221<br>360-333-1646<br><a href="mailto:ianmunce@gmail.com">ianmunce@gmail.com</a> | Application 8 of 11<br><br>With Attachment F<br><br><b>SPECIAL DUTY AS TO INDIVIDUAL WELLS</b><br><br>PROPOSED DEVELOPMENT REGULATION AMENDMENT |
| Property Information – For map amendments (Address, parcel number(s), property owner(s))                                                     |                                                                                                                                                 |
| R1 Zone                                                                                                                                      |                                                                                                                                                 |

### Amendment Request Narrative

Per [AMC 19.16.040\(D\)](#), petition for amendment of the [Comprehensive Plan](#) or [development regulations](#) must include the following:

**1. A detailed statement of what is proposed to be changed and why.**

AMC 19.10.070 needs to be amended to recognize that AMC 19.70.510 and AMC 19.70.520(A) 1(b)iv, establish a special duty to protect individual wells with a 1,000-foot radius well protection zone. Further, these aquifer recharge areas are designated critical areas. AMC 19.70.520(B).

**2. A statement of anticipated impacts to be caused by the change, including geographic area affected and issues presented.**

In its new Critical Areas Ordinance the City, after extensive public process and support from WSDOE and WDFW, chose to add protections for individual wells across the City. There should be no issue with adding this special duty to the code. The location of these critical areas has its own City GIS layer.

**3. A demonstration of why the proposal is needed.**

To the best of my knowledge, at least in my immediate neighborhood, this special duty and the associated critical area protections have not been applied.

**4. A statement of how the amendment is consistent with the Comprehensive Plan's vision and goals.**

The amendment is consistent with the Comprehensive Plan, its vision, goals, and policies. A special duty as to aquifer recharge areas exists and needs to be recognized and addressed. See Attachment F.

**5. A description of how the map amendment complies with the land use designation criteria in the comprehensive plan, if applicable.**

N/A

From: Ian Munce [ianmunce@gmail.com](mailto:ianmunce@gmail.com)  
Subject: Vision, Goals, and Policies  
Date: Jun 20, 2024 at 12:24:57 PM  
To: Ian Munce [ianmunce@gmail.com](mailto:ianmunce@gmail.com)

---

## **ATTACHMENT F**

1. The Comprehensive Plan's (CP) "Vision Statement" includes the following: "... protects our natural environment ... for future generations". CP, p 1-9. The CP "Values Statements" includes the following: "Embrace a conservation ethic ... Adopt innovative and environmentally sensitive development practices ... Utilize residents extensive knowledge and experience ... Preserve our historic places and natural surroundings". CP, p. 1-9.
2. The "Environment and Conservation" element of the CP includes the following: "... natural features as defining features of the City. Preservation of these natural features is identified by the community as an important priority. This policy is expressed through the goals and policies that support environmental stewardship, protection of critical areas, and protection of surface and groundwater quality". CP, p. 1-40.
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4. This same element includes the following as Policy EC-1.5: "identify and inventory areas of ... biological significance ... regulate development which would cause significant deterioration of these qualities". CP, p.1-41. And, Policies EC-1.7 and EC-1.8: "Work cooperatively with Skagit County in development of land use plans and review development proposals to identify and protect habitat networks and critical areas on an interjurisdictional basis ... use best available science to preserve or enhance the function and values of critical areas through regulations,

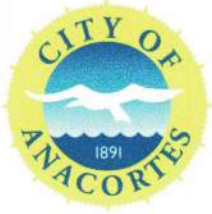
programs, and incentives". CP, p.1-41.

5. The "Environment and Conservation" Goals and Policies include the following as Goal EC-4: "Protect and enhance water quality". CP, p.1-43. And, Policy EC-4.8: "Protect and preserve areas that are critical for aquifer recharge , such as wetlands, streams, and water bodies". CP, p.1-43.

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CITY OF ANACORTES

# PLANNING, COMMUNITY, and ECONOMIC DEVELOPMENT DEPARTMENT



**PCED Received**

Date: June 30, 2024

Document received by the Planning, Community  
& Economic Development Department

**Petition #16**  
**"Munce - 9 of 11"**

Petition for Amendment to the Comprehensive Plan /  
Development Regulations

## Amendment Application and Narrative

| <b>Applicant Information</b> (Name, mailing address, phone number, email address)                                                            |                                                                                                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| Ian Munce, JD, AICP<br>1711 Quail Drive<br>Anacortes, WA 98221<br>360-333-1646<br><a href="mailto:ianmunce@gmail.com">ianmunce@gmail.com</a> | Application 9 of 11<br><br><b>COTTAGE HOUSING FINDINGS OF FACT</b><br><br>PROPOSED DEVELOPMENT REGULATION AMENDMENT |
| <b>Property Information</b> – For map amendments (Address, parcel number(s), property owner(s))                                              |                                                                                                                     |
| Citywide                                                                                                                                     |                                                                                                                     |

### Amendment Request Narrative

Per [AMC 19.16.040\(D\)](#), petition for amendment of the [Comprehensive Plan](#) or [development regulations](#) must include the following:

**1. A detailed statement of what is proposed to be changed and why.**

Add as AMC 19.43.010(D)3(o): "For every cottage housing proposal, immediately prior to building permit issuance the City Planning Director shall issue Findings of Fact describing how each of the cottage housing ordinance requirements have been met. If critical areas are involved the Findings of Fact shall also describe how critical area mandates have been addressed. The Findings of Fact shall be published on the Planning Department's web site contemporaneously with building permit issuance".

This will provide for public education, transparency, and accountability.

**2. A statement of anticipated impacts to be caused by the change, including geographic area affected and issues presented.**

This proposal will apply citywide and create additional work for the Planning Department. However, the extra work will simply be to organize existing staff notes into a structured framework.

**3. A demonstration of why the proposal is needed.**

This proposal is needed to advance public education and ensure transparency and accountability.

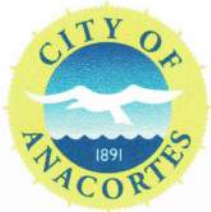
**4. A statement of how the amendment is consistent with the Comprehensive Plan's vision and goals.**

The amendment is consistent with the Comprehensive Plan's vision, goals, and policies, particularly Policy LU-1.4: "Implement land use designations through a clear regulatory process that ensures transparency, fairness, and predictability in the land development process".

**5. A description of how the map amendment complies with the land use designation criteria in the comprehensive plan, if applicable.**

N/A





CITY OF ANACORTES

# PLANNING, COMMUNITY, and ECONOMIC DEVELOPMENT DEPARTMENT

Application Submittal Checklist

## Development Regulation Amendment

[AMC 19.16, Legislative Actions](#)

9 of 11

### COTTAGE HOUSING FINDINGS OF FACT

#### DOCUMENTS

- ☒ This checklist completed and signed
- ☒ [Application and Narrative form](#)
- ☒ State Environmental Policy Act ([SEPA](#)) Checklist (including Part D for Non-Project Actions)
- ☐ A map identifying the property included in the proposed amendment (for future land use map changes)
- ☒ If applicable, supplemental studies and reports

\* **Fees for Comprehensive Plan amendment requests:** An initial application fee (\$960) is due after petition submittal and initial staff review. An additional fee (\$1,870) will be due if/when the amendment is docketed for consideration (within 14 days).

#### DOCUMENT REQUIREMENTS

- ☒ **Application and Narrative.** If you need to attach supplemental documents to your narrative, first save the document as a pdf and then combine the supplemental document(s) to the Project Narrative form before uploading to the permit portal. The Project Narrative application submittal should be a single pdf file.
- ☒ **Supplemental studies and reports.** Additional information may be required to evaluate the impact of your proposal. (Staff will contact you after submittal to identify additional required supporting information, if any is needed.)

X Ian S. Munce

Applicant's eSignature (electronic / digital) verifying all application submittal checklist items are complete.



CITY OF ANACORTES

PLANNING, COMMUNITY, and  
ECONOMIC DEVELOPMENT DEPARTMENT

## Application Submittal Checklist

## Development Regulation Amendment

[AMC 19.16, Legislative Actions](#)

10 of 11

## SEWER TREATMENT PLANT CAPACITY

## DOCUMENTS

- ☒ This checklist completed and signed
- ☒ [Application and Narrative form](#)
- ☒ State Environmental Policy Act ([SEPA](#)) Checklist (including Part D for Non-Project Actions)
- ☐ A map identifying the property included in the proposed amendment (for future land use map changes)
- ☒ If applicable, supplemental studies and reports

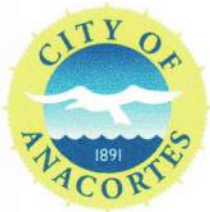
\* **Fees for Comprehensive Plan amendment requests:** An initial application fee (\$960) is due after petition submittal and initial staff review. An additional fee (\$1,870) will be due if/when the amendment is docketed for consideration (within 14 days).

## DOCUMENT REQUIREMENTS

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X Ian S. Munce

Applicant's eSignature (electronic / digital) verifying all application submittal checklist items are complete.



CITY OF ANACORTES

# PLANNING, COMMUNITY, and ECONOMIC DEVELOPMENT DEPARTMENT

Petition for Amendment to the Comprehensive Plan /  
Development Regulations

## Amendment Application and Narrative

|                                                                                                                                              |                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| <b>Applicant Information</b> (Name, mailing address, phone number, email address)                                                            |                                                                                                                    |
| Ian Munce, JD, AICP<br>1711 Quail Drive<br>Anacortes, WA 98221<br>360-333-1646<br><a href="mailto:ianmunce@gmail.com">ianmunce@gmail.com</a> | Application 10 of 11<br><br><b>SEWER TREATMENT PLANT CAPACITY</b><br><br>PROPOSED DEVELOPMENT REGULATION AMENDMENT |
| <b>Property Information</b> – For map amendments (Address, parcel number(s), property owner(s))                                              |                                                                                                                    |
| Citywide and UGA                                                                                                                             |                                                                                                                    |

### Amendment Request Narrative

Per [AMC 19.16.040\(D\)](#), petition for amendment of the [Comprehensive Plan](#) or [development regulations](#) must include the following:

**1. A detailed statement of what is proposed to be changed and why.**

The Development Regulations take explicit account of the fact that for the past 30 years the City's population allocation has been capped to the current sewer plant capacity as ratepayers have consistently opposed an expensive plant expansion. Capacity has been gained by the City's aggressive infiltration program. However, if the Sewer Plan that is now under development shows less capacity than the current population



allocation Comprehensive plan Policy CF.-4.1 mandates that the population allocation be adjusted accordingly.

**2. A statement of anticipated impacts to be caused by the change, including geographic area affected and issues presented.**

Please reference the paragraph above.

**3. A demonstration of why the proposal is needed.**

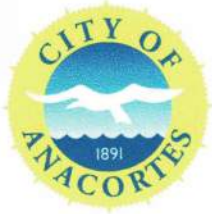
Please reference the paragraph above.

**4. A statement of how the amendment is consistent with the Comprehensive Plan's vision and goals.**

The amendment is consistent with the Comprehensive Plan and Goal CF-4: "Financial Feasibility. Ensure that planned capital facilities are financially feasible". And Policy CF -4.1: "If projected funding is inadequate to finance needed capital facilities that provide adequate levels of service, adjust the level of service, **the planned growth**, and/or the sources of revenue to maintain a balance between available revenue and needed capital facilities. Emphasis added.

**5. A description of how the map amendment complies with the land use designation criteria in the comprehensive plan, if applicable.**

N/A



CITY OF ANACORTES

PLANNING, COMMUNITY, and  
ECONOMIC DEVELOPMENT DEPARTMENT

Application Submittal Checklist

## Development Regulation Amendment

[AMC 19.16, Legislative Actions](#)

11 of 11

## UNAUTHORIZED CRITICAL AREA ALTERATIONS

## DOCUMENTS

- ☒ This checklist completed and signed
- ☒ [Application and Narrative form](#)
- ☒ State Environmental Policy Act ([SEPA](#)) Checklist (including Part D for Non-Project Actions)
- ☐ A map identifying the property included in the proposed amendment (for future land use map changes)
- ☒ If applicable, supplemental studies and reports

\* **Fees for Comprehensive Plan amendment requests:** An initial application fee (\$960) is due after petition submittal and initial staff review. An additional fee (\$1,870) will be due if/when the amendment is docketed for consideration (within 14 days).

## DOCUMENT REQUIREMENTS

- ☒ **Application and Narrative.** If you need to attach supplemental documents to your narrative, first save the document as a pdf and then combine the supplemental document(s) to the Project Narrative form before uploading to the permit portal. The Project Narrative application submittal should be a single pdf file.
- ☒ **Supplemental studies and reports.** Additional information may be required to evaluate the impact of your proposal. (Staff will contact you after submittal to identify additional required supporting information, if any is needed.)

X Ian S. Munce

Applicant's eSignature (electronic / digital) verifying all application submittal checklist items are complete.



CITY OF ANACORTES

# PLANNING, COMMUNITY, and ECONOMIC DEVELOPMENT DEPARTMENT

Petition for Amendment to the Comprehensive Plan /  
Development Regulations

## Amendment Application and Narrative

|                                                                                                                                              |                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| <b>Applicant Information</b> (Name, mailing address, phone number, email address)                                                            |                                                                                                                            |
| Ian Munce, JD, AICP<br>1711 Quail Drive<br>Anacortes, WA 98221<br>360-333-1646<br><a href="mailto:ianmunce@gmail.com">ianmunce@gmail.com</a> | Application 11 of 11<br><br><b>UNAUTHORIZED CRITICAL AREA ALTERATIONS</b><br><br>PROPOSED DEVELOPMENT REGULATION AMENDMENT |
| <b>Property Information</b> – For map amendments (Address, parcel number(s), property owner(s))                                              |                                                                                                                            |
| Citywide                                                                                                                                     |                                                                                                                            |

### Amendment Request Narrative

Per [AMC 19.16.040\(D\)](#), petition for amendment of the [Comprehensive Plan](#) or [development regulations](#) must include the following:

#### 1. A detailed statement of what is proposed to be changed and why.

A. Anacortes Municipal Code 19.70.165(A), "Unauthorized Critical Area Alterations", needs to be expanded on and clarified as shown in bold. "When a critical area or its buffer has been altered in violation of this chapter, all work must stop, and the critical area and buffer must be restored. The Director may issue a stop work order **as necessary** to cease all work, and order restoration measures at the owner's or other responsible party's expense to remediate the impacts of the violation of the provisions of this chapter. The city may take



**informal** or formal enforcement action under AMC Title [20](#), Civil Enforcement and Penalties, to ensure the violation is abated". Emphasis added.

B. In AMC 19.70.165(E) "Penalties. Any responsible party violating the provisions of this chapter **Delete** "may" **Add** "will" be subject to applicable penalties per AMC Title [20](#), Civil Enforcement and Penalties, plus the following:

1. A square footage cost of \$3.00 per square foot of impacted critical area buffer; and a square footage cost of \$15.00 per square foot of impacted critical area; and
2. A per-tree penalty in the amount of \$3,000 per nonsignificant tree and \$9,000 per significant tree, for trees removed, or otherwise damaged, within a critical area or buffer in violation of the provisions of this chapter.

These changes are necessary to be implement AMC 19.10.030: "The Director has the **duty to administer and enforce** Titles 16,17,18,and 19".

And, AMC 19.70.165(A): "When a critical area or its buffer has been altered in violation of this chapter, all work **must** stop, and the critical area and buffer **must** be restored". Emphasis added.

Somehow the casual use of language in (A) has led some at the City to take the position that the Planning Director can, entirely at the Planning Director's discretion, simply ignore the enforcing the entire set of provisions of the City's Critical Area Ordinance. Somehow the use of the word "may" rather than "will" in (B) puts one individual, the Planning Director, in the position to waive hundred of thousands of dollars in penalties and allow for the destruction of critical areas in order to create \$300,000 building sites. Simply ridiculous. The penalties should be imposed with an appeal to the City Hearing Examiner contesting the merits and/or citing mitigating factor that would allow for a reduction in the penalties.

2. **A statement of anticipated impacts to be caused by the change, including geographic area affected and issues presented.**

See the answer to Question 1.

3. **A demonstration of why the proposal is needed.**

Without appropriate critical area administration and enforcement the entire set of Comprehensive Plan Environmental goals and policies and the Title 19.70 critical area regulations are rendered meaningless.

4. **A statement of how the amendment is consistent with the Comprehensive Plan's vision and goals.**

See the answer to Question 3

5. **A description of how the map amendment complies with the land use designation criteria in the comprehensive plan, if applicable.**

N/A

**Libby Grage**

---

**From:** CityClerk  
**Sent:** Monday, July 1, 2024 5:41 PM  
**To:** John Coleman  
**Cc:** Libby Grage  
**Subject:** FW: Petition for amendment of development regulations for 2025 Comp plan

John,

Please see below submission from William Turner regarding the 2025 Comprehensive Plan update.

Best,

**Greg Francioch**  
Legal Assistant  
Assistant to the City Clerk  
City of Anacortes  
P.O. Box 547  
Anacortes, WA 98221  
360-299-1960

[Visit the City of Anacortes public records document center today!](#)

*NOTE: Public documents and records are available to the public as provided under the Washington State Public Records Act (RCW 42.56).  
This e-mail may be considered subject to the Public Records Act and may be disclosed to a third-party requestor.*

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**From:** William Turner <bill.h.turner@gmail.com>  
**Sent:** Friday, June 28, 2024 12:13 PM  
**To:** CityClerk <cityclerk@cityofanacortes.org>  
**Subject:** Petition for amendment of development regulations for 2025 Comp plan

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

1. After reviewing the City' Housing Action Plan (HAP) and discussing it with other members of our community who strongly support affordable housing and tenant protections (and being past President of Skagit Habitat for Humanity), I have some recommendations that I consider belong in both the Comprehensive Plan and the Development Regulations and I have set these out below. But first I have to remark that I set no stake in the 'trickle down' theory that seems to be a continuous theme in the HAP and believe that direct intervention is needed if housing for those below 120% of AMI is to be achieved. Without clear separation from the "market" , all intended

affordable housing will become out of reach for those in this economic group, especially in Anacortes, which has highest property values in Skagit County.

1. The needs should be addressed with specific targets and not projections. I submit that an achievable target for long term subsidized housing is 50 units a year over the next 20 years dispersed across income groups below 120% as spelled out in the HAP.

2. The longest possible term is not defined in the current Comprehensive Plan (CP). I believe standard practice in this State is fifty years and the updated CP should state this.

3. To achieve this target I recommend that the CP mandate that a citizen task force be established to bring a property tax proposal to the City Council for consideration as to placing the proposal on the 2025 general election ballot. And the CP should so state.

4. Impact fees and hook up fees should only be waived for ADUs if the unit(s) are affordable for 50 years at 80% of AMI. The real question is how we do this.

## **5. Implement a Multi-Family Tax Exemption**

6. I recommend that the City' hire a housing officer (as recommended by the HAP) that can work with non-profits and for-profit organizations to apply for the multiple grant opportunities that are currently out there, develop a local tenants rights ordinance, and work to directly resolve tenants issues.

These **six** steps will move beyond the 'trickle down' theory to concrete actions that will make a real impact on affordable housing in Anacortes. The 2016 CP sought to deal with state mandated recommendations with only suggestions, a complete failure. To achieve real housing that can be afforded for the people in the Hap group below the 120% category, they must be separated BP from the "market".

### Narrative 2

The background for these citywide changes is set forth in the HAP. The changes will have implications for the City budget, but should be manageable given the importance of this issue and could partially be funded by grant(s). I do not see any issues with moving my five points forward, except from those who do not think that affordable housing is worth direct city investment.

### Narrative 3.

Based on the HAP, my five point proposal is called for and much needed.

### Narrative 4

The proposed action steps is consistent with the Comprehensive Plan vision, goals, and housing policies.

Sent from my iPad

# Memorandum



**To:** City Council  
**From:** Councilmember Ryan Walters, JD, AICP  
**Date:** July 15, 2024  
**Re:** Proposals for the 2025 Comprehensive Plan & Development Regulations Update

The 2025 Comprehensive Plan Update is a once-per-decade opportunity for the City to take a holistic look at its land use and capital plans and improve the course we set back in 2016 toward a stronger future for Anacortes. I submit to the City Council this set of recommendations for amendments and improvements to the Comprehensive Plan and the City's development regulations as a catalyst for future discussion.

## Comprehensive Plan

### CP-1 Move the Comprehensive Plan onto the Code Publishing website

The City's Comprehensive Plan currently lives as a single [200-page PDF](#) buried on the City's website. Other cities, for example [Port Townsend](#) and [Olympia](#), host their plans on the Code Publishing website alongside their development regulations and other aggregated policies. With the 2025 Update, the City should reformat its Comprehensive Plan for ease of display on Code Publishing's website, which will make finding, reading, referring to, updating, and tracking changes within the plan easier. Taking full advantage of the platform's capabilities may require changing the Comprehensive Plan's numbering scheme.

### CP-2 Extract Volume 2 of the Comprehensive Plan into a background document

The City's Comprehensive Plan is currently structured as two volumes: the first with the goals and policies that form the meat of the plan (72 pages), and the second with background information on each of those elements and existing condition information that quickly becomes out of date (126 pages). With the 2025 Update, the City should extract Volume 2 from the Comprehensive Plan proper, and structure it as a standalone background document to be maintained separately from the Comprehensive Plan. Critical components of this background document could be inserted as introductory narrative in each comp plan element.

### CP-3 Consolidate standalone Parks Plan into the Comprehensive Plan

The City currently maintains a Parks and Recreation Master Plan that is incorporated by reference into the Comprehensive Plan (and therefore subject to the once-per-year amendment limitation and other public participation requirements of a comprehensive plan amendment). This plan is intended to satisfy the requirement in RCW 36.70A.070(8) to include a park and recreation element in the Comprehensive Plan. The standalone plan duplicates the six pages of parks policies in the Comprehensive Plan parks element. With the 2025 Update, the City should migrate the content from the existing Parks Plan into the Comprehensive Plan, negating the need for a standalone parks plan. "Recommendations" and "proposed actions" in the Parks plan could become formal policies and capital projects in the Comprehensive Plan. Parks capital projects must be listed in the Comprehensive Plan to spend REET revenue and impact fees. Fewer plans would be better, simplify updates, and better integrate content across the Comprehensive Plan. The State Recreation and Conservation Office [provides support](#) for this approach. GMA was recently amended to add new requirements for the Parks element, such as to evaluate tree canopy coverage within the urban growth area, which will dovetail well into other parts of the Comprehensive Plan.



#### **CP-4 Integrate planning for the Senior Activity Center into the Comprehensive Plan**

Since the adoption of the 2016 Update, the City has acquired the Anacortes Senior Activity Center, which provides important services for the substantial older portion of our city's population (as of 2023, 30% of the [City's population](#) is over age 65). With the 2025 Update, the City should incorporate detailed planning for senior activities and potential expansion of the senior center's programs and physical building. The Senior Activity Center Foundation has offered to potentially provide funding to the City to do such planning.

#### **CP-5 Add all unincorporated ACFL parcels to the Urban Growth Area**

The City has acquired several parcels outside the existing city limits that it has added to the Anacortes Community Forestlands. The City Council has recently adopted municipal code provisions prohibiting camping, campfires, smoking, and other illicit behaviors within the ACFL, the City is unable to enforce those rules in the same way outside the city limits. Under RCW 35A.14.005, the City cannot annex a parcel that is not within its Urban Growth Area. With the 2025 Update, the City should petition the County to add all City-owned ACFL parcels (note contiguity is not required, per RCW 35A.14.300) to the City's Urban Growth Area, and once that is accomplished, annex them into the City limits. Parcels where the City has extinguished the development rights through conservation easements held by Skagit Land Trust, would constitute a "no-growth" UGA petition, which would not require the usual calculations and justification for an expansion.

Parcels: [P19298](#), [P60752](#), [P60763](#), [P60777](#), [P60751](#), portion of [P32547](#), and potentially others.

#### **CP-6 Allow the next increment of housing development in neighborhoods and avoid big jumps in development intensity**

Like all cities in western Washington, and many throughout the United States, Anacortes has struggled with the important question of how to integrate additional housing of a variety of types and sizes while protecting the quality of life in existing neighborhoods that we all hold dear. The national non-profit Strong Towns advocates allowing [the next increment of housing development](#) in all neighborhoods as a way to allow a city to grow organically and avoid big jumps from single-family housing to four or five-story apartment buildings. This concept is based on Strong Towns' simple [two-part rule](#) for healthy neighborhood change:

1. No neighborhood can be exempt from change.
2. No neighborhood should experience sudden, radical change.

One of the most popular and desirable neighborhoods in Anacortes, the Old Town neighborhood, is characterized by the kind of historic [organic growth](#) that we should seek to enable everywhere. Single-family houses appear next to duplexes, turreted mansions, small historic apartment buildings, and even a castle. As Strong Towns [describes](#) it:

Diversified development has three main advantages: aesthetically, it allows the community to grow in a way that is more respectful of its context; economically, it allows local people to build local wealth by investing in their place; and, from an affordability perspective, it can deliver moderate-income housing at affordable prices without public subsidy.

In the 2025 Update, the City should include new policies reflecting these principles—that our zoning should *allow* the next increment of housing in all neighborhoods, and our zoning should *disallow* sudden radical change in neighborhoods. Such a policy would, for example, disallow five-story buildings in zones where single-family houses are the predominate use, but allow them in zones where three-story multifamily or commercial construction is already present.

Such an approach is important because if an area is built out with low density, and high density is suddenly enabled through zoning, speculation is encouraged, maintenance of existing properties will tend to stagnate, and properties will degrade until their value is low enough to be bought up and turned into new high density

projects. Conversely, if neighborhoods are not allowed to evolve over time, housing demand builds up until the pressure pops when the city finally allows a new high-rise development.

### **CP-7 Make all housing types allowed by right, not conditional use**

New state legislation, 2SSB 5290 codified at RCW 36.70B.080, requires the City to refund permit fees if it does not process permit applications within the locally adopted or statutory review periods, effective January 1, 2025. The City may obtain an exemption from the refund requirement by adopting at least three of ten measures from the list in RCW 36.70B.160(1). One such measure is to adopt “development regulations which make housing types an outright permitted use in all zones where the housing type is permitted.” This policy recognizes the criticality of our housing crisis and forces jurisdictions to create prescriptive standards rather than rely on open-ended permit processes. Anacortes did much of this work through its 2019 development regulation update, and has since implemented this measure for housing in residential zones. City Council would just need to amend a few mixed-use zones (AMC 19.41.050) to complete it.

The City should adopt a new comprehensive plan policy declaring that housing types, where they are allowed in a zone, must be allowed as an outright permitted use, not a conditional use, and immediately implement it with development regulations changes.

### **CP-8 Pursue walkability/bikability improvements as a primary policy goal**

The current Comprehensive Plan includes several policies oriented toward improving walkability and the vision word cloud in the introduction includes the word “healthy” and “walkable.” But the importance of improving the City’s walkability cannot be overstated:

Walkability is a vital solution to connect groups that are otherwise isolated. This is generally the case for spaces that invite people from various backgrounds to meet in publicly accessible locations. For example, a [special report by \[the\] Trust for Public Land](#) in 2023 found that cities with public parks had higher rates of “cross-group relationships,” where people from middle and high-income groups interact with low-income groups. These citizens were also the most happy with their local governments.<sup>1</sup>

While it is fashionable to talk about “walkable neighborhoods,” the key to walkability is to offer destinations people want to walk to within a reasonable distance. The Trust for Public Lands promotes a [10-Minute Walk](#) metric whereby everyone should have access to a quality park (and potentially other services) within a 10-minute walk of their home.

Under Goal LU-10 Healthy Communities, existing Policy LU-10.1 instructs that we should “Adopt development regulations that facilitate a complementary mix of uses within mixed-use centers that encourage more walking and bicycling between uses.” This policy should be reworked to recognize that encouraging walking and bicycling means providing opportunities through zoning for more local services, such as neighborhood groceries or coffee shops to be accessible within walking distance of residences. This concept was recently recognized by the bipartisan legislation, [HB 2252](#), that was introduced in the 2024 legislative session but not improved enough for final passage. Small neighborhood parks, with no requirement for parking, should also be encouraged.

The City could also consider pedestrian overlays, such as those implemented by the [City of Olympia](#), that requires pedestrian-friendly elements such as small pedestrian plazas, artistic elements, and human-scale architecture in the designated overlay areas. And the City could make novice bikers more comfortable by prescribing protected bike lanes—separated from both cars and pedestrians—whenever possible in future transportation projects.

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<sup>1</sup> Recommendations for a Pedestrian-Friendly City in Anacortes, The SPRING Group (June 2024)

## **CP-9 Consider pedestrianizing streets in the CBD**

The Downtown Anacortes Alliance, the Anacortes Arts Festival, downtown merchants, and others have engaged in exciting conversations over the past few years about ways to improve and invigorate our downtown core, notably the Central Business District. Many of those conversations revolve around getting residents out of their cars and circulating through the many walkable downtown businesses. In Goal LU-7. Downtown and South Commercial Avenue, the City Council should add policies to consider pedestrianization or partial pedestrianization of streets where it makes sense to connect pedestrian-heavy land uses (the Depot, the Heart, etc.) with Commercial Avenue. As a local example, Mount Vernon successfully pedestrianized a block of Pine Street into Pine Square more than 25 years ago. Other cities have recently experimented with such measures to great acclaim, including the Town of Banff's complete pedestrianization of its iconic Banff Avenue.

## **CP-10 Require historic preservation of heritage buildings**

The Port's recent consideration of demolition of the Marine Supply building has brought the community's desire for historic preservation of its heritage buildings into stark relief. An important key to historic preservation is requiring sufficient maintenance throughout the building's lifecycle. While the Marine Supply building has suffered from decades of deferred maintenance making it arguably cost prohibitive to preserve at this stage, other heritage buildings in the Central Business District have been better maintained, or were better constructed originally. In the 2025 Update, the City Council should add policies that direct the development of enforceable historic preservation regulations to designate heritage buildings and prohibit demolition by neglect (see, e.g., [PTMC 17.30.400](#)).

## **Development Regulations**

Given the Planning Department's current workload and other constraints, I do not necessarily advocate pursuing all of the development regulation changes described below. I have prioritized the list in descending order of importance and timeliness.

### **DR-1 Adopt Interim Ordinance for Application Review Time Periods**

In 2023, the State Legislature adopted 2SSB 5290, which amended portions of RCW Chapter 36.70B, Local Project Review, to expedite permit application processing by local governments. Effective January 1, 2025, RCW 36.70B.080 now requires the City to establish new time periods for review of permit applications or the default time periods in state law will go into effect. Starting January 1, if the City does not achieve application review within the default or adopted time periods, it will have to refund application fees (unless it qualifies for an exemption).

The Planning Department has recently been experiencing significant difficulty performing timely review of applications. I have drafted an interim ordinance that would immediately adopt the new time periods for application review. The interim ordinance would also immediately provide the Department authority to expire applications where the applicant is not responsive; and provide an option for the applicant to contest multiple requests for more information on their same application. As an immediate step, the Department could make progress toward processing applications at the required tempo before the statutory fee refund requirements go into effect January 1.

### **DR-2 Streamline permit review**

The City should amend AMC 19.20.030, Types of Review, to expedite minor permit applications.

Current code makes shoreline substantial development permits valued at less than \$1M a Type 3-PC decision. Nearly all shoreline development will require at least a substantial development permit, and as we've seen, even the Port's shallow landward trenching to run fiber optic required an onerous process. Low-value shoreline substantial development permits should be changed to a Type 2 Administrative Decision

(with public notice and comment). Higher-value SSDPs should be changed to a Type 3 Hearing Examiner Decision. The dollar threshold should be adjusted upward, given modern development costs. Concomitant edits to the SMP will likely be required.

Current code makes conditional use permits a Type 4 City Council decision (except admin CUPs which are a Type 2), with no right to a local appeal. City Council should make CUPs a Type 3 Hearing Examiner decision, which would streamline processing of most CUPs, provide for the Hearing Examiner to professionally craft decisions that address public input, and allow for a local appeal of an objectionable CUP to the City Council.

Current code makes both Type 1 and Type 2 Essential Public Facilities a Type 4 City Council decision. As defined in AMC 17.75.060, Type 1 EPFs are regional facilities, and Type 2 EPFs are local or inter-local facilities. City Council should make the less-intensive (Type 2) EPFs into a Type 3 Hearing Examiner decision.

### **DR-3 Shoreline Master Plan Update**

The City's current SMP was adopted in 2010. Our [periodic update](#) was due in 2020, and will be due again in 2028, per WAC [173-26-090](#). Our 2020 update has been in progress for several years and will substantially improve the plan and integration of our shoreline regulations with the municipal code. The Planning Department should provide an estimate of when it can complete the SMP Update to the City Council in the context of its other work, and the City Council should prioritize the Department's legislative work program to achieve the SMP Update as soon as practical.

### **DR-4 Amend the Manufacturing and Shipping zone to ensure any replacement of the Marine Supply building is consistent with our main street downtown core**

The Port of Anacortes, which owns the Marine Supply Building in the 200 block of Commercial Ave, has recently indicated it plans to demolish the building. If that occurs, it seems to intend to build a new marine-oriented building on the same site adjacent to the Olson Building which will get renovation and new ground-floor commercial spaces as part of our affordable housing sales tax program.

The City should seek to retain the west frontage of the 200 block of Commercial Ave as part of our downtown commercial core. Under current code, a new building on Commercial Ave in the MS zone would be allowed up to 5,000 sf of retail sales net floor area. We should change the MS code to allow up to 6,000 sf of retail sales on the ground floor abutting Commercial Ave south of 2nd Street, which would enable replacement of the Marine Supply building with a new retail building approximately the same depth as the Olson Building (alternatively, 8,000 sf would approximate the footprint of the existing Marine Supply building). We should also amend the MS zone to permit and require a zero street setback from Commercial Ave for such a building (currently code requires a 10-ft setback).

### **DR-5 Update street standards block by block**

In 2021, the City Council [docketed](#) staff-proposed item C6 (Resolution 3042) which recognized there are several areas in the city for which the Public Works Department has developed special design standards for a street or neighborhood that conflict with the standards in AMC 19.52.040. Subsection A.2 of that section provides that a modified standard should be approved by the City Council. While these items were docketed in 2021, the Department has not yet moved the items forward for adoption.

There are many streets, and some entire neighborhoods, within the City that do not require or desire the extensive improvements required by the City's default street standards (e.g., much of the Cap Sante neighborhood likely does not desire 60-ft ROW with sidewalks on both sides); at the same time there are many streets and neighborhoods that do require AND desire significant improvements (e.g., the west numbered streets). The City needs to perform a block-by-block analysis to identify streets and neighborhoods that need to be upgraded and those that should remain as they are or receive more limited improvements. That analysis should be maintained as a GIS layer and adopted by the City Council after substantial outreach and public participation.

This measure is critically important because of the ongoing missed opportunities, when properties redevelop, to make connections between the many disconnected segments of sidewalk throughout our older neighborhoods. It's also important that the City carefully consider where it wants to build out full-width streets and sidewalks, because that infrastructure comes with a substantial ongoing cost of maintenance that the City cannot afford citywide. Finally, where neighborhood character is dependent on narrow low-volume streets and tree canopy, the city code should not seek to impose the default city street standards.

## **DR-6 Consider Housing Action Plan recommendations**

The City's Housing Action Plan contains a large number of recommended changes to the development code to facilitate middle housing. In our adopting ordinance, City Council clearly stated that it is not endorsing all of the recommendations, but intends to consider them as a menu and will select individual measures to pursue. Staff and HAP consultants should identify and present some measures to City Council for inclusion in the next round of development regulation updates. City Council should specifically consider incentivizing townhouses over cottage housing in appropriate zones, especially close to the downtown core.

## **DR-7 Rewrite AMC Chapter 16.50, Tree Preservation**

This chapter is the only remaining chapter in old AMC Title 16 that has not yet been migrated to our new Title 19 development code. As written, the chapter only applies to land divisions (see AMC 16.50.050) and perhaps condominium projects (which is a form of ownership, not a building type). A newly rewritten chapter could address protection of "heritage trees" (trees of a substantial size and local importance) from all development, including public works, as well as describe standards for maintenance of Native Growth Protection Area easements.

## **DR-8 Migrate AMC Chapter 17.75, Essential Public Facilities, into Title 19**

This chapter is the only remaining development code chapter in old AMC Title 17 that has not yet been migrated to our new Title 19 development code. City Council should update the chapter for changes in statute and case law and migrate it into an appropriate location in Title 19. Additionally, the definition of "essential public facility" in Title 19 should be amended to add a reference to the new EPF code chapter, so the reader can find the EPF standards. Once Chapter 17.75 is migrated into Title 19, the old Title 17 will no longer exist.

## **DR-9 Delete remaining chapters in AMC Title 15**

Title 15, which was once the location for the city building code until our 2019 development code update, contains only three remaining chapters that should be removed:

- Chapter 15.24, Engineering and Development Services Fees, should be migrated into the City's Unified Fee Schedule and the code chapter deleted.
- Chapter 15.32, Underground Utilities, should be moved to the Title 19 development code.
- Chapter 15.45, Urban Center Development, pertains only to the multifamily property tax exemption ("MFTE") program that the City adopted in 2010, that was never used, and that expired five years later. Even if the City desires to adopt an MFTE program in the future, the existing content of this chapter will not be useful, and the chapter should be deleted.

## **DR-10 Revise AMC 19.43 to make each of the subsections in 19.43.010 its own section**

This change is non-substantive, but important for navigation of the code. City Council should promote each subsection in AMC 19.43.010 (e.g., for "single-family" or "cottage housing," etc.) to its own section (e.g., 19.43.020, 19.43.030). Doing so would improve the ability to find these important design standards sections.



# MEMO

Date: 7/17/2024

To: Libby Grage

From: Lafe Hermansen, Core Design, Inc.

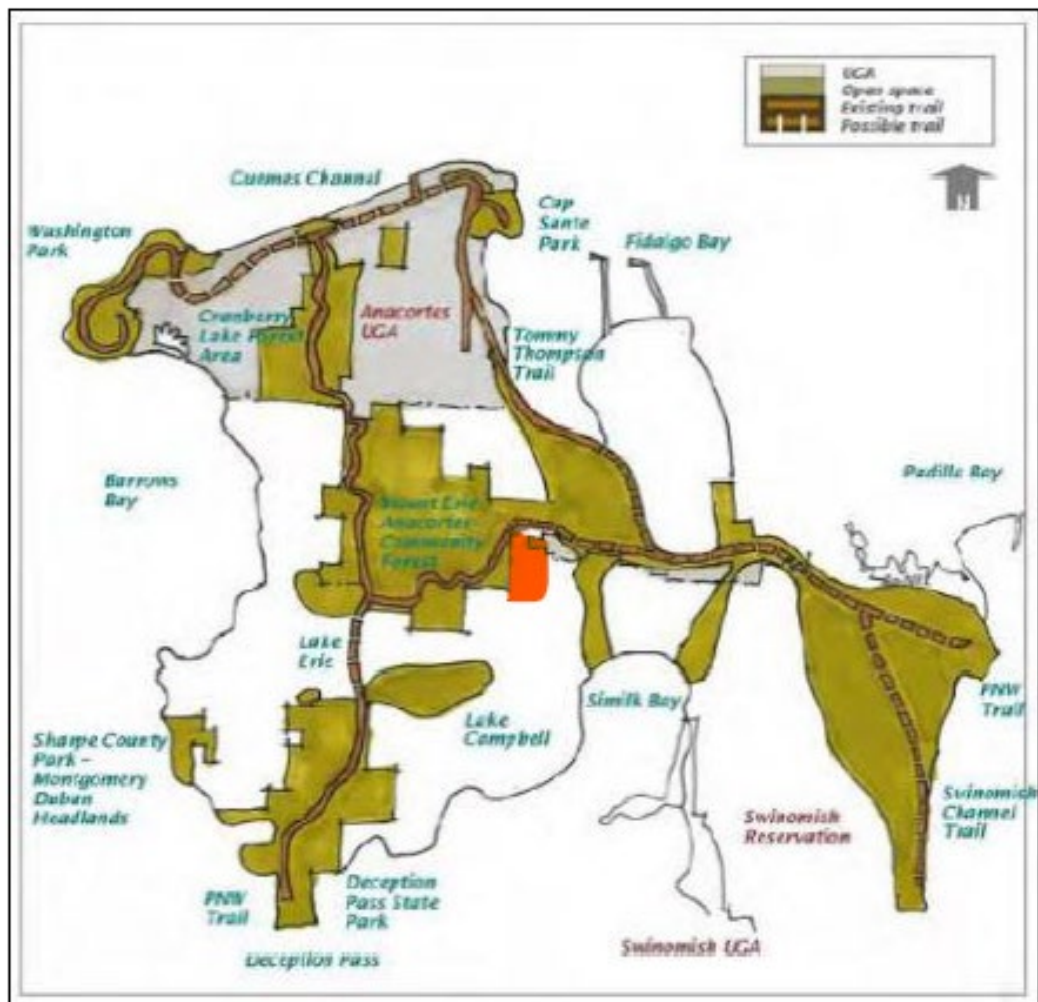
**RE: Council Presentation Follow Up**

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During the council presentations on Monday July 15<sup>th</sup>, a question was raised regarding open space and trail connectivity. We understand that there are many steps between UGA expansion and the development of the properties that are part of this petition. That being said we believe that this petition is uniquely positioned to expand the open space and trail options within the City (See Fig. 3 below). The parcels are positioned such that we are contiguous to the existing City limits on both the western edge and northern edge of the parcels, being able to connect Whistle Lake to the west and Sharpes Corner to the north (see Fig. 2 below). As previously mentioned, we believe that any future project on these petition parcels would be able to provide ample open space and trail connectivity in support of the following comprehensive plan goal:

- Goal PR-9 – Open Space Connectivity – Establish and acquire a network of open space and public access corridors.
  - The proposal shares a boundary with Anacortes Community Forest Lands (ACFL) Whistle Lake lands.

The map below (Fig. 1) is clipped from the Anacortes Comp Plan, the highlight in red is the approximate location of the petition parcels, it shows Whistle Lake to the west in green and the City of Anacortes to the northeast in gray. The inclusion and potential development of these petition parcels will help the City expand the network of open spaces and available trail connections. We have included a map showing potential development (see Fig. 3 below), that also shows the open space opportunities for the properties.



Skagit Countywide UGA Open Space Concept Plan (2009)

Fig.1 – This image was clipped directly from the Anacortes Comprehensive Plan.





Fig. 3 – Map showing potential development of the site (if included in the City UGA, pending zoning designation) and the area that could remain as open space and area for trail networks.



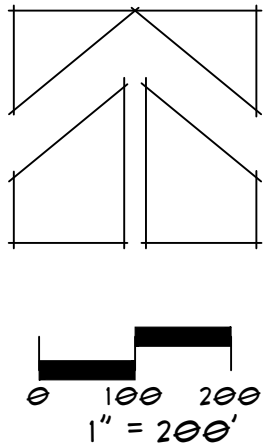
8/1/2022 251 PM 12/02/22 251 PLANNING EXHIBITS SITE PLANS SCIMITAR RANCH SITE PLAN 1.DWG



|                |             |
|----------------|-------------|
| DATE           | AUG 1, 2022 |
| SHEET          | 1           |
| OF             | 1           |
| PROJECT NUMBER | 2728        |

SCIMITAR RANCH

CONCEPTUAL SITE PLAN





6/23/2022 11:22 AM\\J:\022022\128\PLANNING\EXHIBITS\SITE PLANS\SCIMITAR RANCH BASE MAP & DWG

DATA NOTE: TOPOGRAPHY AND PARCEL DATA SHOWN HEREIN WAS DERIVED FROM LIDAR DATA AND SHAPE FILES PROVIDED BY DNR AND/OR APPROPRIATE JURISDICTIONS GIS DEPARTMENT. IT IS A REPRESENTATION OF THE GROUND TOPOGRAPHY AND LOT CONFIGURATIONS ONLY AND SHALL ONLY BE USED FOR PLANNING PURPOSES. CORE DESIGN, INC. DOES NOT WARRANT THE INFORMATION AND RECOMMENDS FIELD TOPOGRAPHY BE COLLECTED FOR DESIGN PURPOSES. IF SHOWN, 40% SLOPES WERE DERIVED FROM THIS LIDAR CONTOUR MAPPING AND ARE NOT SPECIFIC TO ANY JURISDICTIONS REGULATIONS.



### LEGEND

- WETLAND BOUNDARY
- WETLAND BUFFER - 110'
- WETLAND BUFFER - 225'
- STREAM
- STREAM BUFFER - 50'
- STREAM BUFFER - 150'

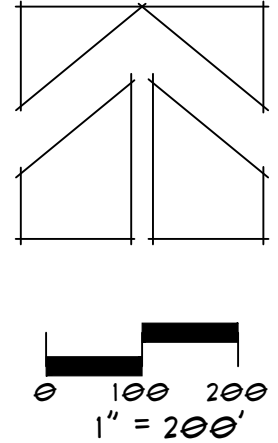
### NOTES

- THIS PLAN IS A CONCEPT. IT WAS CREATED USING ASSUMPTIONS BASED FROM MUNICIPAL/ZONING CODE.
- THERE HAS BEEN NO TITLE RESEARCH.
- THERE HAS BEEN NO SURVEY WORK DONE FOR THE SITE.

JUN 23, 2022

| SHEET | OF | PROJECT NUMBER |
|-------|----|----------------|
| 1     | 1  | 2728           |

SCIMITAR RANCH  
POTENTIAL OWNERSHIP







7/17/2024  
Anacortes City Council  
City of Anacortes

## RE: Supplemental Information on the Cap Sante Marina Zoning Harmonization Scheme

### Overview:

During the 7/15/2024 City Council Meeting the Port of Anacortes, as a petitioner, presented proposed changes to the underlying zoning at Cap Sante Marina. The City Council requested additional information on possible future uses at one of the subject parcels. This memo provide supplemental information for the City Council's review of the Port's petition. The Port seeks to preserve the current uses of the site as they are water oriented industrial activities. Maintaining water oriented industrial activites on the site as allowable uses under the Commercial Marine designation is preferred to having them as conditional uses under the Marine Mixed Use designation (AMC 19.41.050). Maintaining these uses support both commercial and recreational users at the marina.

### Subject Parcel and Current Usage

The parcel P32910 (813 Seafarers Way) is a 5.94 acre parcel owned by the Port with several current uses.



Figure 1: P321910 Subject Parcel as Viewed from the north

- 1) The southern half of the parcel houses the Marine Technology Center. This educational facility trains students from Skagit Valley College and the Northwest Career and Technical Academy in many aspects of the marine trades including vessel repair, marine mechanical and electronic technology, and other

areas of the growing boat and ship service industry. Students have hands on opportunities to learn these skills with experienced professionals from the marine trades teaching classes.

- 2) Auxillary fishermen's work area—commercial fishermen use this parcel to:
  - a. Mend and hang nets and repair lines and other tackle used in commercial fisheries,
  - b. Storage of fishing gear, nets, and lines,
  - c. Minor vessel repairs not requiring a boatyard (touch up painting, electronics work, etc.)
- 3) Mid-term on-trailer vessel storage—vessels are between fisheries are sometimes stored on trailers in the gravel lot on trailers.
- 4) Trailer parking—vessels launched at the marina utilize this area for parking while vessels are in the water.
- 5) Oil spill response equipment storage—both the Port and Oil Spill Response Organizations (OSROs) stage spill equipment at this site for easy access in spill scenarios.



Figure 2: P32910 Showing typical use of commercial fishing gear storage, vessel storage, and trailer parking (view to the NE)



Figure 3: P 32190 Showing typical usage of OSROs staging and trailer parking (View to the SE)

## Future Uses and Zoning

The Port is not contemplating any changes to the current usage of the subject parcel. Space for these uses are in demand in Anacortes. Having these uses in proximity to the marina is convenient and promotes productive use of existing infrastructure. The Port seeks to maintain these uses on the site to support commercial tenants and users at the marina as well as recreational users. The current uses on the site are well-aligned with the allowable uses for the Commercial Marine designation from the Principal Uses for Mixed-Use and Industrial Zones Table (Figure 4). These uses are best defined as water-oriented industrial activities (Figure 5) and would be conditionally approved uses if the underlying zoning remains MMU.

| Principal Use                                                    | CBD | C | MMU | CM | CM2 | LM | LM1 | MS | I | HM | Reference               |
|------------------------------------------------------------------|-----|---|-----|----|-----|----|-----|----|---|----|-------------------------|
| Recycling facility                                               |     |   |     |    |     |    | P   |    | P | P  | <u>AMC 19.45.070(B)</u> |
| <b>Water-Oriented Industrial Uses,</b><br>except as listed below |     |   | C   | P  | P   | P  |     | P  | P | P  | <u>AMC 19.45.080(A)</u> |
| Dry stack boat storage                                           |     |   | C   | P  | P   |    |     |    | P | P  | <u>AMC 19.45.080(B)</u> |
| Boat launch facility                                             |     |   | P   | P  | P   | P  |     | P  | P | P  | <u>AMC 19.45.080(C)</u> |

Figure 4: Excerpt from the principal uses table (AMC 19.41.050)

A. *Water-Oriented Industrial Use Category.* Industrial type uses that are either water-dependent, water-related, or water-enjoyment use, or any combination thereof. The water-oriented industrial use category includes, but is not limited to:

1. Ship and boat building and repair.
2. Seafood processing.
3. Dry stack boat storage.
4. Maritime administration.
5. Piers and wharfs.
6. Water-based shipping terminals.
7. Boat launch facilities.

Figure 5: Definition of water oriented industrial uses from AMC 19.45.080

While it had been contemplated in the past, the Port has no plans to change the uses at the subject parcel and seeks to preserve the current uses at the site. As the Port looks to further develop uplands in other parts of the marina, the Port views this site as mission-critical to Cap Sante Marina and the many commercial and recreational users of Port facilities. This parcel supports economic activities that provide livelihoods for Anacortes residents, training for the next generation of the marine trades, recreational opportunities for visitors to Anacortes, and an accessible staging area for spill response.

## Summary

The Port has provided this additional information at the request of the City Council. Please review this information if there are follow up questions or clarifications, please contact Kevin Anderson ([kevin.anderson@portofanacortes.com](mailto:kevin.anderson@portofanacortes.com)). We view the current and future activities at the site as best aligned with the Commercial Marine designation and seek to change the underlying zoning from Marine Mixed Use to Commercial Marina.



**From:** [Ian Munce](#)  
**To:** [CityClerk](#)  
**Subject:** Response to Clm. Walters July 15, 2024 Memo re. 2025 Periodic Update-For July 22 City Council meeting and Public Hearing  
**Date:** Friday, July 19, 2024 1:01:43 PM

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For the record, just adding missing words in the last sentence

Good day,

I appreciate that Clm. Walters recommendations are presented as “a catalyst for future discussion”, rather than a work plan to be summarily adopted. I submit the following comments in the same vein, but I will present them more boldly than I have to date.

Over the past forty years this town and its neighborhoods have been carefully designed under the leadership of the citizen volunteers serving on the Anacortes Planning Commission, public hearing by public hearing, discretionary permit by discretionary permit, e.g. Planned Unit Developments, Shoreline Permits, Conditional Use Permits. And, year after year these volunteers carefully crafted updates to the City Comprehensive Plan and implementing regulations. They worked tirelessly to balance sound development with the principle of ‘Neighbors have property rights too’. And to give citizens an opportunity to point out errors in applications and challenge staff assumptions. This is how you build community.

### **Permit Review**

1. The City’s chronically understaffed planning permit review staff simply does not have a robust process in place. Recently, a four lot short plat at 4219 H Avenue was deemed ‘complete’ when staff failed to review, request more information, and stop the 28 day clock. The site was only zoned for three lots. There was no City review of the applicants engineering submission. My neighbors and I had to hire our own engineer, an engineer who concluded that the entire site was most likely a wetland and that there was insufficient downstream stormwater capacity. There was nothing in the file as to whether the Fire Department would require a hammerhead or cul-de-sac. Frankly, neighborhood comments were considered to be a nuisance. Very discouraging.

The Planning Department denied the neighbors’ request that given the application’s obvious errors the review process would start over again. This leaves us wondering when further action will just happen by City fiat. Projects similar to this should go before the City Hearing Examiner until the City has a robust planning permit review in place. Neighbors have property rights too.



It is the City's position that the Planning Director has unbridled discretion to decide which planning code provisions to apply and enforce. I believe that this position will be held to be untenable.

### **COMPREHENSIVE PLAN PERIODIC UPDATE PROPOSAL(WALTERS)**

CP 1 to 5 seem straightforward.

CP 1-6 (Increasing Neighborhood Density) is problematic. First, the State has exempted cities under 25,000 population from middle housing mandates. This allows cities like Anacortes to carefully tailor middle housing to fit with neighborhood expectations through a public hearing/ discretionary review process with an opportunity to add conditions to protect the quality of life in existing neighborhoods.

Second, until the City Council decided to politicize land use with its Planning Committee and politicians replacing the volunteer Planning Commission the long established vision was to remain a small town without high-rise development. For thirty years the City has negotiated with the other cities in Skagit County and Skagit County based on our limited infrastructure and protected habitat to steer significant growth elsewhere in the county. This is perfectly legitimate under the State Growth Management Act (GMA).

The City is currently updating its sewer plan. This will probably be the most significant input into the Periodic Update. Over the years the City has actually created more sewer plant capacity through an aggressive stormwater infiltration control program. But, how much capacity is going to come on-line before sewer rates need to double to expand the existing sewer plant?

The same sort of constraint comes into play with stormwater. The stormwater plan is also being updated and significant constraints come into play. The City is subject to a State Permit that mandates that the City encourage the retention of native vegetation and address stormwater quality in its uplands (rather than just piping large quantities of untreated stormwater into the Sound). New climate mandates can be expected to reinforce this approach. Does the Planning Director have the authority to ignore this issue? It would appear so.

Third, Washington courts have consistently held that protecting streams and stream buffers, wetlands and wetland buffers, steep slopes, and aquifer recharge areas (critical areas) to be the central tenant of the GMA. How long can the City pretend that this is not the case? Neighborhoods based around critical areas are in fact exempt from the notion that "no neighborhood can be exempt from change", except of course from the City Comprehensive Plan mandate that critical areas be restored whenever possible. The State acknowledges that critical areas and their buffers can be exempt from the upcoming Accessory Dwelling Unit mandates. Of course, under current politics they will most likely not be exempted.

CP-7 If the City cannot process applications in a timely manner, then fees should be refunded. Open the application immediately, demand responses from other departments within five working days, require more information from the

applicant as necessary, stop the clock. Conditional use and planned unit development permits have served this community well over the past forty years. Neighbors have the right to be notified and consulted. This allows for errors to be found and corrected and makes for better projects, projects that fit into our established neighborhoods. Developer convenience and profits, staff convenience, and political aspirations be darned. The discretionary process worked well during my 27 years as Planning Director (and after under Planning Director Don Measmer) with manageable levels of complaints from all sides. This bread and butter planning work is not complicated, unless developers are to be accommodated to the exclusion of everything And everyone else. Something that currently seems to be the case.

CP 7 to 10 seem straightforward.

### **DEVELOPMENT REGULATIONS PERIODIC UPDATE (WALTERS)**

DR-1 Again, if the City cannot respond to planning applications in a timely manner the application fee should be refunded. And City Departments should be staffed to meet the permit timelines and application fees increased accordingly. The notion of allowing the applicant to “contest multiple requests for more information” is just right out of the developers lobbying playbook. Bullying should not be tolerated yet alone encouraged. Been there and dealt with it. Timelines were met and better projects resulted from better information and public input.

DR-2 City Departments are not adequately staffed so as to allow for further delegation. Assigning many more decisions to a Hearing Officer makes the most sense, especially if these decisions can only be appealed to Superior Court. Not to politicians with broader agendas.

DR-3 The Planning Director can explain the reasons for delay. They appear to relate to the City’s refusal to acknowledge that there is an explicit City duty to protect critical areas, e.g. AMC 19.70.040, an existing duty that needs to be extended beyond the City’s uplands to the shoreline jurisdiction.

DR-4 Before moving on to replacement of the Marine Supply Building, the City should facilitate a community wide discussion and then take the time necessary to explore funding strategies to preserve this important piece of Anacortes history.

DR-5 seems straightforward.

DR-6 This proposal fails to even recognize that the City promised that it would balance the Housing Guidance Report against the other elements and policies in the Comprehensive Plan before moving on “selecting individual measures to pursue”. Before the City replaces cottage housing with townhouses, the City should revise its cottage housing design standards to reflect the concept of ‘cottages’.

DR-7 Seems straightforward, but one has reason to doubt that any implementation or enforcement will occur if it in any way inhibits a developer. Again, politics

over good policy and practice.

DR 8 to 10 Seems straightforward.

It remains my hope that the City will open up the scope of work to applicants who were discouraged by the \$3,000 application fee and that all eleven of my proposals are included in this scope. And that the Planning Commission be consulted on the ten year Periodic Update's scope of work. It is entirely inappropriate to use the annual amendment process to cut off public debate and discussion before the Planning Commission on the Periodic Update scope of work.

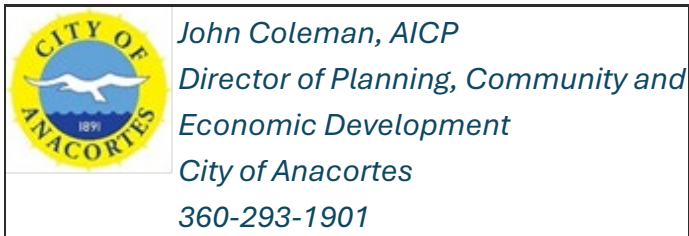
Thank you.

Ian Munce, JD, AICP (retired, no clients now or in the future)

**From:** [John Coleman](#)  
**To:** [Greg Francioch](#)  
**Subject:** FW: MJB Additional Materials  
**Date:** Friday, July 19, 2024 2:34:59 PM  
**Attachments:** [Hypothetical Site Area Calculations.docx](#)  
[MJB building sizes.docx](#)  
[Upper Level Setbacks.docx](#)  
[image001.png](#)

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10 minutes after you posted, we received this. Sorry.



Please note that the city email domain has changed.

My new email address is [johnc@anacorteswa.gov](mailto:johnc@anacorteswa.gov)

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**From:** JIM BLAIS <jblais@gmccinc.com>  
**Sent:** Friday, July 19, 2024 2:11 PM  
**To:** City Council <citycouncil@cityofanacortes.org>  
**Cc:** John Coleman <johnc@cityofanacortes.org>; Libby Grage <LibbyB@cityofanacortes.org>  
**Subject:** MJB Additional Materials

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Council Members,

Thank you for the opportunity to present MJB's development regulation amendments to you this past Monday. I have attached three documents to this email in order to provide details on a number of our proposals. Included, you will find a building size analysis; an explanation of site area calculations (and how the current code penalizes additional open space); and a discussion of upper-level setbacks, including project examples.

I was also asked on Monday to provide a couple of examples of similar waterfront developments where open space was clustered. Below are a number of different projects that share similar characteristics (but different forms and intensities) to MJB's potential future development.

Old Mill District - Bend, OR

<https://www.oldmilledistrict.com/>

Point Ruston - Tacoma, WA

<https://www.pointruston.com/>

Bellwether Hotel (and surrounding properties) - Bellingham, WA

<https://hotelbellwether.com/>

The Vancouver Waterfront - Vancouver, WA

<https://www.visitvancouverwa.com/things-to-do/the-waterfront-development/>

I look forward to any additional questions that you may have at next Monday's Council meeting. Have a great weekend.

Thank you,

Jimmy Blais

**Merlino Properties**

5050 1st Ave. S., Suite 102

Seattle, WA 98134

Cell 206-255-5153

[JBlais@gmccinc.com](mailto:JBlais@gmccinc.com)



The below box diagrams have been put together in order to illustrate issues with code sections 19.43.010.G.3.c; 19.43.010.H.3.b and 19.43.020.C.3.b. Currently the code states:

In the MMU zone east of Q Avenue, (Multifamily Dwellings; Assisted Living Facilities; Townhouses) and other permitted residential uses within single-purpose buildings may cover up to 60 percent of the site area (parcel or contiguous parcels held under common ownership), provided they meet access, site and building design standards in this title. Associated parking, landscaping, open space, and other facilities accessory to the residential uses are included within the site area limitation. The maximum percentage may be increased through a framework development plan (AMC 19.61.180).

MJB is proposing that the code section be changed as follows:

In the MMU zone east of Q Avenue, (Multifamily Dwellings; Assisted Living Facilities; Townhouses) and other permitted residential uses within single-purpose buildings may cover up to 60 percent of the site area (parcel or contiguous parcels held under common ownership), provided they meet access, site and building design standards in this title. Associated parking, ~~landscaping, open space~~, and other facilities accessory to the residential uses are included within the site area limitation. The maximum percentage may be increased through a framework development plan (AMC 19.61.180).

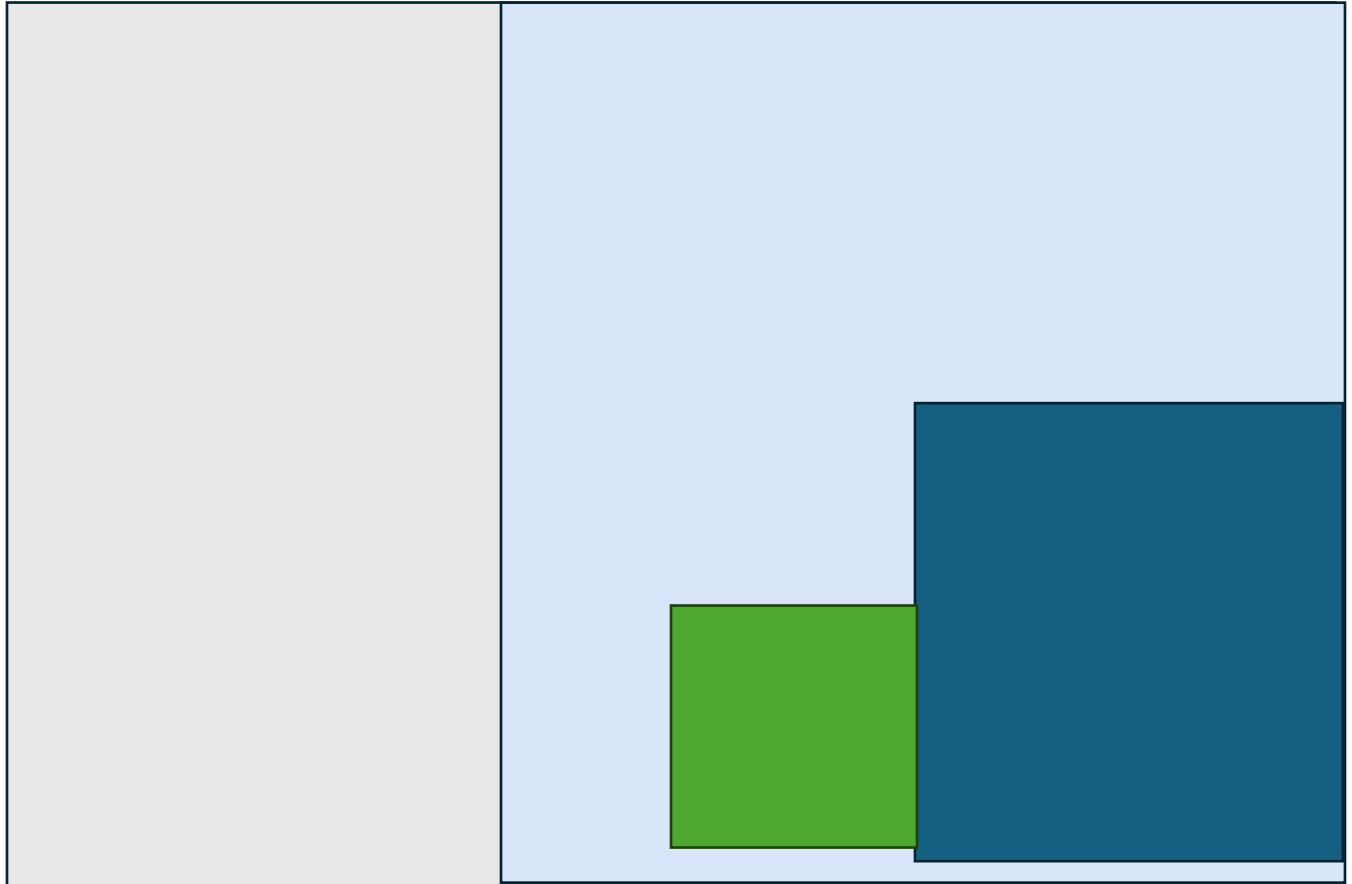
MJB is proposing the changes as the current code disincentivizes additional landscaping and open space above the bare minimum required by code. In the MMU Zone east of Q Avenue, the code limits single purpose residential buildings to 60% of the site area. This is illustrated in the below hypothetical site diagrams; the grey rectangle being the total site area and the light blue representing the 60% residential site area cap. For illustration purposes, we've shown buildings encompassing 25% of the developable residential area (dark blue square), and a hypothetical minimum landscape and open space figure of 20% of the building footprint (green square) (hypothetical square footages have also been added following these percentages).

As you can see from the two scenarios below; under the current code, if we used the hypothetical code minimums for landscaping and open space (Scenario 1), we'd be left with 42,000 sqft of additional property that could be developed for single purpose residential uses. Now if we wished to add additional landscaping or open space as part of the residential development (doubling it in Scenario 2), that additional open space would count against our future development capacity, leaving us with 39,000 sqft of additional property that could be developed for single purpose residential uses.

This code provision penalizes the addition of open space by taking away development capacity. It will lead to developments that only include minimum landscaping and open space requirements, limiting public benefit. MJB requests that the council remove open space and landscaping from the residential site area calculations.

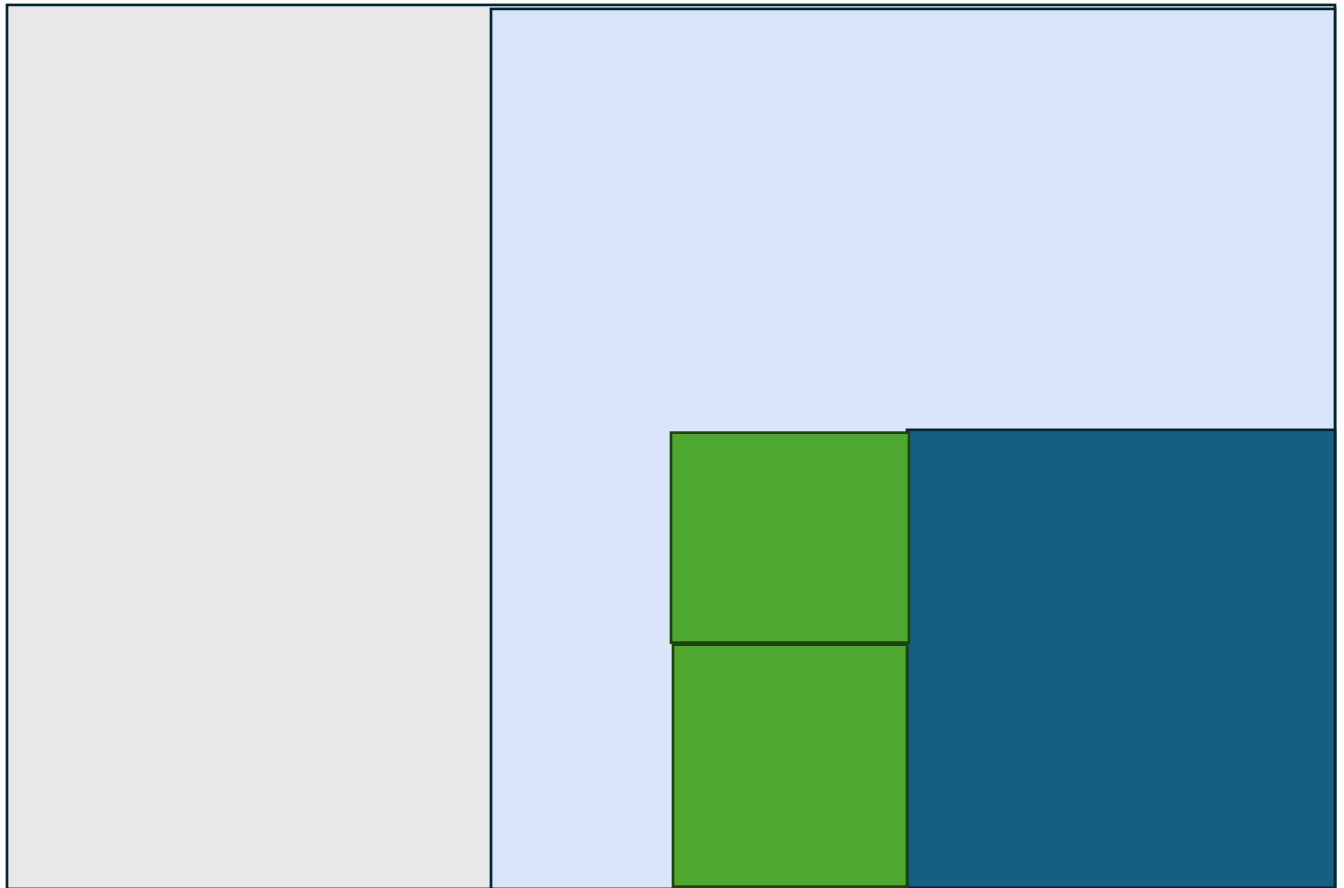
Scenario 1 – Code Minimum Landscaping and Open Space  
Hypothetical Site Area (Grey) – 100,000 sqft  
60% Ground Floor Residential Restriction (Light Blue) – 60,000 sqft

Hypothetical Buildings (Dark Blue) – 15,000 sqft (25% of Residential Area)  
Hypothetical Required Landscaping and Open Space (Green) – 3,000 sqft (20% of building footprint)  
Remaining Developable Residential Area – 42,000 sqft



Scenario 2 – Open Space and Landscaping Doubled  
Hypothetical Site Area (Grey) – 100,000 sqft  
60% Ground Floor Residential Restriction (Light Blue) – 60,000 sqft  
Hypothetical Buildings (Dark Blue) – 15,000 sqft

Hypothetical Required Landscaping and Open Space – 3,000 sqft  
Additional Open Space Added by Developer – 3,000 sqft  
Remaining Developable Residential Area – 39,000 sqft





## Building Sizes

MJB showing 150'x200' and 200'x200'

Market NS - 170'

Market EW - 270'

Thrive Fitness NS - 150'

Ace Hardware NS - 145'

The Market at Anacortes

SVC Marine Technology Center

17th St

17th St

Walgreens

Ace Hardware of Anacortes

Tommy Thompson Trail

R Ave

R Avenue

R Avenue

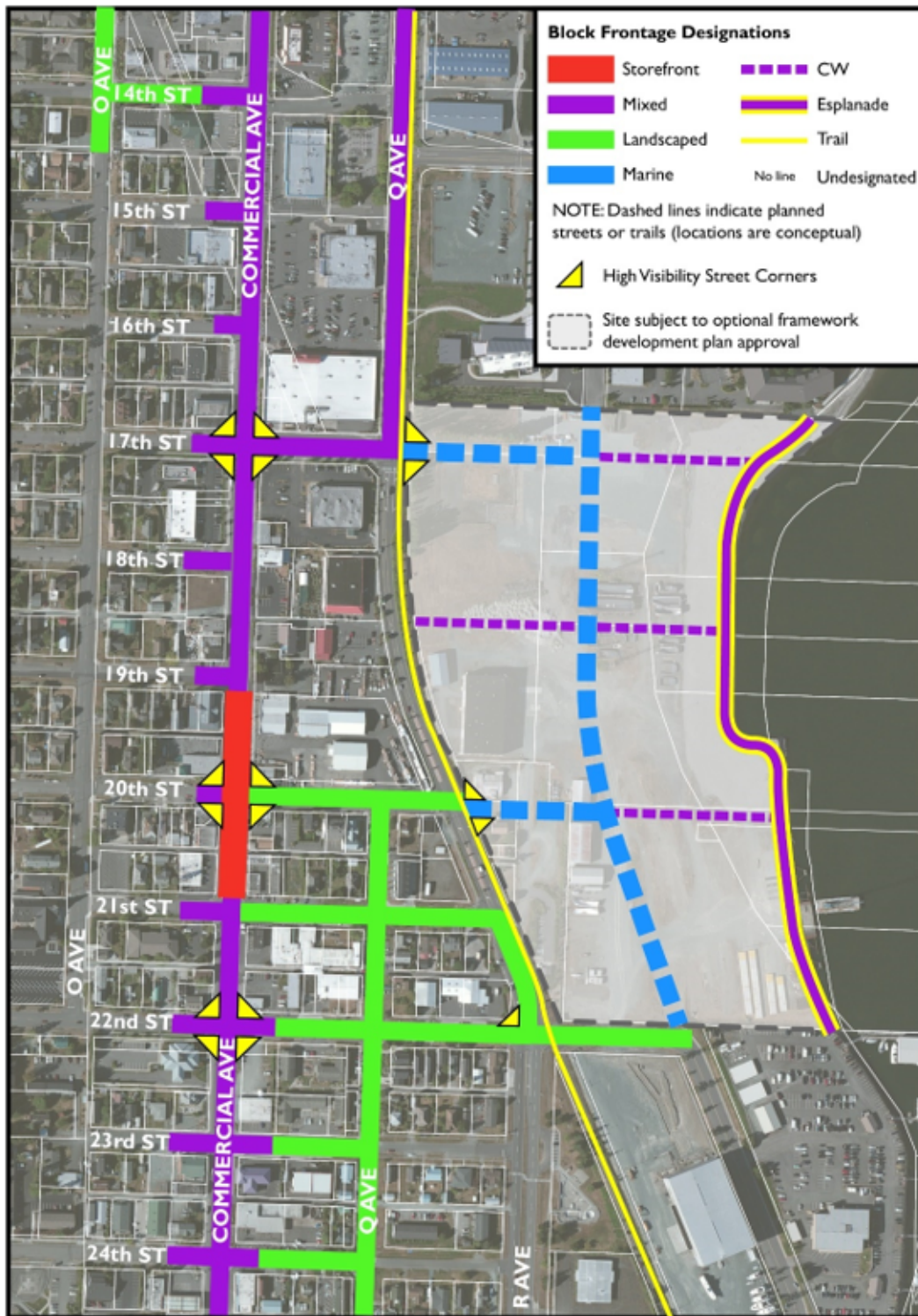
Google Earth

300 ft

Page 302 of 350







Originally exported scale: 1:2,000





Above is a diagram showing the dimensions of different buildings around the MJB Property and an approximate outline of what a 150'x200' building and 200'x200' building would look like on MJB's site. As you will see 150' is a fairly small building footprint, roughly the size of Ace Hardware and Thrive Fitness. Comparatively, The Market is 170'x270'. Also included above is the block frontage diagram for MJB's MMU property and the surrounding zone. As detailed in the diagram, there are required central waterfront connections throughout the site that provide views and access to the waterfront. It does not make sense to limit the size of buildings in order to break up the massing and still require view and access corridors also to break up the massing of the site. This is the only zone that limits North/South building width to 150' and the only property that requires these types of view corridors. All of these provisions limit smart site design, create inefficient buildings and drive-up development costs. As such, we respectfully request that the Council amend the code language removing 19.42.120.C.5.c.

**19.42.120.C.5.c.**

Current language:

5. *MMU Zone East of Q Avenue*. Base maximum height is 45 feet. The maximum height with bonus is 65 feet (see AMC 19.42.070(B) for applicable bonus provisions). Buildings are also subject to special height, width, and orientation standards:
- a. All buildings are subject to building massing and articulation standards in AMC 19.63.040.
  - b. Buildings up to four stories tall or no more than 50 feet tall are limited to 200 feet in width in the north-south direction.
  - c. Buildings taller than four stories or more than 50 feet tall are limited to 150 feet in width in the north-south direction.

Proposed language:

5. *MMU Zone East of Q Avenue*. Base maximum height is 45 feet. The maximum height with bonus is 65 feet (see AMC 19.42.070(B) for applicable bonus provisions). Buildings are also subject to special height, width, and orientation standards:
- a. All buildings are subject to building massing and articulation standards in AMC 19.63.040.
  - b. Buildings up to four stories tall or no more than 50 feet tall are limited to 200 feet in width in the north-south direction.
  - ~~c. Buildings taller than four stories or more than 50 feet tall are limited to 150 feet in width in the north-south direction.~~

19.42.120.c.7.

Current language:

**7. CBD and MMU Zone Setback Requirements.** For buildings which exceed the maximum base height in the CBD and MMU zones, buildings must incorporate a minimum horizontal setback of eight feet along at least 75 percent of the facade. The required setback must be placed somewhere between the ground floor and the top floor. See Figure 19.42.120(C)(7) for an example.

Proposed language, Option 1

~~**7. CBD and MMU Zone Setback Requirements.** For buildings which exceed the maximum base height in the CBD and MMU zones, buildings must incorporate a minimum horizontal setback of eight feet along at least 75 percent of the facade. The required setback must be placed somewhere between the ground floor and the top floor. See Figure 19.42.120(C)(7) for an example.~~

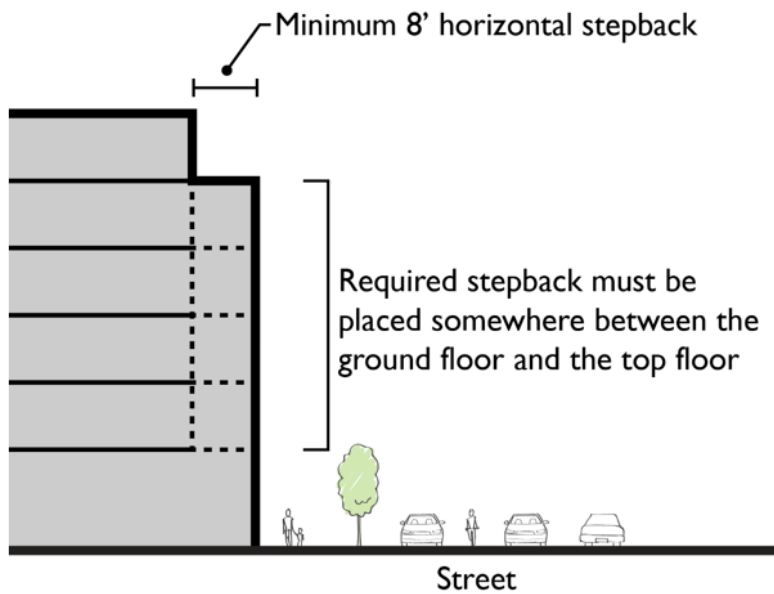
Proposed language, Option 2

**7. CBD and MMU Zone Setback Requirements.** For buildings which exceed the maximum base height in the CBD and MMU zones, buildings must incorporate a minimum horizontal setback of eight feet along at least 75 percent of the *street facing* façade *that is above the maximum base height*. The required setback must be placed somewhere between the ground floor and the top floor. See Figure 19.42.120(C)(7) for an example.

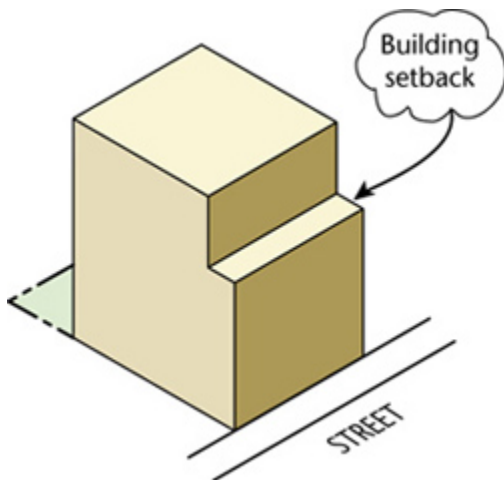
Narrative: We propose removing the setback requirement for portions of buildings above the maximum base height in the MMU and CBD zones. Chapter 19.63 of the Anacortes Municipal Code contains building design standards for all multifamily development. Regardless of the setback requirements, buildings already have to meet façade articulation standards, vertical building modulation every 15 feet, roofline modulation, enhanced façade details, specific window designs, building entry articulation, quality building materials, blank wall treatments and high-end landscaping. These provisions already ensure that buildings will have quality finishes and will be architecturally appealing. Additionally, the MMU zone already requires view corridors, side yard setbacks and other provisions that will limit shadowing and promote light transmittal to the ground. The 8' horizontal setback above the base height is an unnecessary code provision that will ultimately lead to uniformity and poor building design.

At a bare minimum the code language needs to be cleaned up such that it cannot be misinterpreted. The current code seems to suggest that if you exceed the maximum base height, then 75 percent of the entire façade needs to be setback 8'. The intent of the code is that 75% of the façade above the base height be setback. We additionally propose that this be limited to the street facing façade (as shown in the figure included with the code section) as the backs and sides of buildings should not need to incorporate human scale elements. Eliminating this in its entirety would allow more flexibility in building design.

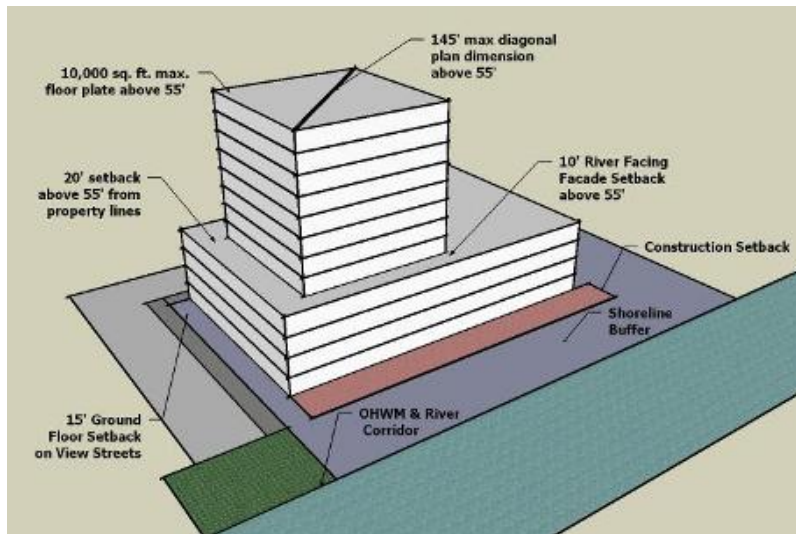
Below are a number of diagrams showing different types of setbacks and a number of example projects that do and do not include the upper-level setbacks.



This is the figure in the existing code. It clearly illustrates that the intent of the code is that at least 75% of the façade above the base height is setback 8', though the setback can be placed anywhere between the ground floor and top floor.



This figure shows what the same setback looks like when only applied to the street facing façade.



Comparatively, this figure roughly shows what happens when setbacks are required on all sides of a building. You start to get a “wedding cake” type design.



Above is an example of a building that has a required upper-level setback. We believe that this uniformity throughout all buildings detracts from good building and site design.





Above is the Meyden apartment building in Bellevue. Here the developer incorporated the upper-level setback just above the commercial ground floor. It makes for a nicer looking building than just the upper floor setback, but still limits architectural creativity. This is also a good example of where the upper-level setback was only required on the street facing façades.







Above is the Gridline apartment building in Seattle. This is a good example of how buildings can still provide significant modulation and architectural appeal without having a large upper-level setback (this building has a 2' setback on its upper floor).









The last three photos are of The Lyric apartment building in Seattle. This is a great example of using building modulation, window treatments, high end finishes and other design characteristics to create an appealing building. It does not have a set upper-level setback and focuses greater design details on highly trafficked streetscapes.

**From:** [Ian Munce](#)  
**To:** [CityClerk](#)  
**Subject:** Objection to Proposed City Resolution #3161 (2025 Periodic Update to Comprehensive Plan, Development Regulations, and Critical Areas — August, 2024)  
**Date:** Wednesday, July 31, 2024 5:53:36 PM

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

Good Day,

I write in opposition to the course of action put forward in Proposed Resolution #3161.

One of the key elements of the 2025 Periodic Review highlighted by City staff is the mandate to update the City's Critical Areas Ordinance. Agenda Package, p.84. Yet, without any analysis of the merits, my eleven proposed amendments to the current development regulations are to be summarily eliminated from further consideration.

Not only that but, as I pointed out in previous filing(s), I did not submit any Comprehensive Plan amendment proposals due to the unconscionable \$3,000 filing fee, the inappropriateness of which was pointed out by the State Department of Commerce. The chilling effect of this fee on public participation in general is easy to imagine.

As is the fact that, again without explanation, I was denied the right to address the audience in the Council Chambers and those who watched contemporaneously or later. I happily put the effort in fleshing out eleven detailed proposals but was limited to five minutes or oral argument for all eleven. Another clear violation of the Growth Management Act's (GMA) mandate for 'early and continuous public participation'.

State courts have consistently held that out of the 15 GMA Goals protecting critical areas is at the forefront. The first level of appeal, though, for disadvantaged members of this town is the State Growth Management Hearings Board (GMHB), a Board that has a series of cases upholding the critical importance of full blown public participation and is very unlikely to find that the approach set forth in Proposed Resolution #3161 is anything other than clear procedural error.

Of course, it will be 2026 before the GMHB could hold that a new round of open public participation is required and presumably a further year for a new public process to be conducted, and two more years if a party goes to the Court of Appeals. All this time acres and acres of critical areas and buffers will be lost to 'landscaping' and indiscriminate development. 'Insiders' know this and embrace this approach along with the bizarre notion that the City has unbridled discretion to enforce or not to enforce its regulations.

Please reject Proposed Resolution #3161.

Ian Munce, J.D., AICP  
1711 Quail Drive

>  
>



## City Council Agenda Bill

**Meeting Date:** August 5, 2024      **Agenda Item:** 6.h.

**Agenda Item Title:** Contract Award: Commercial Ave Corridor Plan Phase 1 WSDOT Project Reviews #19-095-TRN-004

**Staff Contact(s):** Andrew Rheume

| <b><u>Approved for Submittal to Council by</u></b> | <b><u>Action Type</u></b> |
|----------------------------------------------------|---------------------------|
| Tiffany Matson                                     | Contract Award            |
| Andrew Rheume                                      |                           |

**Item Summary:** City staff seeks City Council consent to enter into contract with Washington State Department of Transportation (WSDOT) for WSDOT to provide project review of the design, intersection control evaluation, and channelization plan for the Commercial Ave Corridor Plan Phase 1 - 11TH - 13TH ST project. The estimated cost is approximately \$65,000.00.

**Background:**

1. **History:** Washington State Department of Transportation (WSDOT) requires that all state highway projects lead by a local government include engineering review and approval by WSDOT engineers. This contract is to allow WSDOT to charge the City of Anacortes to review and approve engineering plans, intersection control evaluation, and channelization plan for the Commercial Ave Phase I - 11th to 13th. This project has been in process since September 2019 and was envisioned in the 2016 South Commercial Ave Corridor Plan. The project has had many iterations and is now a signalized intersection that include pedestrian/bike improvements, modern signal equipment, ADA compliance, and pedestrian scale lighting.
2. **Key Terms:**
  - Contract is on a time and materials basis not-to-exceed \$65,000.00.

**Budget Impact:**

|            |       |
|------------|-------|
| Consultant | WSDOT |
|------------|-------|



|                            |                   |
|----------------------------|-------------------|
| Contract Amount            | \$65,000.00       |
| Earmarked Funds            | \$65,000.00       |
| BARS #                     | 105.720.595.30.63 |
| Budget Amendment Required? | No                |

**Previous Action:** Council approved contract [19-095-TRN-001](#) with Alta Planning + Design, Inc. for the project design work at the [9/23/2019](#) Council meeting. [Modification 03](#) for contract 19-095-TRN-001 was approved at the [4/26/21](#) meeting. [Modification 04](#) for contract 19-095-TRN-001 was approved at the [10/10/22](#) meeting. [Modification 06](#) for contract 19-095-TRN-001 was approved at the [1/22/24](#) meeting. At the [3/4/2024](#) meeting City Council directed staff to evaluate a signalized intersection and return to City Council with updated information on the design, grants, cost and land acquisition. On [7/1/24](#) Council gave direction to continue with a signalized intersection.

**Recommended Motion:** I move that City Council authorize the Mayor to sign contract 19-095-TRN-004 with Washington State Department of Transportation in the amount of \$65,000.00 to perform the Commercial Ave Corridor Plan Phase 1 WSDOT Reviews.

**Alternative Actions:** Not approve the contract.

**Attachments (listed in order presented):**

1. 19-095-TRN-004

COA #19-095-TRN-004

Date: July 22, 2024

Andrew Rheume, Public Works Director  
City of Anacortes  
904 6<sup>th</sup> Street  
Anacortes, WA 98221

Subject: **S. Commercial Phase 1**

**Dear Mr. Rheume:**

A charge account, **JZ 2374**, has been opened by this office to cover WSDOT's actual costs associated with review of the subject project.

|                         |                                                                                                                                                |
|-------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| PROJECT TITLE:          | S. Commercial Phase 1                                                                                                                          |
| LOCATION:               | SR20 Spur, M.P. 51.92, Commercial/12 <sup>th</sup> Street Intersection Improvements                                                            |
| DESCRIPTION OF CHARGES: | Project Review, permitting and inspection.                                                                                                     |
| TOTAL COST :            | Approximately \$65,000.00 [Actual costs may vary. Approval required if costs exceed the estimated cost by more than twenty-five (25) Percent.] |

By filling out and signing this form, the applicant agrees to pay the WSDOT costs related to this project. **Please do not send funds at this time, an invoice will be submitted to you each month** with the charges that are incurred. Payment is due within 30 days of receipt of invoice. Interest of 1% per month may be charged on past due accounts.

| APPLICANT INFORMATION                                     |                                                                   |
|-----------------------------------------------------------|-------------------------------------------------------------------|
| City of Anacortes                                         | (360) 299-1971                                                    |
| <b>Name</b><br>904 6 <sup>th</sup> Street                 | <b>Phone Number</b><br>91-6001227                                 |
| <b>Billing Address</b><br>PO Box 547                      | <b>Federal ID Number or SSN</b><br>Matt Miller                    |
| <b>Suite or Office Number</b><br>Anacortes, WA, 98221     | <b>Authorized Representative ( Please Print or Type)</b><br>Mayor |
| <b>City, State, Zip code</b><br>contracts@anacorteswa.gov | <b>Title</b>                                                      |
| <b>E-mail Address</b>                                     | <b>Signature and Date</b>                                         |

To avoid delays, please return this completed application as soon as possible, to the following address:

**Washington State Department of Transportation  
Development Services  
1019 Andis Road  
Burlington, WA. 98233**

If you have any questions, please feel free to contact me at (360) 757-5961 or [stormal@wsdot.wa.gov](mailto:stormal@wsdot.wa.gov).

Sincerely,

Roland Storme, WSDOT/Mount Baker Area Development Services

|                                   |            |         |
|-----------------------------------|------------|---------|
| For Department Use Only           |            |         |
| <b>Roland Storme/</b> 412161      | JZ 2374    | 0910    |
| WSDOT Representative / Org Number | Job Number | Work Op |



## City Council Agenda Bill

**Meeting Date:** August 5, 2024      **Agenda Item:** 6.i.

**Agenda Item Title:** Contract Award: 22nd Street Pedestrian Improvement Project #24-216-TRN-001

**Staff Contact(s):** Andrew Rheume

| <b><u>Approved for Submittal to Council by</u></b> | <b><u>Action Type</u></b> |
|----------------------------------------------------|---------------------------|
| Tiffany Matson                                     | Contract Award            |
| Andrew Rheume                                      |                           |

**Item Summary:** City staff seeks City Council consent to award a contract in the amount of \$51,000.00 to PNW Civil, Inc. to perform the 22nd Street Pedestrian Improvement Project. This project consists of improving ADA ramps at the intersection of N Ave and 22nd, O Ave and 22nd, and sidewalk with 2 driveways along N Ave.

**Background:**

1. **History:** The City is performing this project as part of the ongoing effort to provide safe pedestrian walkways around town.
2. **Key Terms:**
  - Contract is on a time and materials basis not-to-exceed \$51,000.00.
  - The Contractor shall complete the work by September 2, 2024.
3. **Competitive Bidding:** In accordance with competitive bid requirements set forth under RCW 35.23.352 the project cost is under the competitive requirements and thus the Project Manager evaluated contractors and chose to contract with PNW Civil, Inc.

**Budget Impact:**

|                 |                   |
|-----------------|-------------------|
| Contractor      | PNW Civil, Inc.   |
| Contract Amount | \$51,000.00       |
| Earmarked Funds | \$351,000.00      |
| BARS #          | 105.720.595.61.63 |

|                            |                   |
|----------------------------|-------------------|
| Budget Amendment Required? | No                |
| Start Date                 | Notice to Proceed |
| End Date                   | 9/2/2024          |

**Previous Action:** N/A

**Recommended Motion:** I move that City Council authorize the Mayor to sign contract 24-216-TRN-001 with PNW Civil, Inc. in the amount of \$51,000.00 to perform the 22nd Street Pedestrian Improvement Project.

**Alternative Actions:** Not award the contract.

**Attachments (listed in order presented):**

1. 24-216-TRN-001



CONTRACT #24-216-TRN-001

AGREEMENT WITH  
**PNW CIVIL, INC.**

This Contract is between the City of Anacortes, Washington, a Municipal Corporation (herein after referred to as "City") and PNW Civil, Inc., a private contractor at PO Box 30498, Bellingham, WA 98228 (herein after referred to as "Contractor").

**PROJECT**

**22nd Street Pedestrian Improvement Project**

1. **Scope of Work:** Contractor shall furnish all materials, equipment and labor to perform the 22nd Street Pedestrian Improvement Project, as detailed in Exhibit A, which is attached hereto and incorporated by reference. Work is subject to the City of Anacortes Engineering Standards which are hereby incorporated by reference and made a part hereof.
2. **Contract Price:** The Contractor will perform the scope of work above on a time and materials basis not-to-exceed **Fifty-One Thousand Dollars (\$51,000.00)**. Payments shall be made at the unit prices identified in Exhibit A. Rule 171 applies. This includes all mobilization, demobilization, labor, materials, standard freight, and administrative overhead for the project. Before any payment is made by the City of Anacortes of sums under this contract, the contractor must provide a copy of the statement of *Intent to Pay Prevailing Wage* approved by the Department of Labor and Industries. Pursuant to RCW Chapter 60.28, a sum of five percent (5%) of the monies earned by the contractor will be retained.
3. **Bonds:** Pursuant to RCW 39.08.010, the Contractor shall provide the City a performance bond and payment bond for the full contract amount to be in effect as detailed in the incorporated General Provisions. The City may at its option release the bonds once all the conditions of RCW 39.08.010-1a have been discharged.
4. **Time of Completion:** The Contractor shall complete the work by September 2, 2024.
5. **Project Management:** Coordination and scheduling of the work, materials, and equipment shall be made with the Project Manager Lance Jordan (360) 588-8118.
6. **Contract Requirements:** As detailed in the General Provisions, Contractor must have a valid contractor license number, insurance, and City of Anacortes business license. **Prevailing Wage Law Applies.** Forms Needed: 1) Proof of Insurance with Additional Insured Endorsements; 2) Intent to Pay Prevailing Wage; 3) Affidavit of Wages Paid; 4) Performance Bond; 5) Payment Bond; 6) Certification of Compliance with Wage Payment Statutes.
7. **Contract Documents:** The attached General Provisions, Exhibit A, and the City of Anacortes Engineering Standards are included in this Contract Agreement.

**The parties acknowledge** that there has been an opportunity to negotiate the terms and conditions of this Agreement and agree to each bind itself, its partners, successors, assigns, and legal representatives to the other party hereto, in respect of all covenants, agreements, and obligations contained in the Contract Documents. Each of the persons signing below on behalf of any party hereby represents and warrants that they are signing with full and complete authority to bind the party on whose behalf of whom they are signing, to each and every term of this Agreement.

**Owner:**

City of Anacortes

\_\_\_\_\_

\_\_\_\_\_  
Date

**Contractor:**

PNW CIVIL, INC.

\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Contractor License #





July 25, 2024

City of Anacortes  
Attn: Lance Jordan  
904 6<sup>th</sup> Street  
Anacortes, WA 98221  
Phone: 360-855-5795 / Email: [lancej@cityofanacortes.org](mailto:lancej@cityofanacortes.org)

RE: Proposal – N Ave & 22<sup>nd</sup> – ADA Ramps

PNW Civil, Inc. is submitting this Proposal per the site visit with Lance Jordan on 7-24-24. Scope of work will be improving ADA ramps at the intersection of N Ave and 22<sup>nd</sup>, O Ave and 22<sup>nd</sup>, and sidewalk with 2 driveways along N Ave. PNW assumes the following in this proposal:

- Prevailing wages and associated paperwork will be completed by PNW.
- Performance and payment bonds aren't included. PNW can provide if requested. PNW assumes 10% retainage option is available in place of bonds to keep costs reduced as overall contract value is less than \$150,000.00.
- All work is completed in 1 mobilization in 2024. The scope of work will take approximately 3 weeks to complete depending on weather. Concrete pours are assumed to occur during dry weather without freezing temperatures.
- All work will be completed with shoulder closures, and flagging isn't required.
- Sidewalks will be closed, and pedestrians will detour to the other side of the street.
- PNW assumes a small laydown area is available within the proximity of our work zone.
- PNW assumes multiple work zones can be worked at the same time. PNW will keep each location clean and continuously work each zone once started with the exception of concrete cure time.
- PNW will field fit each location, and survey isn't required. Layout will be reviewed with the City of Anacortes official at each location prior to concrete placement.
- PNW assumes 40-hour work weeks Monday thru Friday, 7:00am to 5:00pm, as our typical work hours.
- Any testing required will be completed by the City of Anacortes.
- Any permits required will be completed by the City of Anacortes.
- Landscaping restoration – Any sod removed will be backfilled with topsoil and seeded where existing sod isn't reinstalled. Establishment of grass seed is assumed to be by others.
- Curb and sidewalk removal will be taken to the nearest joints.
- All concrete is assumed to be standard color without coloring.

PNW pricing by location is:

**Base Bid:**

| Item # | Description     | Quantity | Unit | Unit Price | Total      |
|--------|-----------------|----------|------|------------|------------|
| 1      | Mobilization    | 1        | LS   | \$5,800.00 | \$5,800.00 |
| 2      | Traffic Control | 1        | LS   | \$1,100.00 | \$1,100.00 |



|    |                         |     |      |            |             |
|----|-------------------------|-----|------|------------|-------------|
| 3  | Demolition              | 1   | LS   | \$6,300.00 | \$6,300.00  |
| 4  | Excavation              | 30  | CY   | \$81.00    | \$2,430.00  |
| 5  | CSTC                    | 32  | TONS | \$107.00   | \$3,424.00  |
| 6  | Curb & Gutter           | 51  | LF   | \$81.00    | \$4,131.00  |
| 7  | Pedestrian Curb         | 118 | LF   | \$45.00    | \$5,310.00  |
| 8  | Sidewalk                | 76  | SY   | \$100.00   | \$7,600.00  |
| 9  | Driveways               | 25  | SY   | \$131.00   | \$3,275.00  |
| 10 | ADA Ramps               | 2   | EA   | \$2,900.00 | \$5,800.00  |
| 11 | Asphalt Patching        | 3   | TONS | \$745.00   | \$2,235.00  |
| 12 | Topsoil & Seeding       | 10  | CY   | \$135.00   | \$1,350.00  |
|    | Subtotal                |     |      |            | \$48,755.00 |
|    | WSST – Use Tax Included |     |      |            | N/A         |
|    | Total w/ WSST           |     |      |            | \$48,755.00 |

Item clarifications and descriptions of work:

- Item 1 – Mobilization
  - o Mobilize to site, management of work, required paperwork, and supply of sanican for PNW's crew.
- Item 3 – Demolition
  - o Sawcutting of concrete and asphalt.
  - o Removal of existing concrete and asphalt as needed.
- Item 4 – Excavation
  - o Quantity assumes an 8" section for flatwork – 4" concrete and 4" CSTC placement.
  - o Driveways assume a 10" section – 6" concrete and 4" CSTC placement.
- Item 5 – CSTC
  - o Quantity assumes a uniform layer of 4" of CSTC to be placed.
- Item 6 – Curb & Gutter



- New curb and gutter is assumed in front of the ADA ramp locations, and will be replaced to the nearest joints.
- Item 7 – Pedestrian Curb
  - Installed at the new ADA ramps, and along sidewalk as needed.
- Item 8 – Sidewalk
  - Sidewalk is assumed to be replaced to the nearest joint.
- Item 9 – Driveway
  - Width is assumed to match existing.
- Item 10 – ADA Ramps
  - ADA domes are assumed to be installed by the City.
- Item 11 – Asphalt Patching
  - Asphalt patch is assumed to be 2' wide in front of the curb and gutter.
- Item 12 – Topsoil and Seeding
  - New topsoil will be placed behind back of curb where disturbed for forming access.

Exclusions:

Permits, engineering, bond (PNW can provide if requested by Owner), survey, testing, obstructions, rock excavation, dewatering, subgrade preparation other than compacting native material, rain concrete protection, damage to fresh concrete by others, utility conflicts and disconnect of utilities, traditional trenching is assumed not requiring vector truck trenching, private utility locates, landscaping repairs except as noted above, hazardous materials handling/disposal, and other work not identified above.

Please let me know if you have any questions on the above; my cell phone is 360-739-2072. Thank you for the opportunity to provide this Proposal, and I look forward to hearing back from you.

Sincerely,

Tyler Andrews  
President

**1. WASHINGTON STATE PREVAILING WAGES:** Washington State Prevailing Wages apply to all Work. The Contractor and any of its Subcontractors are required to pay their laborers and mechanics minimum wage in compliance with Washington State Prevailing Wage Laws. Before any payment is made by the City of Anacortes of any sums under this contract, the contractor and each subcontractor must provide the City with a copy of the statement of *Intent to Pay Prevailing Wages* approved by the Washington State Department of Labor and Industries (L&I) (*ONE (1) filed per contractor and each subcontractor per contract*). Following contract completion, the City will not release any funds retained, according to the provisions of RCW 60.28.010, until the contractor and each subcontractor has provided the City a copy of the *Affidavit of Wages Paid* approved by L&I (*ONE (1) filed per contractor and each subcontractor per contract*). L&I provides the wage forms. ***All costs associated with such fees shall be included in the Contract price as part of the fixed costs of overhead for this Contract, including any anticipated subcontractor filing fees. Any change in the fee by L&I will not be grounds for revision in the Contract Amount. The City will only pay for the actual cost charged by L&I for the filing of the intent and affidavit.***

For contracts in excess of \$10,000, the contractor must post in a conspicuous place at the job site, a copy of the statement of *Intent to Pay Prevailing Wages* approved by L&I and the address and phone number of the Industrial Statistician where complaints or inquiries may be made. The City will refer any dispute regarding the prevailing rate of wage to L&I for arbitration.

The State of Washington prevailing wage rates applicable for this public works project, which is located in Skagit County, may be found at the following website address of the Department of Labor and Industries: <https://secure.lni.wa.gov/wagelookup/>. The prevailing wage schedule in effect for the work under the contract will be the one in effect upon the date of execution of the contract. A copy of the applicable prevailing wage rates are also available for viewing at the office of the City, located at 904 6<sup>th</sup> Street, Anacortes, WA. Upon request, the City will mail a hard copy of the applicable prevailing wages for this project.

At least once a month Contractor must file weekly certified payroll reports online with the Washington Department of Labor and Industries as required by RCW 39.12.120.

**2. Performance and Payment Bonds.** The City is required by RCW 39.08.010, with limited exceptions, to obtain both a Performance and a Payment bond for each public works project. The City requires separate Performance and Payment bonds for 100% of the contract amount furnished on bond forms standardized by the City Attorney's office. The bonds must meet the following provisions:

- Be for the full amount of the project, including tax.
- Name City of Anacortes as the obligee.
- List the correct Project Name and Project Number.
- Be signed by both the surety (the Attorney in Fact) and the Contractor.
- Be issued by a surety authorized to do business in the State of Washington (listed on the Insurance Commissioners website) and which meets the AM Best Rating required in the Contract Documents. If no requirement exists, a minimum of AM Best Rating A-7 or better will be required.

**Release of Bonds** - Bonds will not be released until the project has been completed and finally accepted.

**Performance Bonds** – Performance Bonds will be released at the end of the warranty period or twelve months after the date of final acceptance, whichever is later. The City may at its option release the bond once all the conditions of RCW 39.08.010-1a have been discharged.

**Payment Bonds** – Payment Bonds will be released either 45 days after final acceptance of the project or upon receipt of releases from the Washington Department of Revenue, Washington Employment Security Department, and the Washington Department of Labor and Industries, whichever is later. Release is contingent on the fact that no claims against the bond have been filed prior to the 45 day mark. If claims have been filed against the bond, it will not be released until the claims have been resolved.

**Exceptions** – On projects \$150,000 and under, the Contractor can, in lieu of providing a performance and payment bond, request to have the City withhold 10% of monies earned on the project for a period of 30 days after final acceptance of the completed work or until receipt of all necessary releases from the Washington Department of Revenue, Washington Employment Security Department, and the Washington Department of Labor and Industries and settlement of any liens filed under Chapter 60.28 RCW, whichever is later. This exception is dependent on pre-approval by the City Attorney, and the City reserves the right to reject requests to waive the bond requirements.

**3. Retainage.** Pursuant to RCW Chapter 60.28, a sum of five percent (5%) of the monies earned by the Contractor will be retained. The Contractor may elect to execute a Retainage Bond. The bond must be furnished on a bond form standardized by the City Attorney's office and issued by a surety currently authorized by the State Insurance Commissioner to do business in Washington State. Retainage will be released 45 days after Final Acceptance, provided that the following has occurred:

- a. All liens placed against the project have been released.
- b. For projects over \$35,000, releases from the Washington Department of Revenue, Washington Employment Security Department, and the Washington Department of Labor and Industries have been received.

Note: If the City has approved the Contractor's request to waive the bond requirements, the City will withhold a total of 10% of the monies earned for a period of 30 days after Final Acceptance of the completed work, or until receipt of all necessary releases from the Washington Department of Revenue, Washington Employment Securities Department, and the Washington Department of Labor and Industries, and settlement of any liens filed under Chapter 60.28 RCW, whichever is later.

**4. Final Acceptance.** Final Acceptance is defined as the date on which the City accepts the Work as complete, as indicated by notice issued by the City. For the purposes of the retainage statute (RCW 60.28.011), "completion of all contract work" is the same as the date of Final Acceptance. The following events must occur before the City will issue Final Acceptance:

- a. The physical Work on the project must be complete and accepted by the Project Manager; and
- b. The Contractor must submit to the City, and secure City approval of, all documentation required by the Contract and required by law, including but not limited to:
  - i. Invoices for all Work;
  - ii. Copies of the "Affidavit of Prevailing Wages Paid" as approved by L&I for the Contractor and all Subcontractors; and
  - iii. Any additional documentation required by the Contract.

**5. Penalties for Noncompliance.** If Contractor does not provide "Affidavit of Prevailing Wages Paid" to the City, the City may withhold any or all payments until required documentation is received. In addition, failure to provide "Intent to Pay Prevailing Wage" or "Affidavit of Wages Paid" may result in other sanctions as provided by State laws (RCW 39.12.050) and/or Federal regulations (29 CFR 5.12).

**6. Subcontracts.** The Contractor shall not subcontract the Scope of Work ("Work") unless the Project Manager approves in writing. If the Project Manager requests, the Contractor shall provide proof that the Subcontractor has the experience, ability, and equipment the Work requires. "Subcontractor" means an individual, partnership, firm, corporation, or joint venture who is sublet part of the Contract by the Contractor. Each request to subcontract shall include the following information (i) a description of the supplies or services to be subcontracted, (ii) identification of the type of subcontract to be used (iii) identification of the proposed subcontractor, (iv) proposed subcontract price, (v) identification of the percentage of work to be performed by subcontract. Approval of subcontract shall not:

- a. Relieve the Contractor of any responsibility to carry out the Contract,
- b. Relieve the Contractor of any obligations or liability under the Contract and the Contractor's bond,
- c. Create any contract between the City and the Subcontractor, or
- d. Convey to the Subcontractor any rights against the City.

As required by RCW 39.06.020, the Contractor must verify responsibility criteria for each first tier subcontractor, and a subcontractor of any tier that hires other subcontractors must verify responsibility criteria for each of its subcontractors. Verification is to include that, at the time of subcontract execution, each subcontractor meets the responsibility criteria listed in RCW 39.04.350(1) and additionally - if applicable - possesses an electrical contractor license or an elevator contractor license. This verification requirement, as well as the responsibility criteria, must be included in every public works contract and subcontract of every tier. Contractor remains fully responsible for obligations, services, and functions performed by its subcontractors to the same extent as if such obligations, services, and functions were performed by Contractor's employees, and for purposes of the Agreement such work will be deemed work performed by Contractor. The Contractor shall give immediate written notice of any action or suit filed and prompt notice of any claim made against the Contractor by any subcontractor or vendor that, in the opinion of the Contractor, may result in litigation related in any way to this contract, with respect to which the Contractor may be entitled to reimbursement from the City.

If dissatisfied with any part of the subcontracted Work, the Project Manager may request in writing that the Subcontractor be removed. The Contractor shall comply with this request at once and shall not employ the Subcontractor for any further Work under the Contract.

**7. Job Safety Requirements Compliance.** The Contractor, and its subcontractors of any tier, shall comply with all applicable federal, State, local laws, ordinances, and regulations, as may be amended, for the safety of persons or property while performing any work under the Contract and for the handling and disposal of all hazardous wastes. Industry standards and applicable laws and regulations of authorities having jurisdiction include, but are not limited to: the Washington Industrial Safety and Health Act of 1973 (WISHA); the federal Occupational Safety and Health Acts of 1970 (OSHA); the Resource Conservation and Recovery Act; the Washington Hazardous Waste Management Act; the Department of Labor & Industries; Washington Administrative Code (WAC); the Environmental Protection Agency; and the Department of Ecology governing the generation, storage, treatment, transportation or disposal of hazardous wastes. The Contractor and its subcontractors of any tier shall also comply with all current and future executive proclamations, regulations, requirements and/or related guidance issued by the Office of the Governor of Washington State and Office of the Mayor of the City of Anacortes as it may relate to City of Anacortes projects. Contractor further agrees to indemnify and hold harmless City from damages assessed against City because of Contractor's failure to comply with the Acts and the standards issued thereunder.

#### **8. Chemical Hazard Safety**

- a. **Employer Chemical Hazard Communication Rule:** WAC 296-800-170 requires all employers in Washington State to inform and train their employees on the hazards of chemicals in the workplace or in foreseeable



emergencies. For purposes of performance under this Contract, any toxic substance that may be harmful to the end user while being used or stored on City property must:

- i. Be properly labeled with the: (1) identity of the hazardous material; (2) appropriate hazardous warnings; and (3) name and address of the chemical manufacturer, importer or responsible party.
- ii. Be accompanied by a Safety Data Sheet (SDS) which shall be provided to the City Project Manager, or designee. Copies of the Contractor's SDS inventory shall also be located where chemicals are stored.
- b. Contractor shall not introduce or use any new product without the express written permission of the City Project Manager. Contractor shall request permission to use new substances by providing an SDS sheet or label data for all proposed chemicals, and an explanation as to the purpose of the chemical application, method of application, and intended schedule of application. If new products are approved for use, then they shall be:
  - i. Restricted in their applications so as to meet current and local law;
  - ii. Mixed and otherwise handled where an accidental spill will not enter surface or ground water and will not contaminate the soil.
- c. In any emergency affecting the safety of persons or property, Contractor shall act, at their discretion, to prevent threatened injury, damage, or loss. The City's Project Manager has full authority to stop work they deem a safety risk.

**9. Taxes.** The City will pay sales and use taxes imposed on goods or services acquired hereunder as required by law. The Contractor must pay all other taxes including, but not limited to: Business and Occupation Tax, taxes based on the Contractor's gross or net income, or personal property to which the City does not hold title. The City is exempt from Federal Excise Tax. Where applicable the City shall furnish a Federal Excise Tax Exemption certificate.

**10. Invoicing.** All invoices shall at a minimum include: Company Name, Invoice Date, Due Date (30 days), Invoice Number, **Agreement Number**, and Price. The Contractor must allow 30 calendar days from receipt of the invoice for payment. ***If requested by the City the Contractor shall provide a cost breakdown of charges.*** Invoices may be sent by US mail to City of Anacortes, Accounts Payable, PO Box 547, Anacortes, WA 98221, or by email to [accountspayable@cityofanacortes.org](mailto:accountspayable@cityofanacortes.org). Contractors may complete a City furnished ACH/EFT form to receive electronic payments directly to their financial institution. The City shall notify the Contractor within fifteen (15) calendar days from receipt of invoice if there are any objections or disputes with the invoice. The Contractor shall then resubmit a new invoice less the disputed amount and payment shall be made within 30 calendar days. Any disputed amounts may be submitted under the Disputes clause contained herein.

**11. Withholding Payment.** In the event the City determines that the Contractor has failed to perform any obligation under this Contract within the times set forth in this Contract, then the City may withhold from amounts otherwise due and payable to Contractor the amount determined by the City as necessary to cure the default, until the Contracting Officer determines that such failure to perform has been cured. Withholding under this clause shall not be deemed a breach entitling Contractor to terminate or damages, provided that the City promptly gives notice in writing to the Contractor of the nature of the default or failure to perform, and in no case more than 8 days after it determines to withhold amounts otherwise due. A determination of the City Attorney set forth in such notice to the Contractor of the action required and/or the amount required to cure any alleged failure to perform shall be deemed conclusive, except to the extent that the Contractor acts within the times and in strict accord with the provisions of the Disputes clause of this Contract. The City may act in accordance with any determination of the City Attorney which has become conclusive under this clause, without prejudice to any other remedy under the Contract, to take all or any of the following actions: (1) cure any failure or default, (2) to pay any amount so required to be paid and to charge the same to the account of the Contractor, (3) to set off any amount so paid or incurred from amounts due to become due the Contractor. In the event the Contractor obtains relief upon a claim under the Disputes clause, no penalty or damages shall accrue to Contractor by reason of good faith withholding by the City under this clause.

**12. Final Payment: Waiver of Claim.** The contractor's acceptance of final payment (excluding withheld retainage) shall constitute a waiver of claims, except those previously and properly made and identified by the contractor as unsettled at the time request for final payment is made.

**13. Required Use of Finished Compost Product.** If the project includes the use of a product created with "composted material" as defined in RCW 70A.205.015(3) the Contractor must purchase finished compost products from entities that: 1) produce compost locally within Skagit County; 2) are certified by a nationally recognized organization; 3) are permitted by the local health jurisdiction; and 4) produce finished compost products derived from municipal solid waste compost programs while meeting quality standards adopted by the Department of Transportation or adopted by rule by the Department of Ecology. The Contractor will obtain pre-approval from the PM of the proposed compost material vendor and will submit receipts with their invoice(s).

#### **14. Inspection.**

**A. Of the Work:** All materials furnished and work done shall be subject to inspection. The City Project Manager administering the Contract shall at all times have access to the work wherever it is in progress or being performed, and the Contractor shall provide proper facilities for such access and inspection. Such inspection shall not relieve the Contractor of the responsibility of performing the work correctly, utilizing the best labor and materials in strict accordance with the Specifications of the Contract. All material or work approved and later found to be defective shall be replaced without cost to the City.

**B. Project Manager's Authority:** The Project Manager shall have power to reject materials or workmanship which do not fulfill the requirements of these Specifications, but in case of dispute the Contractor may appeal to the City Attorney whose decision shall be final. The Contract shall be carried out under the general control of the representative of the City administering the Contract, who may exercise such control over the conduct of the work as may be necessary, in their opinion, to safeguard the interest of the City. The Contractor shall comply with any and all orders and instructions given by the representative of the particular Department administering the Contract in accordance with the terms of the Contract. Nothing herein contained, however, shall be taken to relieve the Contractor of their obligations or responsibilities under the Contract.

**15. New and Unused.** All units, equipment, parts and material shall be new, unused, manufacturer's current model year and in current production and shall meet any current applicable regulations and/or codes. All materials shall have physical and chemical properties to withstand the intended purpose. Equipment design shall have sufficient excess capacity for durability and safety.

**16. Warranty.** The Contractor shall return to the project and repair or replace all defects in workmanship and material discovered within one year after Final Acceptance of the Work, including any necessary labor and materials. The Contractor shall start work to remedy any such defects within 7 calendar days of receiving City's written notice of a defect, and shall complete such work within the time stated in the City's notice. In case of an emergency, where damage may result from delay or where loss of services may result, such corrections may be made by the City's own forces or another contractor, in which case the cost of corrections shall be paid by the Contractor. In the event the Contractor does not accomplish corrections within the time specified, the work will be otherwise accomplished and the cost of same shall be paid by the Contractor. For one year after acceptance of any corrections by the City the Contractor shall be responsible for correcting all defects in workmanship and materials in the corrected work. In addition, the Contractor shall obtain and submit to the City any necessary documentation to secure any extended manufacturer's warranty and warranty terms. This guarantee is supplemental to and does not limit or affect the requirements that the Contractor's work comply with the requirements of the Contract or impact any other legal rights or remedies of the City.

**17. Indemnification / Hold Harmless.** The Contractor shall defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or in connection with the performance of this Agreement, except for injuries and damages caused by the sole negligence of the City. However, should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Contractor and the City, its officers, officials, employees, and volunteers, the Contractor's liability hereunder shall be only to the extent of the Contractor's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Contractor's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

#### **18. Insurance.**

**A. Insurance Term:** The Contractor shall procure and maintain insurance, as required in this Section, without interruption from commencement of the Contractor's work through the term of the contract and for thirty (30) days after the Physical Completion date, unless otherwise indicated herein.

**B. No Limitation:** The Contractor's maintenance of insurance, its scope of coverage and limits as required herein shall not be construed to limit the liability of the Contractor to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.

**C. Minimum Scope of Insurance:** The Contractor's required insurance shall be of the types and coverage as stated below:

1. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be at least as broad as Insurance Services Office (ISO) form CA 00 01.
2. Commercial General Liability insurance shall be as least as broad as ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent contractors, products-completed operations, stop gap liability, personal injury and advertising injury, and liability assumed under an insured contract. The Commercial General Liability insurance shall be endorsed to provide a per project general aggregate limit using ISO form CG 25 03 05 09 or an equivalent endorsement. There shall be no exclusion for liability arising from explosion, collapse or underground property damage. **The City of Anacortes and its officers, elected officials, employees, agents, and volunteers shall be named as an additional insured** under the Contractor's Commercial General Liability insurance policy with respect to the work performed for the City using ISO Additional Insured endorsement CG 20 10 10 01 and Additional Insured-Completed Operations endorsement CG 20 37 10 01 or substitute endorsements providing at least as broad coverage.
3. Worker's Compensation coverage as required by the Industrial Insurance laws of the State of Washington.

**D. Minimum Amounts of Insurance:** The Contractor shall maintain the following insurance limits:

1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.

2. Commercial General Liability insurance shall be written with limits no less than \$2,000,000 each occurrence, \$2,000,000 general aggregate and \$2,000,000 products-completed operations aggregate limit.

**E. City Full Availability of Contractor Limits:** If the Contractor maintains higher insurance limits than the minimums shown above, the City shall be insured for the full available limits of Commercial General and Excess or Umbrella liability maintained by the Contractor, irrespective of whether such limits maintained by the Contractor are greater than those required by this contract or whether any certificate of insurance furnished to the City evidences limits of liability lower than those maintained by the Contractor.

**F. Other Insurance Provision:** The Contractor's Automobile Liability and Commercial General Liability insurance policies are to contain, or be endorsed to contain, that they shall be primary insurance as respect the City. Any insurance, self-insurance, or self-insured pool coverage maintained by the City shall be excess of the Contractor's insurance and shall not contribute with it.

**G. Acceptability of Insurers:** Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

**H. Verification of Coverage:** The Contractor shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsements, evidencing the insurance requirements of the Contractor within 10 days of contract execution and before scheduling of the work. Upon request by the City, the Contractor shall furnish certified copies of all required insurance policies, including endorsements, required in this contract and evidence of all subcontractors' coverage. Failure of the City to demand such verification of coverage with these insurance requirements or failure of the City to identify a deficiency from the insurance documentation provided shall not be construed as a waiver of Contractor's obligation to maintain such insurance.

Verification of coverage shall include:

1. An ACORD certificate or a form determined by the City to be equivalent.
2. Copies of all endorsements naming the City as additional insured, showing the policy number. The Contractor may submit a copy of any blanket additional insured clause from its policies instead of a separate endorsement.
3. Any other amendatory endorsements to show the coverage required herein.
4. **A notation of coverage enhancements on the Certificate of Insurance shall not satisfy these requirements – actual endorsements must be submitted.**

**I. Subcontractors' Insurance:** The Contractor shall cause each and every Subcontractor to provide insurance coverage that complies with all applicable requirements of the Contractor-provided insurance as set forth herein, except the Contractor shall have sole responsibility for determining the limits of coverage required to be obtained by Subcontractors. The Contractor shall ensure that the City is an additional insured on each and every Subcontractor's Commercial General liability insurance policy using an endorsement at least as broad as ISO CG 20 10 10 01 for ongoing operations and CG 20 37 10 01 for completed operations.

**J. Notice of Cancellation:** The Contractor shall provide the City and all Additional Insureds for this work with written notice of any policy cancellation within two (2) business days of their receipt of such notice.

**K. Failure to Maintain Insurance:** Failure on the part of the Contractor to maintain the insurance as required shall constitute a material breach of contract, upon which the City may, after giving five business days notice to the Contractor to correct the breach, immediately terminate the contract or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so expended to be repaid to the City on demand, or at the sole discretion of the City, offset against funds due the Contractor from the City.

**19. Acceptance.** Contractor acknowledges and agrees that these General Provisions are incorporated in, and are a part of, each purchase order or other agreement relating to the provision of goods and/or related services by Contractor. These General Provisions supersede all conflicting or additional terms on any purchase order, quote, invoice, Contractor's website, or otherwise set forth on any release, acknowledgement, confirmation, requisition, work order, shipping instruction, specification and similar document or communication.

**20. Registered or Licensed Contractor.** The City is prohibited by RCW 39.06.010 from executing an Agreement with a Contractor who is not registered or licensed as required by the laws of the state. In addition, Anacortes Municipal Code requires that every person engaging in business within the city limits of Anacortes register their business with the state and include a City of Anacortes Endorsement. Businesses from outside city limits with a gross annual income of \$2,000 in Anacortes are also required to obtain a city endorsement. Business licenses and city endorsements can be obtained through the State of Washington Department of Revenue (DOR) Business Licensing Service (BLS) at [bls.dor.wa.gov](https://bls.dor.wa.gov).

**21. Standard Title VI / Non-Discrimination Assurances.** During the performance of this contract, the Contractor, for itself, its assignees, and successors in interest agrees to the clauses in "Appendix A" and "Appendix E" of the Standard Title VI Assurances (USDOT1050.2A), which are hereby incorporated by reference and made a part hereof.

**22. Contractor is an Independent Contractor.** The parties intend that an independent Contractor relationship will be created by this Agreement. No agent, employee or representative of the Contractor shall be deemed to be an agent, employee or representative of the City for any purpose. Contractor shall be solely responsible for all acts of its agents, employees, representatives and Subcontractors during the performance of this Agreement.

**23. No Third-Party Beneficiary Rights.** This Agreement is not intended to and shall not be construed to give any Third Party any interest or rights (including, without limitation, any Third-Party beneficiary rights) with respect to or in connection with any agreement or provision contained herein or contemplated hereby, except as otherwise expressly provided for in this Agreement.

**24. The City's Right to Terminate Agreement.**

**A. Termination for Default:** If the Contractor defaults by failing to perform any of the obligations of the Agreement or becomes insolvent or is declared bankrupt or commits any act of bankruptcy or insolvency or makes an assignment for the benefit of creditors, the City may, by depositing written notice to the Contractor in the U.S. mail, postage prepaid, terminate the Agreement, and at the City's option, obtain performance of the work elsewhere. If the Agreement is terminated for default, the Contractor shall not be entitled to receive any further payments under the Agreement until the Scope of Services under this Agreement has been fully performed. Any extra cost or damage to the City resulting from such default(s) shall be deducted from any money due or coming due to the Contractor. The Contractor shall bear any extra expenses incurred by the City in completing the work, including all increased costs for completing the work, and all damage sustained, or which may be sustained by the City by reason of such default. If a notice of termination for default has been issued and it is later determined for any reason that the Contractor was not in default, the rights and obligations of the parties shall be the same as if the notice of termination had been issued pursuant to the Termination for Public Convenience paragraph hereof.

**B. Termination for Public Convenience:** The City may terminate the Agreement in whole or in part whenever the City determines, in its sole discretion that such termination is in the best interests of the City. Whenever the Agreement is terminated in accordance with this paragraph, the Contractor shall be entitled to payment for actual work performed at unit Agreement prices for completed items of work through the date of termination. If the City exercises its option under this Paragraph, the City shall not be responsible for payment for loss of anticipated profit on deleted or uncompleted work. Termination of this Agreement by the City at any time during the term, whether for default or convenience, shall not constitute a breach of Agreement by the City.

**25. Changes/Additional Work.** The City may engage Contractor to perform services in addition to those listed in this Agreement, and Contractor will be entitled to additional compensation for authorized additional services or materials. The City shall not be liable for additional compensation until and unless any and all additional work and compensation is approved in advance in writing and signed by both parties to this Agreement. If conditions are encountered which are not anticipated in the Scope of Services, the City understands that a revision to the Scope of Services and fees may be required. Provided, however, that nothing in this paragraph shall be interpreted to obligate the Contractor to render or the City to pay for services rendered in excess of the Scope of Services unless or until a modification to this Agreement is approved in writing by both parties.

**26. Non-waiver.** Waiver by the City of any provision of this Agreement or any time limitation provided for in this Agreement shall not constitute a waiver of any other provision.

**27. Covenant Against Contingent Fees.** The Contractor warrants that they have not employed or retained any company or person, other than a bona fide employee working solely for the Contractor, to solicit or secure this Agreement, and that they have not paid or agreed to pay any company or person, other than a bona fide employee working solely for the Contractor, any fee, commission, percentage, brokerage fee, gifts, or any other consideration contingent upon or resulting from the award of making of this Agreement. For breach or violation of this warranty, the City shall have the right to annul this Agreement without liability or, in its discretion to deduct from the Agreement price or consideration, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift, or contingent fee.

**28. Disputes**

**A. General:** Differences between the Contractor and the City, arising under and by virtue of this Agreement shall be brought to the attention of the City at the earliest possible time in order that such matters may be settled or other appropriate action promptly taken. The provisions of this Clause shall survive the expiration or termination of this Agreement.

**B. Notice of Potential Claims:** The Contractor shall not be entitled to additional compensation which otherwise may be payable, or to extension of time for (1) any act or failure to act by the City, or (2) the happening of any event or occurrence, unless the Contractor has given the City a written Notice of Potential Claim within 10 days of the commencement of the act, failure, or event giving rise to the claim, and before final payment by the City. The written Notice of Potential Claim shall set forth the reasons for which the Contractor believes additional compensation or extension of time is due, the nature of the cost involved, and insofar as possible, the amount of the potential claim. Contractor shall keep full and complete daily records of the Work performed, labor and all costs and additional time claimed to be additional.

**C. Detailed Claim:** The Contractor shall not be entitled to claim any such additional compensation, or extension of time, unless within 30 days of the accomplishment of the portion of the work from which the claim arose, and before final payment by the City, the Contractor has given the City a detailed written statement of each element of cost or other compensation requested and of all elements of additional time required, and copies of any supporting documents evidencing the amount or the extension of time claimed to be due.

**D. Dispute Resolution:** In the event of a dispute between the City and the Contractor arising out of this Agreement, or any obligation hereunder the dispute shall first be referred to the representatives designated by the City and the Contractor to have oversight over the administration of this Agreement. Said representatives shall meet within thirty (30) calendar days of receipt of detailed claim, and the parties shall make a good faith effort to achieve a resolution of the dispute. In the event the parties are unable to resolve the dispute under the procedure set forth above, then the parties hereby agree that the matter shall be referred to mediation. The parties shall mutually agree upon a mediator to assist them in resolving their differences. Any expenses incidental to mediation shall be borne equally by the parties. If either party is dissatisfied with the outcome of the mediation, that party may then pursue any available judicial remedies.

**29. Force Majeure.** Neither party shall be liable to the other or deemed in breach or default for any failure or delay in performance under this Agreement during the time and to the extent its performance is prevented by reasons of Force Majeure. For the purposes of this Agreement, Force Majeure means an occurrence that is beyond the reasonable control of and without fault or negligence of the party claiming force majeure and which, by exercise of due diligence of such party, could not have been prevented or overcome. Force Majeure shall include natural disasters, including fire, flood, earthquake, windstorm, avalanche, mudslide, and other similar events; acts of war or civil unrest when an emergency has been declared by appropriate governmental officials; acts of civil or military authority; freight embargoes; epidemics; pandemics; quarantine restrictions; labor strikes; boycotts; terrorist acts; riots; insurrections; explosions; and nuclear accidents. A party claiming suspension or termination of its obligations due to force majeure shall give the other party prompt written notice of the impediment and its effect on the ability to perform, with such notice to be provided no more than two (2) working days after the force majeure event or reasonable discovery of the event's impact on performance. Failure to provide such notice shall preclude recovery under this provision. Such delay shall cease as soon as practicable and written notification of same shall be provided. The time of completion shall be extended by Agreement modification for a period of time equal to the time that the results or effects of such delay prevented the delayed party from performing in accordance with this Agreement. Rights Reserved: The City reserves the right to cancel the Agreement and/or purchase materials, equipment or services from the best available source during the time of force majeure, and Contractor shall have no recourse against the City.

**30. Governing Law.** This Agreement shall be governed by and construed under the laws of the State of Washington. Any action brought under the Agreement or relating to the Project shall be brought in the Superior Court of the State of Washington in Skagit County Washington.

**31. Compliance with Laws.** The Contractor in the performance of this Agreement shall comply with all applicable Federal, State or local laws and ordinances, including regulations for licensing, certification and operation of facilities, programs and accreditation, and licensing of individuals, and any other standards or criteria as described in the Agreement to assure quality of services. Contractor will follow all applicable laws and requirements for excavation and disposal of material.

**32. Severability.** If any term or condition of this Agreement or the application thereof to any person(s) or circumstances is held invalid, such invalidity shall not affect other terms, conditions or applications which can be given effect without the invalid term, condition or application. To this end, the terms and conditions of this Agreement are declared severable.

**33. Survival of Contract Termination.** The provisions of the following paragraphs, the provisions of the non collusion affidavit, and the liability of the Contractor for default during the term of the Contract shall survive, notwithstanding the termination or invalidity of this Contract for any reason: Taxes; Warranty; The City's Right to Terminate Contract; Governing Law; Indemnification / Hold Harmless; Disputes.

**34. Notices.** All notices required or permitted to be given under this Agreement shall be in writing and shall be deemed to have been given and received (a) when personally delivered, or delivered by same-day courier; or (b) on the third business day after mailing by registered or certified mail, postage prepaid, return receipt requested; or (c) upon delivery when sent by prepaid overnight express delivery service (e.g., FedEx, UPS); or (d) when sent by email and upon the receipt by the sending party of written confirmation by the receiving party; provided, however, that an automated email confirmation of delivery or read receipt shall not constitute such confirmation. Notices shall be sent to the following addresses:

**CITY:**

City of Anacortes  
Tiffany Matson  
904 6th Street  
PO Box 547  
Anacortes, WA 98221  
contracts@cityofanacortes.org

**CONTRACTOR:**

PNW Civil, Inc.  
Tyler Andrews  
PO Box 30498  
Bellingham WA 98228  
tylera@pnwcivil.com



## APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Washington State Department of Transportation, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Washington State Department of Transportation to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Washington State Department of Transportation, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Washington State Department of Transportation may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the contractor under the contract until the contractor complies; and/or
  - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Washington State Department of Transportation may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

## APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

### **Pertinent Non-Discrimination Authorities:**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).



## City Council Agenda Bill

**Meeting Date:** August 5, 2024      **Agenda Item:** 7.a.

**Agenda Item Title:** 2024-2029 Capital Facilities Plan Amendment

**Staff Contact(s):** STEVE HOGLUND

|                                                    |                           |
|----------------------------------------------------|---------------------------|
| <b><u>Approved for Submittal to Council by</u></b> | <b><u>Action Type</u></b> |
| STEVE HOGLUND                                      | Public Hearing            |

**Item Summary:** To meet AMC requirements for amending the Capital Facilities Plan a public hearing and comment period need to be held before the amendment can be approved.

**Budget Impact:**  
167,000 in 2024; 795,000 in 2025.

**Previous Action:** CFP Ordinance 4066 adopted 12/18/2023.

**Recommended Motion:** NA

**Alternative Actions:** NA

**Attachments (listed in order presented):**  
1. Ordinance 4084 CFP amendment ppt

# Capital Facilities Plan

## Amending Ordinance 4084

### Amending the CFP

- The CFP may be amended but it needs to be in conjunction with the City budget amendment.
- AMC 19.16.030(C) requires:
  - Public Hearing to amend the CFP
  - Public notice of the public hearing
  - 2 week comment period
  - Consistency with City budget
- Comment period is open
  - Comments can be made to Finance Director or the Planning Director:
    - [steveh@anacorteswa.gov](mailto:steveh@anacorteswa.gov)
    - [johnc@anacorteswa.gov](mailto:johnc@anacorteswa.gov)

# Original Water CFP

- The adopted CFP schedules the WTP Discharge for FY 2027 and 2028.
- The transmission line related to this project has experienced a failure, making the project an immediate priority.

| Water Utility                                          | FY2024    | FY2025    | FY2026    | FY2027    | FY2028    | FY2029     |
|--------------------------------------------------------|-----------|-----------|-----------|-----------|-----------|------------|
| Oak Harbor: Campbell Lake Fish Passage Water           | -         | 75,250    | 372,130   | 372,130   | -         | -          |
| Refinery: West March Point Road Waterline              | 420,000   | 1,790,000 | -         | -         | -         | -          |
| Regional: Cathodic Protection Transmission Main        | -         | 80,000    | 220,000   | -         | -         | -          |
| Regional: Construct Storage Building                   | -         | 60,000    | 320,000   | -         | -         | -          |
| Regional: Hydro Excavator                              | 650,000   | -         | -         | -         | -         | -          |
| Regional: Phase 4 & 5 WTP Controls Reliability         | 175,000   | 380,000   | -         | -         | -         | -          |
| Regional: Repair 36-inch Transmission Line near        | 115,000   | 450,000   | -         | -         | -         | -          |
| Regional: Repair 36" Valve at Telegraph Slough         | -         | 150,000   | 625,000   | -         | -         | -          |
| <b>Regional: Replace WTP Discharge Meters</b>          | -         | -         | -         | 160,000   | 795,000   | -          |
| Regional: Treatment Plant Optimization/Pilot Facility  | 125,000   | 125,000   | -         | -         | -         | -          |
| Regional: Water System Plan Update                     | 375,590   | -         | -         | -         | -         | -          |
| Regional: Water System Security                        | 650,000   | 650,000   | -         | -         | -         | -          |
| Regional: Water Treatment Plant - Emergent Events      | 375,000   | 400,000   | 450,000   | 500,000   | 550,000   | -          |
| Retail: Advanced Metering Infrastructure (AMI) Project | 500,000   | 500,000   | 500,000   | -         | -         | -          |
| Retail: Blue Heron Pump Station Upgrade                | -         | -         | 75,000    | 825,000   | -         | -          |
| Retail: Fidalgo Island Water Service (FIWS) area       | 221,392   | -         | -         | -         | -         | -          |
| Retail: Pipeline Replacements                          | 1,543,000 | 1,620,000 | 1,701,000 | 2,136,000 | 2,242,280 | 2,354,394  |
| Retail: Re-roof A Avenue Booster                       | -         | -         | -         | 8,000     | -         | -          |
| Retail: Re-roof Blue Heron Booster Station             | -         | 100,000   | -         | -         | -         | -          |
| Retail: Re-roof Fidalgo Bay Estates Booster Station    | -         | -         | -         | 5,000     | -         | -          |
| Retail: Reservoir Internal Maintenance                 | 300,000   | 2,310,000 | 1,170,000 | -         | -         | -          |
| Retail: S. Fidalgo Island Water System Pipeline        | -         | -         | -         | 710,000   | -         | 745,500    |
| Retail: Service Vehicle                                | 41,000    | -         | -         | -         | -         | -          |
| Retail: Water Model                                    | 65,000    | 24,000    | 24,000    | 24,000    | 24,000    | -          |
| Retail: Whistle Lake Dam Project                       | 240,000   | -         | -         | -         | -         | -          |
| Total OH / Refinery                                    | 420,000   | 1,865,250 | 372,130   | 372,130   | -         | -          |
| Total Regional                                         | 2,465,590 | 2,295,000 | 1,615,000 | 660,000   | 1,345,000 | -          |
| Total Retail                                           | 2,910,392 | 4,554,000 | 3,470,000 | 3,708,000 | 2,266,280 | 3,099,894  |
|                                                        |           |           |           |           |           | 31,418,666 |



# Amended Water CFP

- The amendment would move the project to FY 2024 and 2025.
- The nature of the failure and resulting damage has also made the project eligible for FEMA reimbursement.

| Water Utility                                   | FY2024         | FY2025         | FY2026    | FY2027    | FY2028    | FY2029     |
|-------------------------------------------------|----------------|----------------|-----------|-----------|-----------|------------|
| Oak Harbor: Campbell Lake Fish Passage Water    | -              | 75,250         | 372,130   | 372,130   | -         | -          |
| Refinery: West March Point Road Waterline       | 420,000        | 1,790,000      | -         | -         | -         | -          |
| Regional: Cathodic Protection Transmission M    | -              | 80,000         | 220,000   | -         | -         | -          |
| Regional: Construct Storage Building            | -              | 60,000         | 320,000   | -         | -         | -          |
| Regional: Hydro Excavator                       | 650,000        | -              | -         | -         | -         | -          |
| Regional: Phase 4 & 5 WTP Controls Reliability  | 175,000        | 380,000        | -         | -         | -         | -          |
| Regional: Repair 36-inch Transmission Line nea  | 115,000        | 450,000        | -         | -         | -         | -          |
| Regional: Repair 36" Valve at Telegraph Slough  | -              | 150,000        | 625,000   | -         | -         | -          |
| <b>Regional: Replace WTP Discharge Meters</b>   | <b>160,000</b> | <b>795,000</b> | <b>-</b>  | <b>-</b>  | <b>-</b>  | <b>-</b>   |
| Regional: Treatment Plant Optimization/Pilot F  | 125,000        | 125,000        | -         | -         | -         | -          |
| Regional: Water System Plan Update              | 375,590        | -              | -         | -         | -         | -          |
| Regional: Water System Security                 | 650,000        | 650,000        | -         | -         | -         | -          |
| Regional: Water Treatment Plant - Emergent E    | 375,000        | 400,000        | 450,000   | 500,000   | 550,000   | -          |
| Retail: Advanced Metering Infrastructure (AMI)  | 500,000        | 500,000        | 500,000   | -         | -         | -          |
| Retail: Blue Heron Pump Station Upgrade         | -              | -              | 75,000    | 825,000   | -         | -          |
| Retail: Fidalgo Island Water Service (FIWS) are | 221,392        | -              | -         | -         | -         | -          |
| Retail: Pipeline Replacements                   | 1,543,000      | 1,620,000      | 1,701,000 | 2,136,000 | 2,242,280 | 2,354,394  |
| Retail: Re-roof A Avenue Booster                | -              | -              | -         | 8,000     | -         | -          |
| Retail: Re-roof Blue Heron Booster Station      | -              | 100,000        | -         | -         | -         | -          |
| Retail: Re-roof Fidalgo Bay Estates Booster Sta | -              | -              | -         | 5,000     | -         | -          |
| Retail: Reservoir Internal Maintenance          | 300,000        | 2,310,000      | 1,170,000 | -         | -         | -          |
| Retail: S. Fidalgo Island Water System Pipeline | -              | -              | -         | 710,000   | -         | 745,500    |
| Retail: Service Vehicle                         | 41,000         | -              | -         | -         | -         | -          |
| Retail: Water Model                             | 65,000         | 24,000         | 24,000    | 24,000    | 24,000    | -          |
| Retail: Whistle Lake Dam Project                | 240,000        | -              | -         | -         | -         | -          |
| Total OH / Refinery                             | 420,000        | 1,865,250      | 372,130   | 372,130   | -         | -          |
| Total Regional                                  | 2,625,590      | 3,090,000      | 1,615,000 | 500,000   | 550,000   | -          |
| Total Retail                                    | 2,910,392      | 4,554,000      | 3,470,000 | 3,708,000 | 2,266,280 | 3,099,894  |
|                                                 |                |                |           |           |           | 31,418,666 |



## City Council Agenda Bill

**Meeting Date:** August 5, **Agenda Item:** 8.a.  
2024

**Agenda Item Title:** Ordinance 4084: 2024-2029 CFP Amendment

**Staff Contact(s):** STEVE HOGLUND

| <b><u>Approved for Submittal to Council by</u></b> | <b><u>Action Type</u></b> |
|----------------------------------------------------|---------------------------|
| STEVE HOGLUND                                      | Ordinance                 |
| DARCY SWETNAM                                      |                           |

**Item Summary:** The water utility desires to accelerate the project titled: Replace WTP Discharge Meters from fiscal years 2027 and 2028 to 2024 and 2025.

**Budget Impact:**  
160,000 in FY 2024 and 795,000 in FY 2025.

**Previous Action:** Ordinance 4066 adopting the 2024-2029 CFP dated 12/18/2023

**Recommended Motion:** I move to adopt ordinance 4066 amending the 2024 through 2029 CFP.

**Alternative Actions:** do not approve, direct staff as to next steps.

**Attachments (listed in order presented):**  
1. Ordinance 4084 Amending 2024-2029 CFP

ORDINANCE NO. 4084  
AN ORDINANCE AMENDING ORDINANCE NO. 4033 ENTITLED "AN ORDINANCE ADOPTING THE CAPITAL  
FACILITIES PLAN (CFP) FOR THE 6-YEAR PERIOD 2024-2029

WHEREAS, RCW 36.70A.070(3) requires jurisdictions operating under the Growth Management Act to include a capital facilities element in their comprehensive plan, which the City of Anacortes is, and does, so therefore needs to amend the Capital Facilities Plan (CFP) in conjunction with the City Budget, and

WHEREAS, a project in the Water utility titled: Replace WTP Discharge Meters, is currently scheduled to be conducted in fiscal years 2027 and 2028, and

WHEREAS, the transmission line related to those referenced discharge meters had a large leak that also caused a small sink hole from the water discharge, necessitating acceleration of this project to the current timeframe, and

WHEREAS, the damaged line and related sink are also now FEMA eligible, so the referenced project will use FEMA grants as the resources to fund it.

NOW, therefore be it ordained by the City Council of the City of Anacortes, Washington:

Ordinance No. 4066 dated December 18, 2023 adopting the Capital Facilities Plan for the six year period 2024 – 2029 is hereby amended to reflect the following revisions to expenditures and revenues in the Water Department:

- The Water Utility section move the project titled: Replace WTP Discharge Meters form Fiscal Years 2026 and 2027, to 2024 and 2025; the project costs will not change.

This Ordinance shall take effect from and after five (5) days after its passage and publication, as required by law.

PASSED AND APPROVED this 5<sup>th</sup> day of August, 2024  
CITY OF ANACORTES, WASHINGTON

BY:

\_\_\_\_\_  
Matt Miller, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Steven D. Hoglund, City Clerk

\_\_\_\_\_  
Darcy J. Swetnam, WSBA # 40530  
City Attorney



## City Council Agenda Bill

**Meeting Date:** August 5, 2024      **Agenda Item:** 8.b.

**Agenda Item Title:** Ordinance 4085: 2024 2Q Budget Amendment

**Staff Contact(s):** STEVE HOGLUND

| <b><u>Approved for Submittal to Council by</u></b> | <b><u>Action Type</u></b> |
|----------------------------------------------------|---------------------------|
| STEVE HOGLUND                                      | Ordinance                 |
| DARCY SWETNAM                                      |                           |

**Item Summary:** The project titled Replace WTP Discharge Meters needs to be added to the current year's budget, as it is currently scheduled to start 2027 and the water department desires to accelerate the project, which requires a CFP amendment which must be done in conjunction with the operating budget amendment. The Finance department would also like to reduce the amount of operating budget by \$46,000 by eliminating the OpenGov requirement.

**Budget Impact:**

2024 Water budget will increase \$160,000; 2024 General fund will decrease \$46,000.

**Previous Action:** Budget Ordinance 4034 adopting 2024 operating budget 12/18/2023.

**Recommended Motion:** I move to adopt ordinance 4085 authorizing the 2nd quarter budget amendment.

**Alternative Actions:** Do not approve and direct staff as to next steps

**Attachments (listed in order presented):**

1. Amending ordinance 4085 2Q24

ORDINANCE 4085

AN ORDINANCE AMENDING ORDINANCE NO. 4064 ADOPTED ON DECEMBER 18, 2023, ENTITLED "AN ORDINANCE ADOPTING THE BUDGET FOR ALL MUNICIPAL PURPOSES AND USES FOR THE YEAR 2024"

WHEREAS, Ordinance 4034 was adopted on December 18, 2023 that established the annual budget for fiscal year 2024, and

WHEREAS, The Anacortes Water Utility has the project titled: Replace WTP Discharge Meters scheduled in the CFP for fiscal years 2027 and 2028, and

WHEREAS, The water line associated with that project developed a leak causing damage to the area around its location and became FEMA eligible, and the Water Department now desires to accelerate that project to the current timeframe of fiscal years 2024 and 2025, and

WHEREAS, The primary tax revenue sources of the City's are not growing at the same rate as the cost of City operations, and the City is therefore looking for ways to reduce expenditures to become more inline with cash flow expectations, and the invoice for the software package OpenGov is up for renewal at a cost of \$46,069.19 that would save the City that much budget if not paid.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Anacortes, Washington, as follows:

| BARS #            | Description                  | Expense (DR) | Revenue (CR) |
|-------------------|------------------------------|--------------|--------------|
| 401.740.594.34.63 | Replace WTP Discharge Meters | 160,000      |              |
| 401.000.333.83.52 | FEMA Grant                   |              | 160,000      |
| 001.210.514.20.41 | OpenGov                      | (46,000)     |              |
| 001.000.308.90.00 | Fund Balance                 |              | 46,000       |

Section 1. Ordinance No. 4064 dated December 18<sup>th</sup>, 2023 adopting the Budget for all Municipal purposes and Uses for the fiscal year 2024 is hereby amended to reflect aforementioned revisions to expenditures and revenues in the following areas:

Section 2. Effective date. This Ordinance shall take effect from and after five (5) days after its passage and publication, as required by law.

PASSED AND APPROVED THIS 5<sup>th</sup> day of August, 2024.

CITY OF ANACORTS, WASHINGTON

BY: \_\_\_\_\_  
Matt Miller, Mayor



ATTEST:

(Corporate Seal)

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Steven D. Hoglund, City Clerk

APPROVED AS TO FORM

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Darcy Swetnam, WSBA #40530  
City Attorney



## City Council Agenda Bill

**Meeting Date:** August 5, 2024      **Agenda Item:** 8.c.

**Agenda Item Title:** Wastewater Treatment Plant Outfall Relocation Project Update

**Staff Contact(s):** Logan Lee, Andrew Rheume

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

Greg Francioch  
Andrew Rheume

Staff Report

**Item Summary:** The Wastewater Treatment Plant Outfall Project has begun. The marine portion of the outfall pipe is assembled. In the coming weeks the heavier construction of the marine phase will begin. This agenda item is a staff report to inform the council and the community on timeline and what to expect.

**Budget Impact:**

**Previous Action:** NA

**Recommended Motion:** No motion, staff providing information only

**Alternative Actions:** NA

**Attachments (listed in order presented):**

1. Outfall Presentation - August 5, 2024



# **W W T P   O U T F A L L   R E L O C A T I O N**

**AUGUST 2024 UPDATE**

**Logan Lee, City Engineer**

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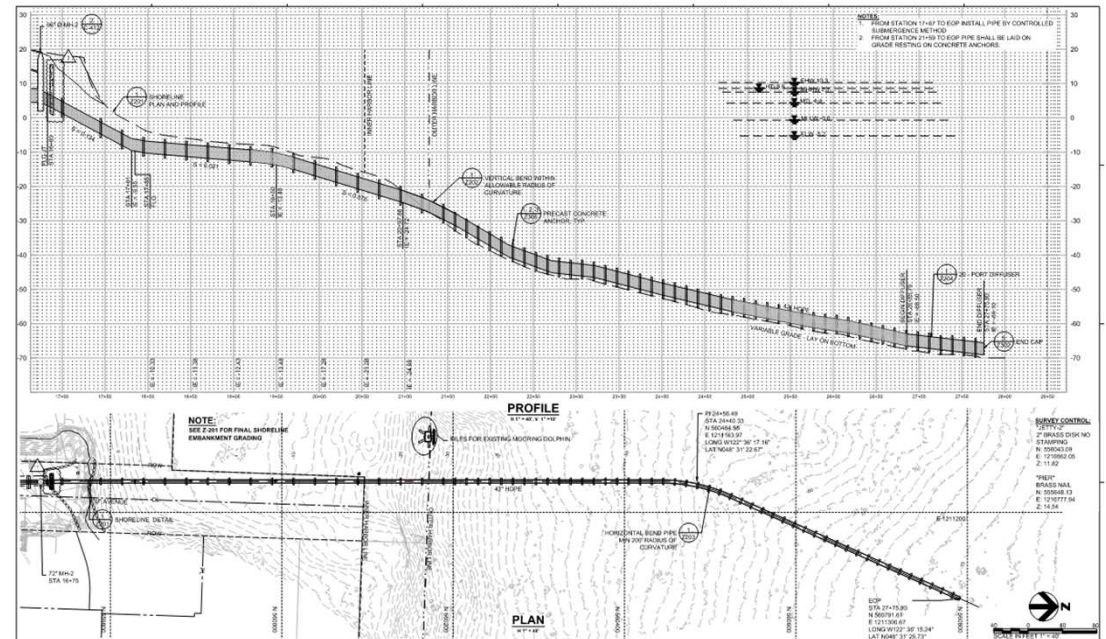
# Project Overview

- Construction of a 48" WWTP Outfall
- Marine Portion
  - Includes dredging and controlled pipe submergence
  - Estimated Completion: September 2024
- Upland Portion
  - Includes excavating up to 30' deep, rock blasting, infrastructure restoration
  - Estimated Completion: May 2025



# Marine Construction

- The 42” HDPE Pipe was fused at the MJB Property.
- ▶ Dredging is taking place at the final pipe location in the Guemes Channel at the end of “U” Ave
- Controlled submergence will place the pipe on the ocean floor later this month





# Pipe Fusing & Anchor Installation



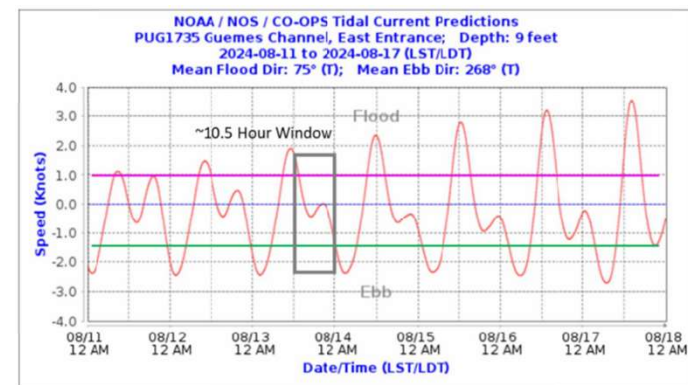
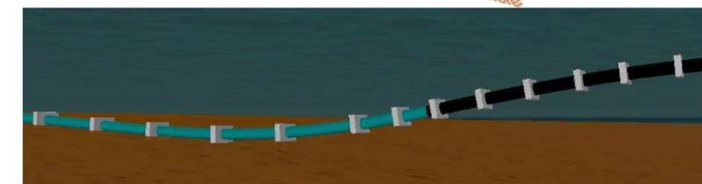
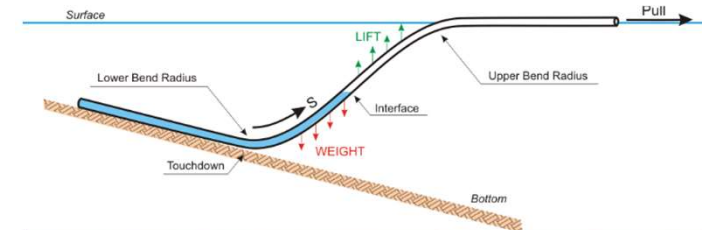
# Dredging and Pre-Submergence Work







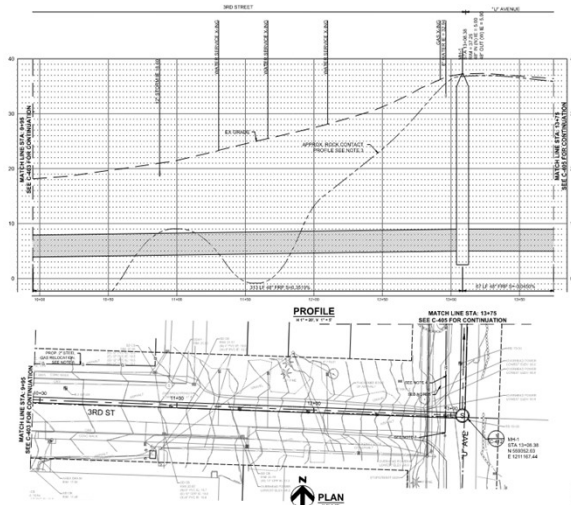
# Controlled Pipe Submergence





# Upland Construction

- Pre-Blast surveys are in progress,
  - Accommodating any residents still interested
  - Highly Recommended.
- Very Experienced Blasting Consultants
  - Each blast independently designed
  - Data collect and analyzed for successive blasts
  - Ensure safety and minimal impact to residents





# Tentative Schedule

- City Website
  - Notifications Sign up- WWTP Outfall Project
  - Project Manager - Jeff Beltramini - Lead Engineer Tech
- Marine work complete: September 2024 (Projected)
- Blasting Start Date: October 2024 (Projected)
- Project Completion: June 2025 (Projected)





**Q U E S T I O N S ?**

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