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- The public is encouraged to comment via email to pced@cityofanacortes.org, via written comment addressed to PCED, P.O. Box 547, Anacortes, WA 98221. Public comments received prior to 3:00 p.m. the day of the meeting will become part of the record for the meeting, just as if presented in person.
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Anacortes Planning Commission
Municipal Building - Council Chambers
904 6th Street

October 30, 2024
6:00 PM

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

1. **Roll Call**
2. **Minutes**
 - a. Minutes of 08/14/2024 were submitted for approval.
3. **Public Comment**
4. **Public Hearings**
 - a. SDP-2024-0002: Bottner - Shoreline substantial development permit application for a new float - Open record public hearing and decision
5. **Other Business**
 - a. 2025 Comprehensive Plan Update - Potential Future Land Use Map amendments - applicant presentations
 - b. Countywide Planning Policies (CPPs) - 2025 Comprehensive Plan Update
6. **Planning Department Update**
7. **Adjournment**

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

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Anacortes Planning Commission Minutes - August 14, 2024

Roll Call

Chairperson Linda Martin called to order the Anacortes Planning Commission meeting of August 14, 2024 at 6:00 p.m. Commissioners Frank Jeretzky, Paul Ryan, William McCombs, Luke Currier, and Mike Mills were present.

Commissioners James Stoneman was absent.

Minutes

There were no minutes submitted for approval.

No minutes.

Public Comment

Ron Wortham, Realtor Association member representative, said he attended a meeting a few months ago regarding STR's. The Planning Commission made a recommendation to the City Council. He wondered if there is any follow-up to that.

Linda Martin confirmed that recommendation went to City Council with the unanimous Planning Commission vote. She asked John if there was an update.

John Coleman asked Mr. Wortham to check in with staff during business hours.

Ron Wortham said he will do that.

Public Hearings

Other Business

Planning Commission Procedures

Linda Martin pointed out that this has been reviewed by the Commission at several meetings, so the goal is to get this done and vote on it. She understands that the clean copy has some mistakes and redundancies in it, which will be taken care of. There's also been comments from the public. She referenced Mr. Turner's recommendations.

Mr. Coleman addressed the comments from Mr. Turner. In RCW Chapter 35 cities and towns are discussed. The City of Anacortes used 35.63 in the appointment of the Planning Commission. There's also Chapter 35A which addresses optional municipal code cities. He clarified that most of the cities in Washington, including Anacortes, are "code cities" which follow RCW 35 and 35A. They are separate sections but they work together. Chapter 35A has more specific standards that were reviewed with the City attorney. Our Municipal Code only refers to RCW 35, not 35A.

Luke Currier referred to item #2, stating he likes the idea of giving the public more time to review meeting materials. He wonders if that is an undue hardship for staff.

John Coleman said it could be, but staff is doing their best to be close to that 5 day deadline. Our minimum goal is the Friday before the Planning Commission meeting.

Frank Jeretzky wonders about the 100% attendance requirement to make changes. He suggested changing it to 80%, which is just one Commissioner not attending the meeting. The language could read: super majority of a quorum, 6 out of 7 members must be present to amend the rules of procedure.

Paul Ryan agreed. He commented that over the past several months there's been at least one or 2 Commissioners unable to attend the meeting.

Mike Mills moved to approve the Planning Commission rules of procedure as submitted in the final packet with the exception of deleting the redundancies in section 3; and to amend section 10 paragraph B to read "a super quorum of 6 of the 7 Commissioners must be present to amend the rules of procedure". Paul Ryan seconded.

No additional discussion.

Vote: all ayes.

2025 Comprehensive Plan Update - Tentative Planning Commission Review Schedule

Libby Grage said she will be reviewing the Comprehensive Plan update process. Topics include current project status, community engagement update and next steps. She reviewed the preliminary timeline and where we're at. A lot of the work going on now is public engagement, analysis, drafting proposed updates, etc. She reviewed the milestones that have happened so far, such as the open house in June. That was well attended by the public. All the information from that open house is available on the website. Then there was the council work session and the resolution establishing the 2025 Comprehensive Plan docket. Finally, the Council will be discussing the Housing Action Plan (HAP) measures that they want included in the process at their next meeting. Staff and the consultants have been collecting data and performing analysis for all the Comprehensive Plan elements; preparing draft land use & housing element goals and policies; and attending public engagement opportunities. She reminded people that they can submit comments at any time via www.planacortes.org. She reviewed the upcoming public engagement opportunities. The climate action policy advisory team is being established and will start meeting in September. She moved on to the next steps which include a draft proposed amendment that will be brought to the Planning Commission and the public. She also reviewed the general process steps for each element.

John Coleman clarified that we are in the data gathering and analysis section of this process. All of this will be reviewed by the public and Planning Commission.

Mr. Grage reviewed the draft Planning Commission schedule. The next meeting will be August 28th to begin a review of the land use element. Then, in September, the draft will be published so that the public can review it. We have special meetings listed in the schedule as a placeholder if needed. After that, Transportation will be reviewed in October; Economic Development, Capital Facilities & Utilities will be reviewed in November. John Coleman pointed out that the Economic Development committee is working on an economic strategic plan. There will be a survey for businesses to help update the economic development portion.

Libby Grage stated that due to the holidays, there are 2 meeting dates that are not available. She reviewed the schedule for 2025.

Mike Mills asked if the Transportation element includes multi-modal / non-motorized transportation.

Ms. Grage agreed it includes multi-modal forms of transportation.

Commissioner Mills asked for copies of the consultants' presentations prior to the meeting.

Luke Currier wanted clarification on the docketing via council. He asked if it's typical for them to docket an item prior to reviewing the public comment.

Libby Grage clarified that the Anacortes Municipal Code has a section for docketing. For proposals that come from the public, they get reviewed by Council first to determine if they want to docket that item. There will be many opportunities for public review and comment.

Commissioner Currier asked if there will be Planning Commission representation on the Climate Action committee.

John Coleman agreed. The Climate Policy Advisory Team is tasked with making sure that members of the affected communities weigh in on the goals & policies of the new climate element. These would be citizens in neighborhoods that are impacted by climate change. They are also looking at how to reduce carbon emissions. We are trying to get members of those impacted communities to the table to review this. The idea is to get more people to understand the process and all the work that's being done. We are trying to keep this group smaller and hoping they can get started on the review in September.

Linda Martin asked how the information for the Land Use introduction at the August 28th Planning Commission meeting will be different from what we reviewed a few months ago.

Ms. Grage commented that is a refresher and recap of the capacity for accommodating the growth projections. They will also present information from the open house and talk about the general list of land use changes that are being developed by the consultant.

Chairperson Martin wonders if STR's could be added to the housing element.

John Coleman clarified that amendments to STR's will be reviewed in the land use element. He will have staff confirm that language is included. He pointed out that what's not in the timeline are development regulation

Anacortes Planning Commission Minutes - August 14, 2024

changes that enact the policies that are discussed in the various elements. The docketed items will be brought forward in the most appropriate element of the Comprehensive Plan, likely land use. We are trying to figure out the best time to bring forward development regulation change requests. Many are dependent on the various elements of the Comprehensive Plan. Staff may bring them forward with each element or at the end of the Comprehensive Plan update. He reminded the Commissioners that there is a lot of information coming forward. Staff is trying to bring it forward in manageable sections.

Planning Department Update

John Coleman said the planning committee of Council reviewed all the HAP items. The committee is making a recommendation to Council on Monday on which items from the HAP will be worked on and brought forward. It's not possible to carry all of them forward. They are looking at which proposals make the most impact and bringing those forward. He pointed out that the Planning Commission had approved a shoreline permit for the Port's utility wiring. That was appealed to Council and then the Shorelines Hearings Board, which has unofficially decided to reject the appeal.

Adjournment

The meeting is adjourned at 7:05 p.m.



Planning Commission Agenda Bill

Meeting Date: October 30, 2024

Agenda Item: 4.a.

Subject: SDP-2024-0002: Bottner - Shoreline substantial development permit application for a new float - Open record public hearing and decision

Staff Contact: Grace Pollard

Approved for Submittal to Commission by

Libby Grage

Action Type

Public Hearing

Summary Statement: The agent on behalf of the applicant is seeking approval of a Shoreline Substantial Development Permit (SDP) for the installation of a new single-use residential float, ramp, and pier along with new in-water piles within Flounder Bay.

Background: See attached staff report.

Previous Action: N/A

Competing Viewpoints Considered: To be heard at the public hearing.

Recommended Motion: I move that the Planning Commission approve shoreline substantial development permit number SDP-2024-0002 subject to the recommended conditions of approval in the staff report.

Alternative Actions: Approve the permit with additional or revised conditions, or deny the permit.

Attachments (listed in order presented):

1. Exhibit A - Staff Report SDP-2024-0002
2. Exhibit B - Application Materials
3. Exhibit C - 3rd Party Review Comments
4. Exhibit D - Applicant Responses
5. Exhibit E - Notices
6. Exhibit F - SEPA ODNS



CITY OF ANACORTES

PLANNING, COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT: STAFF REPORT

PROJECT FILE NUMBER	SDP-2024-0002	DATE OF STAFF REPORT	October 25, 2024
PROJECT TITLE	Bottner Residential Float	RELATED FILE(S)	PRE-2023-0038
PROJECT LOCATION	2310 Dover Drive, Anacortes, WA 98221 (APN: P60047)		
PROJECT REQUEST	The agent on behalf of the property owners is seeking approval of a Shoreline Substantial Development Permit with SEPA review for the installation of a new 8'-0" x 30'-0" (240sf) fully grated float (with high-density foam-filled pontoons), a 3'-7" x 40'-0" (143.3sf) fully grated replacement ramp, and a ~42.5 square foot fixed aluminum grated pier. Two (2) existing in-water piles will be removed and replaced with three (3) new 10-inch steel piles to secure the new aluminum framed float.		
APPLICANT'S CONSULTANT	Waterfront Construction, Christy Dopp, 205 NE Northlake Way, Ste. 230, Seattle, WA 98105 – 206.586.5559		
PROPERTY OWNER(S)	Bottner, Carrie & Darin, 2310 Dover Dr., Anacortes, WA		
PUBLIC HEARING & DECISION BODY	Anacortes Planning Commission		
PUBLIC HEARING DATE	Wednesday, October 30, 2024 @ 6pm		
STAFF REPORT PREPARED BY	Grace Pollard, Senior Planner - PCED Department		
EXHIBITS	A. Staff Report B. Application Materials C. 3 rd Party Review Comments D. Applicant Responses E. Noticing Materials F. Issued ODNs		

SITE INFORMATION

ZONING	R2 (Residential Low Density 2)	COMPREHENSIVE PLAN DESIGNATION	RLD-2 (Residential Low Density 2)
SHORELINE ENVIRONMENT(S)	1) Shoreline Residential and 2) Aquatic		



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



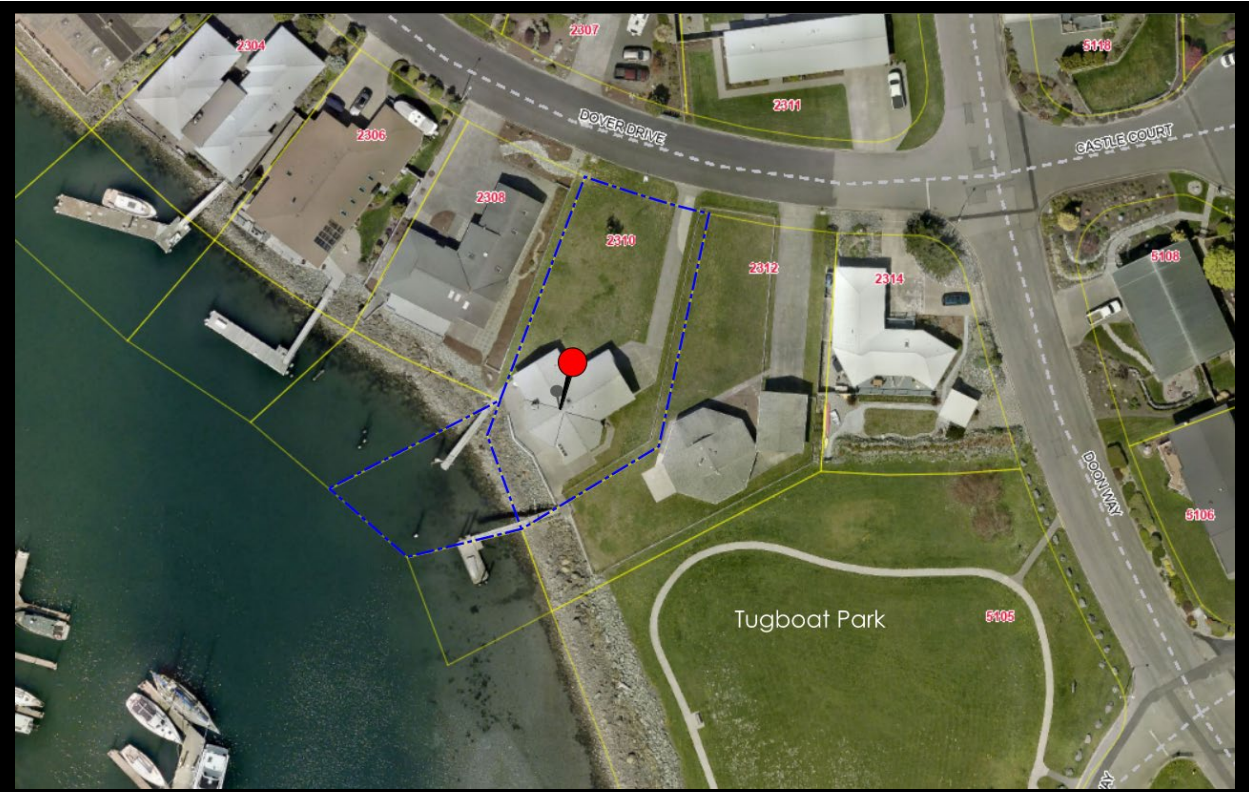
360.299.1984
pced@anacorteswa.gov



anacorteswa.gov/161
anacorteswa.gov

SHORELINES OF STATEWIDE SIGNIFICANCE:	Yes, waterward from the line of extreme low tide (ELT).
PRESENT USE OF PROPERTY	One (1) detached single-family residence with attached 2-car garage and extended driveway. The property has an existing gangway but does not have an active water-use as there currently is no float / dock / pier. The lot area beyond these improvements consists of a concrete bulkhead, grade level concrete patio, and maintained lawn.

PROJECT LOCATION & SURROUNDING USES



I. PROCEDURAL

A. REVIEW TYPE. According to AMC 19.20.030(1) and 18.16.100(B), shoreline substantial development permit applications for projects valued less than \$1 million are considered a Type 3 – Planning Commission review. For Type 3-PC reviews, the Planning Director provides a recommendation to the Planning Commission who holds the public hearing and provides the final decision regarding the proposed shoreline substantial development permit.

B. PROJECT HISTORY. The below confirms the project's procedural timestamps.

- Preapplication Conference September 8, 2023
- Preapplication Neighborhood Meeting January 9, 2023
- Application Submitted January 12, 2024
- Determination of Completeness January 31, 2024
- Notice of Application, 30-day public comment period, and Notice of expected SEPA DNS February 14, 2024
- SEPA Determination (ODNS) October 9, 2024
- Notice of Public Hearing October 9, 2024
- Planning Commission Open-Record Decision Hearing October 30, 2024

C. INTEGRATION OF ENVIRONMENTAL REVIEW. Per AMC 19.20.040 An application for a development permit that is subject to the State Environmental Policy Act (SEPA) must be reviewed per AMC Chapter 18.04 concurrently with review of the development permit application.

1. Determination of Non-Significance (DNS) was issued for this project on October 9, 2024, after using the Optional DNS process under WAC 197-11-355. There is no further comment period on the DNS. (Department of Ecology SEPA Register #202404482.)

D. PUBLIC NOTICE. A notice of application with a 30-day public comment period and a notice of hearing were published in the Anacortes American, posted on the project site and mailed to property owners within 300ft.

E. REVIEWING DEPARTMENTS / AGENCIES. The project application was routed for review to applicable agencies and City departments.

REVIEWING DEPARTMENTS & AGENCIES		
City of Anacortes	State & Federal	Other
• Building • Fire • PW – Operations • PW – Stormwater • PW – Engineering • PW – Water • Planning	• USACE • DAHP • DOE • WDFW • WA DNR	• Samish Indian Nation • Sauk-Suiattle • Skagit System Cooperative • Stillaguamish Tribe • Swinomish Tribe • GeoEngineer's (The City's on-call shoreline and critical area consultants.)

F. CONSIDERATION OF TIMELY RECEIVED COMMENTS. The 30-day public comment period ended on March 15, 2024. In making the recommendation, the PCED Director considered timely received written comments and the applicant's responses, if any, as required in AMC 19.20.130(C).

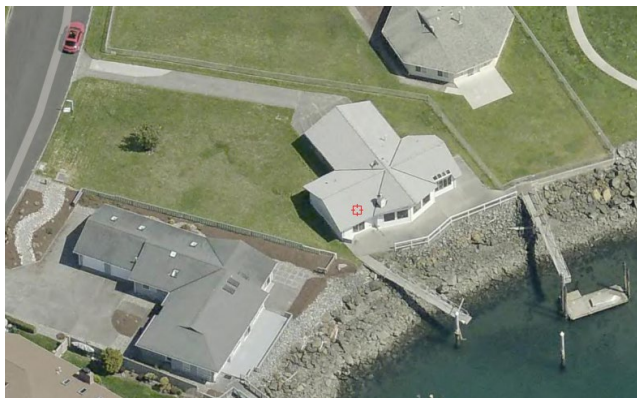
1. Comments from City Departments have been incorporated into this staff report.
2. Comments from the City's on-call Shoreline & Critical Area Consultant have been incorporated into this staff report and are attached as exhibits.
3. The Applicant's responses to the city's consultant comments are attached as exhibits.
4. No public or agency comments, other than the referenced above, were received for the proposal.

II. DEPARTMENT REVIEW – FINDINGS OF FACT

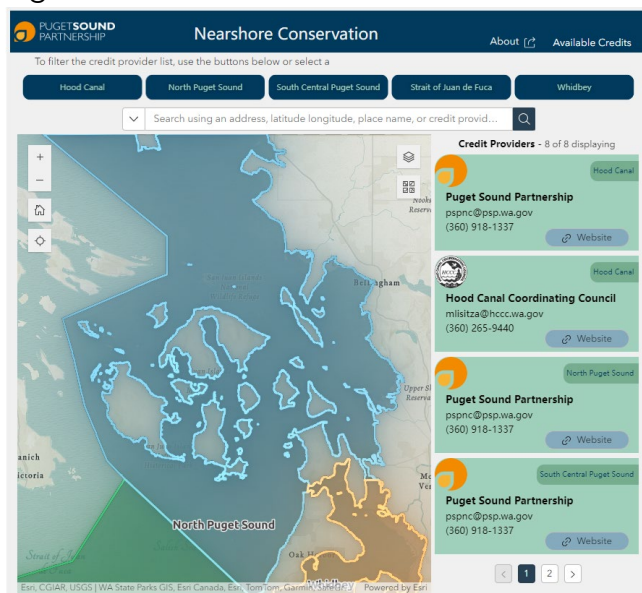
A. SITE HISTORY. The subject property was developed in 1987/1988 with the construction of the single-family residence. Permits were granted in 1988 to construct the existing pier and install a ramp and float. And in 2005 a permit was granted to construct a concrete bulkhead.

1. At its narrowest point the distance between the residence and the ordinary high water mark (OHWM) is approximately 17.6-feet with the widest distance approximately 21-22 feet from the OHWM.
2. Between the existing residence and the riprap along Flounder Bay is a concrete patio.
3. There is no vegetation on the site beyond mowed lawn and a single shrub/tree.

STAFF COMMENTS: The subject property is nonconforming under the current Shoreline Master Program (SMP) in regard to minimum setback requirements from the OHWM, square footage of structures/impervious areas within the 25-foot setback area from OHWM, vegetated buffer requirements along the shoreline, and possibly total impervious area of the lot within shoreline jurisdiction. These nonconformities were all permitted and allowed at the time they were constructed.



- B. The project proposes the removal of an existing 48sf fixed concrete pier, removal of a 3' x 40' aluminum solid deck ramp, and removal of two (2) 18" in-water steel piles.
- C. The project proposes the installation of: One (1) new 8' x 30' aluminum framed float with fibergrate decking, ten (10) high density foam-filled pontoons, and "float stops" to protect the composition of the bottom substrate from the float during extreme low tides. The fibergrate deck surface has a 62% open area ratio, considering the opaque pontoons the float will provide 50.3% of functional grating across the overall float's surface area. Three (3) new 10" in-water steel plies. One (1) new 3.6' x 40' aluminum ramp with 62% open area fibergrate deck surface. One (1) 3.0' – 5.6' x 10' (42.5sf) fixed aluminum pier with grated decking and two (2) new 4" steel pin piles installed upland of the high tide line (HTL).
- D. Based on the drawings provided, the location of the proposed float is shown to be nearly completely waterward of the extreme low tide putting it within Shorelines of Statewide Significance.
- E. The proposed compensatory mitigation measures for this proposed shoreline substantial development project include: 1) Planting one to two (1-2) Oceanspray (*Holodiscus discolor*) within 15-feet of the ordinary high water mark (OHWM), and 2) Purchase of mitigation credits in-lieu of onsite mitigation.
 - 1. Puget Sound Partnership is a state agency that leads the effort to restore and protect the Puget Sound ecosystem and salmon populations. One of the resources they offer to help federal permit applicants meet obligations to offset impacts to critical habitat is through the Puget Sound Partnership Nearshore Credits Program, an in-lieu fee program that sells conservation credits which will be used to implement equivalent conservation projects in the North Puget Sound Service Area.



2. Per the Department of Ecology "*Shoreline No Net Loss and Mitigation: Guidance for local governments*" publication, the preferred location of shoreline mitigation sites, in order of priority, when impacts are waterward of the OHWM are:

- 2.1. Onsite/near-site opportunities to improve aquatic habitat waterward of the OHWM.
- 2.2. Onsite/near-site opportunities near the shoreline's edge in areas where the buffer is degraded and will benefit from mitigation.
- 2.3. Onsite/near-site opportunities within the shoreline buffer that are degraded and will benefit from mitigation.
- 2.4. Onsite/near-site opportunities within shoreline jurisdiction that are degraded and would benefit from mitigation.
- 2.5. Offsite opportunities to improve the shoreline environment, including the use of mitigation bank credits, where mitigation restores properly functioning habitat or addresses a limiting factor in an ecosystem. Sites should be within the watershed where the impact is proposed and preferably within the waterbody or shoreline reach being impacted.

3. The city's consultants who conducted 3rd party reviews of this proposal provided comments on July 17, 2024, regarding the applicant's use of conservation credits for compensatory mitigation stating that the "*Anacortes SMP does not state in-lieu fee programs satisfies the mitigation requirements*". They further stated that "*According to the SMP, offsite mitigation is only allowed if it can be demonstrated to be more beneficial to shoreline ecological functions*". They added, the "*SMP states that there should be no net loss of ecological functions to the shoreline at the project site and buying these credits does not address this*".

The applicant's response to these comments, dated August 9, 2024, included: "*The SMP does not exclude in- lieu fee programs as possible mitigation.*" They then focused on the Federal permit review stating "*This project falls under Federal review and the USACE and NMFS is requiring the in-lieu fee be paid as part of that permit process. A meeting with NMFS was completed and mitigation on site was discussed and no meaningful options are available except as proposed.*"

STAFF COMMENT: It is of staff's opinion that the compensatory mitigation measures proposed by the applicant does not satisfy the Anacortes Shoreline Master Program requirements for applying Mitigation Sequencing and ensuring No Net Loss onsite. Additional information regarding this determination can be found throughout this staff report.

F. Mitigation Sequencing:

1. **Avoiding the Impact.** Relocating the proposed new float outside of the 25-foot critical saltwater habitat buffer area is recognized as an action intended to avoid impacts.
2. **Minimizing Impacts.** Removal and replacement of the 48sf concrete pier with an aluminum grated pier and the removal and replacement of the 120sf solid-deck ramp with a 3'7" x 40'-0" (143.3sf) 62% fibergrate ramp with square grating in a north/south orientation. Per SMP DR-9.5.13 grating of the full ramp is only a requirement if the ramp is wider than 4-feet, the proposed 62% open area fibergrate ramp has been incorporated into the design to minimize the impacts to the in-water critical areas caused by shading from the structures. Per the provided critical area report, "Care will be taken not to anchor the work barge in the eelgrass bed adjacent to the project site." "Piles will be pulled up slowly to minimize turbidity. Sediment bonds will be broken by running the vibratory hammer at low power before the piles are gently lifted."
3. **Rectifying Impacts.** Rectifying the impact requires the applicant to repair, rehabilitate, or restore the affected environment. Rectifying is most often associated with temporary, construction-related impacts. The applicant did not address this step, however, requiring aquatic plant and algae restoration for a proposed residential float with three (3) new in-water piers located near the inlet of Flounder Bay where maintenance dredging occurs may not be a measure commensurate with the degree of impact resulting from the new development.
4. **Reducing or Eliminating the Impacts Over Time.** If the proposal were to propose onsite compensatory mitigation the requirement to maintain mitigation plantings in perpetuity would satisfy this step of the Mitigation Sequencing requirement.

The applicant's proposal of utilizing the Puget Sound Nearshore Conservation Calculator and purchasing conservation credits paid to Puget Sound Partnership in-lieu of onsite mitigation may be seen by some state and/or federal agencies as an acceptable way to reduce or eliminate the impact over time. However, the Anacortes Shoreline Administrator has not identified an off-site restoration site that could be contributed to in-lieu of onsite mitigation and a mitigation banking program has not been implemented.

- 5. Compensating for the Impacts.** Compensatory mitigation is used to offset unavoidable impacts by *"replacing, enhancing, or providing substitute resources or environments"* (WAC 173-26-201(2)(e)(i)(E)). When compensatory mitigation is appropriate, *"preferential consideration shall be given to measures that replace the impacted functions directly and in the immediate vicinity of the impact"* (WAC 173-26-201(2)(e)(ii)(B)). However, in practice, mitigation cannot always be fully accomplished with onsite and in-kind compensation. Out-of-kind and/or offsite mitigation opportunities should be sought only when in-kind and onsite opportunities are either unavoidable or insufficient in achieving No Net Loss. The applicant has not provided sufficient evidence that onsite mitigation opportunities are unavoidable or insufficient in achieving No Net Loss. It is of the city's consultant's option and the opinion of staff's that onsite mitigation is available.
- 6. Monitor.** The SMP requires periodic monitoring for up to five years for required onsite mitigation plantings. This monitoring period is to ensure the long-term success of the mitigation and its effect on reducing the impacts over time. This measure would satisfy the mitigation sequencing requirements if the applicant proposes onsite compensatory mitigation plantings.
- G.** Additional proposal details: The applicant's consultants have redesigned the proposal to show the required 25-foot buffer from the critical saltwater eelgrass bed habitat (required under WAC220-660-380). The eelgrass bed is located approximately 77-feet from the subject property's existing bulkhead toward the southwesterly corner of the tidelands property line.
- H.** An eelgrass & macroalgae survey was conducted by Jen-Jay Diving Inc. on September 9, 2023. This survey locates the above mentioned critical saltwater habitat and it also maps out other areas of the subject property's tideland substrate containing additional locations of eelgrass (not dense enough to be considered a bed) as well as the location and coverage percentages of five (5) other macroalgae species. (See referenced survey for full details.)
- I.** The construction techniques & sequencing proposed for this project include: 1) All prefab components (pier, ramp, and float) will be constructed in sections at the contractor's Seattle yard and loaded onto a barge along with all construction materials and shipped to the site for installation. 2) Construction access to the site will be from the water only via the construction barge. No construction equipment will access the site from the upland side. 3) All demolished / removed materials will be placed on the barge for disposal at an approved upland facility. 4) A floating containment boom will be deployed prior to any work commencing. 5) The use of a barge mounted crane is necessary for the removal and placement / installation of structures. 6) Equipment will be running off and on during the construction phase, only when required, and only during allowed work hours. 7) Onsite construction will take between two and three weeks to complete.

- J. There was no mention the proposal would include any fill, dredging, or utilities. Refer to application materials for full details.

K. CRITICAL AREAS REPORT.

1. The Applicant provided a critical areas report title, *"Ecological No Net Loss Assessment, Critical Areas, and Critical Habitat Assessment Report"* prepared by Northwest Environmental Consulting, LLC dated January 2023 and revised May 2024. The document was prepared by Brad Thiele – Biologist w/ 30 years' experience and Kristin Norren – Permit Specialist w/ 22 years' experience.
2. The critical areas report documented the following critical areas either present on site or within proximity of the site:
 - Geologically Hazardous Area (shoreline slope stability & tsunami hazard)
 - Wetlands (Estuarine and Marine Deepwater Wetland)
 - Frequently Flooded Area
 - Fish and Wildlife Habitat Conservation Areas (Surf Smelt spawning, Sand Lance spawning, Abalone, Anadromous fish habitat)
 - Critical Saltwater Habitat (eelgrass bed)
 - State Priority Habitats and Species (shellfish areas, aquatic habitat, forage fish)

3. **PROJECT IMPACTS AND CONSERVATION MEASURES.** (pg. 4) *"Shoreline. Planting native vegetation will increase the habitat functions of the shoreline by creating shade along the shoreline that will be an improvement from the existing baseline habitat conditions at the project site. The Oceanspray shrubs will provide structural diversity for birds and wildlife, leaf litter and other allochthonous food sources to marine waters and provide shading along the shoreline."*

STAFF COMMENTS: Per the proposed planting plan one, maybe two Oceanspray plants are proposed with 15-feet of the ordinary high water mark (OHWM). These plants improve the baseline functions of the fish and wildlife conservation habitat area by some margin, yes. The remaining proposed 9-10 Oceanspray are located within shoreline jurisdiction and would be considered out-of-kind mitigation.

4. SHADING: Overwater coverage will be changed as shown below:

Element	Existing (sq ft)	Proposed (sq ft)	Change (sq ft)
Pier*	48	41	-7
Ramp	138	143	-9
Float	-	240	+240
Less Overlap	-	-11	-11
Total	138	372	+234
* Not overwater			

STAFF COMMENT: Changes to the table provided in the critical area report were made to represent the revision made to the proposed length of the ramp.

L. THE SKYLINE BEACH CLUB, INC. RESTRICTIVE COVENANTS (AFN 200407300094)

"Section V – View. It is important that property owners shall restrict the height of improvements on the premises and the height of trees and vegetation growing thereon to the end that the view of other property owners shall be preserved to the greatest extent reasonably possible. Limitation as to the height of improvements shall be accomplished through the provisions contained in Section II. The Architectural Committee shall determine that there is such interference, it shall send a notice in writing to the property owners, which notice shall set forth the extent to which the trees, other vegetation or personal property shall be pruned, moved, or removed. If within 30 days after receipt of such notice the property owners have not caused trees, trees, other vegetation or personal property to be pruned moved or removed to the extent required by the Architectural Committee, Skyline Beach Club, Inc. may do such work and charge the cost to the offending property owner. This does not apply to trees that existed on a lot that was purchased on or before January 1, 1974."

1. REVISED CODE OF WASHINGTON (RCW) CHAPTER 64.90 - WASHINGTON UNIFORM COMMON INTEREST OWNERSHIP ACT. RCW Section 64.90.025 - Applicability of Local Ordinances, Regulations, and Building Codes. (4) [...] [CC&Rs cannot] invalidate or modify any provision of any building, zoning, subdivision, or other statute, ordinance, rule, or regulation governing the use of real estate.

STAFF COMMENTS: The restrictions recorded under the Skyline Beach Club, Inc. Restrictive Covenants document shall not be used as the only reason for not providing additional shoreline vegetation on site in efforts to comply with the provision of the Anacortes Shoreline Master Program.

K. ANACORTES SHORELINE MASTER PROGRAM (SMP). The SMP is a planning document that outlines goals and policies for the use, development, protection, and restoration of shorelines of the City. It is also a regulatory ordinance with regulations for development intended to implement the goals and policies.

Not every goal, policy, and regulation are applicable to every Shoreline Substantial Development Permit project. Listed in the following pages are the goals, policies, and regulations believed to be the most relevant to this project and for which the project proposal was reviewed against to complete the written Finding of Facts, Conclusions of Law and Conditions of Approval. All applicable regulations of the SMP apply even if not specifically noted below.

STAFF COMMENTS: The majority of the below SMP references deal with ensuring no net loss to ecological functions or critical fish and wildlife conservation areas resulting from the proposed activity and use, and the requirement to demonstrate compliance with mitigation sequencing techniques when impacts cannot be avoided.

1. SMP Chapter 5: Shoreline Environments & Associated Policies and Regulations.

1.1. Section 5.6 – Aquatic, Shoreline Environment Designation. The purpose of the Aquatic designation is to protect, restore, and manage the unique characteristics and resources of marine waters, including habitat, ecology, navigation, and public enjoyment.

1.1.1. Design Elements for All Over-Water Structures DR-5.6.11 New structures and uses in the Aquatic designation shall prevent water quality degradation and alteration of natural hydrographic conditions and shall result in no net loss of ecological functions.

1.1.2. Conditions of Approval DR-5.6.12 Approval of new over-water structures shall include a condition that structures, equipment, and materials shall be removed as soon as practicable upon the cessation of a project's operation or a structure's useful life. Any structure that is damaged or breaks away in the water shall be repaired or removed by the permittee as soon as practicable. Permittees who anticipate a temporary interruption of the use of a facility or structure may be allowed to keep it in its permitted location provided they notify and receive written concurrence from the Administrator. Any structure not utilized for over one (1) year shall be removed by the owner regardless of future anticipated use unless prior permission has been granted by the City's Shoreline Administrator upon showing of good cause (e.g., environmental benefit, potential for reuse consistent with historic character, removal may result in environmental degradation).

1.1.3. Conditions of Approval DR 5.6.13 Permittees shall be liable for all damages to public and private property resulting from their activities and development within the Aquatic designation. The City may require liability insurance beyond that required by the State if it is determined that state requirements are not adequate to cover damages.

1.2. Section 5.9 – Shoreline Residential, Shoreline Environment

Designation. The purpose of the Shoreline Residential designation is to accommodate residential development and associated structures that are consistent with the Shoreline Management Act, this Master Program, and the protection and restoration of ecological functions.

1.2.1. Design Elements Policy 5.9.5 Allow development only in those areas where impacts and hazards to or caused by the proposed development can be effectively mitigated and where the environment is capable of supporting the proposed use in a manner that protects ecological functions.

1.2.2. Setbacks [Development Regulation] DR-5.9.5 Shoreline setback requirements do not apply to piers, ramps, or docks. For all non-water-dependent permanent buildings and structures including common appurtenant structures such as garages and decks over 30-inches above grade shall be set back a minimum of twenty-five (25) feet from the ordinary high water mark (OHWM). Patios, decks under 30-inches, or other structural or impervious surfaces, shall be limited to no more than 150 square feet and intrude no more than 10-feet into the shoreline setback. Pathways providing access to the shoreline, not including ramps, are allowed but shall utilize pervious materials.

1.2.3. Design Elements DR-5.9.10 For all residential development within shoreline jurisdiction, the area of impervious surfaces (including parking areas, but excluding required right-of-way improvements to be developed within shoreline jurisdiction shall be limited by the slope of the lot. Lots with a slope of 15% or less are limited to a maximum impervious area equal to 30% of actual land area. (Areas waterward of the OHWM and areas of marine bluffs, steep slopes, and wetlands shall not be included to calculate land area.

1.2.4. Design Elements DR-5.9.11 Where riparian vegetation does not exist or is degraded, a minimum of fifteen percent (15%) of the total lot area shall be retained or replanted in native vegetation. If few or no areas of native vegetation remain, the vegetation retention area shall be replanted with species native to shoreline areas of Fidalgo Island. For additions and expansions of existing developments, replanting shall be commensurate with the degree of impact resulting from the new development. For lots which border the OHWM, all revegetation shall take place within the shoreline setback in order to provide the greatest benefit.

1.3. Section 5.12 Shoreline Use and Modification Matrix and Development Standards.

1.3.1. Section 5.12 Table 5.1 Shoreline Use and Modification Matrix.

The chart is coded according to the following legend. P = Permitted; when meeting requirements for that use and shoreline area, may be subject to Shoreline Substantial Development Permit. C = Conditional Use, when approved by the City and Department of Ecology. X = Prohibited; the use is not eligible for a Variance or Conditional Use Permit.	Shoreline Residential	Aquatic
Shoreline Uses		
Residential Development		
Single-family	P	X
Docks, Piers, and Floats		
Private	P ⁴	P
Shoreline Stabilization		
Hard structural stabilization	C	P

⁴ Private piers are only permitted in single-family residential use areas within Flounder Bay and along Cap Sante. All other residential piers are prohibited.

STAFF COMMENTS: The proposal is a permitted use, provided the project can demonstrate it is consistent with applicable SMP regulations.

1.4. Section 5.12 Table 5.2 Shoreline Development Standards Matrix.

Environment Designation	Min. Resid. Lot Size (sq.ft.)	Max. % of Lot Cover age ¹	Max. Height	Setback ²	
				Water-Dependent	Non-Water-Dependent
Shoreline Residential					
Burrows Bay; (between east end of Croatian Way and Skyline Way)	7,500	3	35-ft.	0-ft.	25-ft.
Aquatic	NA	NA	5	NA	NA

³ The impervious surface limits on residential development located in Chapter 5, Sections 5.8 and 5.9, supersede general lot coverage standards in this table.

⁵ See adjacent upland designation.

- 2. SMP Chapter 6: Environmental Protection General Regulations.** The intent of these regulations is to provide policies and regulations that protect the shoreline environment as well as the critical areas found within the shoreline

jurisdiction. These policies and regulations apply to all uses, developments and activities that may occur within the shoreline jurisdiction regardless of the Shoreline Master Program environment designation. They are to be implemented in conjunction with the specific use and activity policies and regulations found in this Master Program.

The Shoreline Management Act (SMA) mandates the preservation of the ecological functions of the shoreline by preventing impacts that would harm the fragile shorelines of the state. The SMA also mandates that local master programs include goals, policies, and actions for the restoration of impaired shoreline ecological functions to achieve overall improvements in shoreline ecological functions over time (WAC 173-26-201(2)(f)).

2.1. Section 6.3 Impacts, Mitigation, and Bonding

2.1.1. Management Policy 6.3.3 Assure, at a minimum, that development and use within shoreline jurisdiction results in no net loss of ecological functions necessary to sustain shoreline natural resources. Development activities shall protect existing ecological functions and ecosystem-wide processes.

2.1.2. General [Development Regulation] DR-6.3.1 All shoreline development and activity shall be located, designed, constructed, and managed in a manner that avoids, minimizes and/or mitigates adverse impacts to the environment. The preferred mitigation sequence (avoid, minimize, rectify, reduce, or compensate for the environmental impact) shall follow that listed in WAC 173-26-201(2)(e), see also definition of "Mitigation" listed in this Master Program, Chapter 12.

2.1.3. General DR-6.3.2 In approving shoreline developments, the City of Anacortes shall ensure that shoreline development, use, and/or activities will result in no net loss of ecological functions necessary to sustain shoreline resources, including loss that may result from the cumulative impacts of similar developments over time to the extent consistent with constitutional and statutory limitations on the regulation of private property. To this end, the City may require modifications to the site plan and/or adjust or prescribe project dimensions, intensity of use, and screening as deemed appropriate. If impacts cannot be avoided through design modifications, the City shall require mitigation commensurate with the project's adverse impacts.

2.1.4. General DR-6.3.3 Identified significant short term, long term, or cumulative adverse environmental impacts lacking appropriate mitigation shall be sufficient reason for permit denial consistent with constitutional and statutory limitations on such denials.

2.1.5. Mitigation DR-6.3.5 In addition to the requirement for critical areas reports contained in the shoreline-specific Critical Areas

Regulations found in Appendix A, the mitigation plan shall address the following:

- a. Inventory existing shoreline environment [...];
- b. A discussion of the project's impacts and their effect on the ecological functions necessary to support existing shoreline resources;
- c. A discussion of any federal, state, or local special management recommendations which have been developed for wetlands or nearshore species or habitats located on the site;
- d. An assessment of habitat recommendations proposed by resource agencies and their applicability to the proposal;
- e. A discussion of measures to preserve existing habitats and opportunities to restore habitats that were degraded prior to the proposed land use activity;
- f. Planting and soil specifications; success standards; and contingency plans;
- g. A discussion of proposed measures which mitigate the impacts of the project to ensure no net loss of shoreline ecological functions, values, and proposed success criteria;
- h. An evaluation of proposed management practices which will protect fish and wildlife habitat both during construction, and after the project site has been fully developed, including proposed monitoring and maintenance programs;
- i. Contingency plan if the mitigation fails to meet established success criteria;
- j. Any additional information necessary to determine the impacts of a proposal and mitigation of the impacts.

Mitigation plans and/or critical areas reports shall be forwarded to the appropriate state and/or federal resource agencies and affected Tribes for review and comment.

2.1.6. Mitigation DR-6.3.6 Compensatory mitigation in the immediate vicinity of the impact shall be the preferred mitigation option, except where off-site mitigation can be demonstrated to be more beneficial to shoreline ecological functions; for example, mitigation off-site may be the better choice if large, cohesive areas are available off-site while only small fragmented areas are available on-site for mitigation.

2.1.7. Mitigation DR-6.3.8 Where feasible, replacement mitigation shall be required prior to impact and, at a minimum, prior to occupancy.

2.1.8. Bonding DR-6.3.9 Except for projects undertaken by public entities, performance or maintenance bonds or other security

shall be required by the City to assure that work is completed, monitored, and maintained.

2.1.9. Monitoring DR-6.3.10 As a condition of approval, the City shall require periodic monitoring for up to five years...

2.1.10. Monitoring DR-6.3.11 Monitoring plans shall be forwarded, for review and comment, to state and/or federal resource agencies and affected Tribes with jurisdiction.

2.2. Section 6.4 Environmental Element. This section provides policies and regulations to address environmental impacts to the elements of the environment listed in the State Environmental Policy Act (SEPA) (WAC 197-11-444).

2.2.1. Air [Development Regulation] DR-6.4.1 In approving shoreline development, uses, or activities, the Planning Commission, City Council, or Hearing Examiner may apply conditions to control emissions, including any compounds, chemicals, pollutants, odors, fugitive dust, or vehicle exhaust with the intent of avoiding significant adverse impacts to the legal use of adjoining properties and ensuring adherence to the guidelines, policies, standards, and regulation of applicable air quality management programs and related regulatory agencies.

2.2.2. Archaeological/Historical/Cultural Impacts DR-6.4.2 All shoreline permits shall contain provisions that require developers to comply with all applicable state law requirements regarding preservation of archaeological and historic resources, including provisions to stop work and notify the appropriate agencies should protected resources be uncovered during excavation.

2.2.3. Noise DR-6.4.8 Noise emanating from a shoreline use/activity shall be muffled so as to not interfere with the designated use of adjoining properties. This determination shall take into consideration ambient noise levels, intermittent beat, frequency, and shrillness. Shoreline developments/activities shall comply with the maximum permissible noise levels and time limits set forth in Anacortes Municipal Code Chapter 17.54.

2.2.4. View Protection/Aesthetics DR-6.4.16 The protection of public views of the shoreline is an important shoreline management objective, although provisions of adequate shading of surf smelt spawning grounds must also be viewed as a priority. View protection can include preventing view blockage through height limitations or requiring aesthetic enhancement with landscaping. View protection does not justify the excessive removal of vegetation to create views or to enhance partial existing views. Please refer to Section 6.5, Vegetation Conservation and Chapter 7, Public Access.

2.2.5. View Protection/Aesthetics DR-6.4.19 Where lighted signs and illuminated areas are permitted, such illuminating devices shall be shaded and directed so as to minimize, to the extent practicable, light and glare from negatively impacting neighboring properties, street, public areas, or water bodies.

2.2.6. Water Quality DR-6.4.22 All development activities approved under this Shoreline Master Program shall be designed and maintained consistent with the City's Stormwater Management Plan and Engineering Design Standards.

2.3. Section 6.5 Vegetation Conservation. Vegetation conservation includes activities to protect and restore vegetation along or near marine and freshwater shorelines that contribute to the ecological functions of shoreline areas. Vegetation conservation provisions include the prevention or restriction of plant clearing and earth grading, vegetation restoration, and the control of invasive weeds and nonnative species.

Vegetation conservation standards do not apply retroactively to existing uses and structures.

2.3.1. Vegetation Conservation [Development Regulation] DR-6.5.4
Exposed soils shall be immediately developed or revegetated to prevent erosion.

2.3.2. Vegetation Conservation DR-6.5.5 Exposed soils must be replanted such that complete coverage of exposed soils is attained within one growing season, or otherwise stabilized using mulch or other similar BMPs.

2.3.3. Vegetation Conservation DR-6.5.6 In all cases where clearing is followed by revegetation, native plants shall be preferred. Lawns are discouraged due to their limited erosion control value, limited water retention capacity, and associated chemical and fertilizer applications.

2.4. Section 6.6 Critical Areas – General

2.4.1. Critical Areas – General [Development Regulation] DR-6.6.1
Development and uses proposed within shorelines of the state shall meet the requirements of the City's shoreline-specific Critical Areas Regulations as contained in Appendix A, in addition to the requirements found elsewhere in the Master Program.

2.5. Section 6.7 Fish and Wildlife Habitat Conservation Areas (FWHCAs)
Kelp beds, eelgrass beds, [...] and, other critical saltwater habitats are classified as "critical saltwater habitats" in the Shoreline Master Program Guidelines, WAC 173-26-221(2)(iii). The Guidelines also classify [...], mudflats, intertidal habitats with vascular plants, and areas with which priority species have a primary association as "critical saltwater habitat". Critical Saltwater Habitats include these "primary association"

areas. Examples of “primary association” areas include, but are not limited to the following:

- a. Shallow water/low gradient habitats along shorelines;
 - b. Migratory corridors that allow juvenile salmon to move within and between habitats (e.g., beaches, as well as eelgrass, kelp, etc.).
- In addition, a diversity of shoreline habitats is essential for providing adequate functions for juvenile salmon.

Section A-5 of the shoreline-specific Critical Areas Regulations contained in Appendix A provides protections for critical salt-water habitats that are described in the *Northern Skagit County Bays and Shoreline Habitat Conservation and Restoration Blueprint 2005 Update*.

2.5.1. FWHCA Management Policy 6.7.2 Water-dependent uses, including recreational facilities, marinas, transportation facilities and some utility crossings, may be permitted in critical saltwater habitats provided that on-site and/or off-site mitigation is provided that will result in no net loss of ecological functions resulting from the proposed facility or utility.

2.5.2. FWHCA Management Policy 6.7.3 Protect the composition of the beach and bottom substrate. Developments within or adjacent to the shoreline jurisdiction where critical saltwater habitats exist, should avoid to the extent practicable directly or indirectly changing the composition of the beach and bottom substrate except for restoration or for driving of piling for uses permitted under this Master Program.

2.5.3. FWHCA [Development Regulation] DR-6.7.1 Water-dependent development and uses, including [...] docks, piers, mooring areas [...], shall not intrude into or be built over critical saltwater habitat unless the applicant can show that all of the following criteria can be met:

- a. The use preference listing in RCW 90.58.020 for uses in Shorelines of Statewide Significance shall be adhered to.
- b. The public’s need for such a structure is clearly demonstrated and an alternative alignment or location on the applicant’s property that would avoid impacts to critical saltwater habitats is not feasible or would result in unreasonable and disproportionate cost to accomplish that same general purpose. An alternatives analysis will be required for any non-exempt project proposed within FWHCAs.
- c. The project is consistent with the state’s interest in resource protection and species recovery.
- d. Impacts to critical saltwater habitat functions are mitigated to result in equal or better ecological function.

2.5.4. FWHCA DR-6.7.6 In addition to requiring compliance with DR-6.5.8 for certain types of developments and uses (e.g. minimum

15-foot wide planting bed(s) of riparian vegetation along marine shorelines), the City shall require the establishment of buffer areas for activities adjacent to fish and wildlife habitat conservation areas on a case-by-case basis through a critical area report when needed to protect such habitat conservation areas, pursuant to Section A-5.3(G)(1) of the shoreline specific Critical Areas Regulations contained in Appendix A. In order to determine the need or extent of a buffer, a critical area report shall be required for all development in or adjacent to a habitat conservation area.

- 3. SMP Chapter 9: Specific Shoreline Modification Policies and Development Regulations.** Shoreline modification activities are structures or actions that permanently change the physical configuration or quality of the shoreline, particularly at the point where land and water meet.

3.1. Section 9.2 General Shoreline Modification Policies and Regulations

These policies are applicable to all shoreline modifications.

- 3.1.1. Shoreline Modification General Policy 9.2.2** Regulate shoreline modifications to assure that the modifications individually and cumulatively do not result in a net loss of ecological functions. Mitigation may be required to meet the no net loss standard.

3.2. Section 9.5 Docks, Piers, and Floats

- 3.2.1. Docks, Piers, and Floats Policy 9.5.1** Limit docks, piers and floats to those required as part of a permitted water-dependent use; [...] As used here, a dock associated with a single-family residence is a water-dependent use provided that it is designed and intended as a facility for access to watercraft and otherwise complies with the provisions of this section.

- 3.2.2. Docks, Piers, and Floats Policy 9.5.2** Limit docks, piers, and floats associated with single-family residential use to the single-family residences within Founder Bay and Cap Sante.

- 3.2.3. Docks, Piers, and Floats Policy 9.5.5** Ensure that docks, piers, and floats are:

- a. Considered together with shoreline characteristics, tidal action, aesthetics and adjacent land and water uses.
- b. Discouraged at locations where critical physical limitations exist, [...].
- c. Designed and maintained to mitigate adverse impacts to the environment such as eelgrass beds and fish habitats shoreline aesthetics and minimize interference with the public use of the water.
- d. Designed, constructed, and maintained to provide a reasonable level of safety to users.

3.2.4. Docks, Piers, and Floats [Development Regulation] DR-9.5.2

Prior to granting a permit for a pier, dock, or float, the effects of the structure upon adjacent shoreline shall be determined, and disposition of the permit by the City shall reflect such determination.

3.2.5. Docks, Piers, and Floats DR-9.5.3 Design and construction of all piers and docks (and floats) are required to mitigate for impacts to ecological processes and functions.

3.2.6. Docks, Piers, and Floats DR-9.5.4 The design, location, and construction of docks, floats, and piers, as well as their subsequent use and operation, shall:

- a. Minimize adverse effects on fish, shellfish, wildlife, water quality, and geohydraulic processes. Methods include but are not limited to: limiting the footprint of the structure to that which is necessary to serve the intended water-dependent use and minimizing the use of materials hazardous to the environment.
- b. Be capable of withstanding expected environmental conditions.
- c. Minimize interference with adjacent water uses and navigation.

3.2.7. Docks, Piers, and Floats DR-9.5.13 The following requirements apply to new, expansion, and replacement piers, docks, and floats associated with a single-family residence.

- a. Pier width: 6 feet or less
- b. Pier grating: Grating of the full pier surface area is required on piers wider than 4 feet.
- c. Float dimensions: For a single-use residential structure, float width may not exceed 8 feet and float length may not exceed 30 feet. For a shared joint-use residential structure, float width may not exceed 8 feet and float length may not exceed 60 feet.
- d. Float grating: Floats 6 feet wide or less are required to contain at least 30% functional grating. Floats wider than 6 feet are required to contain at least 50% function grating.
- e. Float orientation: The float must be installed in a north-south orientation to the maximum extent practicable.

4. SMP Appendix A: Shoreline Critical Areas Regulations.

4.1. A-5 Fish and Wildlife Habitat Conservation Areas (FWHCAs).

4.1.1. A-5.2 FWHCA Critical Areas Report Critical area reports for habitat conservation areas must meet the requirements of this section.

4.1.1.1. Preparation by a Qualified Professional. A critical areas report for a habitat conservation area shall be prepared by a qualified professional who is a biologist with experience preparing reports for the relevant type of habitat.

4.1.1.2. Areas Addressed in Critical Area Report. The following areas shall be addressed in a critical area report for habitat conservation areas:

1. The project area of the proposed activity;
2. All habitat conservation areas and their associated buffers within three hundred feet of the project area; and
3. All shoreline areas, floodplains, wetlands, streams, other critical areas, and related buffers within three hundred feet of the project area.

4.1.1.3. A habitat assessment is an investigation of the project area to evaluate the potential presence or absence of designated critical fish or wildlife species or habitat. A critical area report for a habitat conservation area shall contain an assessment of habitats [...].

4.1.1.4. An evaluation by an independent qualified professional hired by the city and paid for by the applicant regarding the applicant's analysis and the effectiveness of any proposed mitigating measures or programs, to include any recommendations as appropriate

4.1.2. A-5.3 Performance Standards – General Requirements. A habitat conservation area may be altered only if the proposed alteration of the habitat or the mitigation proposed does not degrade the quantitative and qualitative functions and values of the habitat.

4.1.2.1. Mitigation and Equivalent or Greater Biological Functions. Mitigation of alterations to habitat conservation areas shall achieve equivalent or greater biologic and hydrologic functions and shall include mitigation for adverse impacts upstream or downstream of the development proposal site. Mitigation shall address each function affected by the alteration to achieve functional equivalency or improvement on a per function basis.

4.1.2.2. Scientific Basis for Approval. Any approval of alterations or impacts to a habitat conservation area shall be supported by the professional scientific analysis.

5. SMP Appendix B: Shoreline Restoration Plan. Activities that have adverse affects on the ecological functions and values of the shoreline must be mitigated. By law, the proponent of that activity is required to return the subject shoreline to a condition equivalent to the baseline level at the time the activity takes place. It is understood that some uses and developments cannot always be mitigated fully, resulting in incremental and unavoidable degradation of the baseline condition. The subsequent challenge is to improve the shoreline over time in areas where the baseline condition is degraded, severely or marginally.

5.1. B-3 Restoration Goals and Objectives. *Restoration Vision:* Degraded ecological processes and habitats of the Anacortes shoreline are to be restored so that, when combined with protection of existing resources, a net improvement to the shoreline ecosystem is obtained to benefit native fish and wildlife and the people of Anacortes. [...]

5.2. B-6.2 Development Opportunities. When shoreline development occurs, the City has the ability to look for opportunities to conduct restoration in addition to minimum mitigation requirements as part of the SMP. Development may present timing opportunities for restoration that would otherwise occur and may not be available in the future. Mitigation may also allow for “banking” opportunities. In certain cases, on-site mitigation opportunities are limited due to building site constraints, limited potential ecological gains, or other site-specific factors. In these instances, the City shoreline administrator could identify an off-site restoration site that could be contributed to in lieu of on site mitigation.

STAFF'S FINAL COMMENTS: The Shoreline Master Program (SMP) emphasizes the importance of and requires 'No Net Loss' of ecological functions on every shoreline project. Mitigation Sequencing techniques found within the application materials have not demonstrated that impacts have been mitigated to result in equal or better ecological function at the site, or that there will be No Net Loss of functions as stated in the SMP.

The applicant's proposal to pay into the Puget Sound Partnership Conservation Program in-lieu of providing onsite compensatory mitigation is not supported by the Anacortes Shoreline Master Program. It is understood that state and/or federal permitting agencies may accept this for the required mitigation under those permits, however the City of Anacortes' role in implementing the Shoreline Management Act is to protect the public interest in the preservation and reasonable use of the shorelines and the lands within shoreline jurisdiction within the City of Anacortes.

II. CONCLUSIONS OF LAW

1. The shoreline permit was reviewed for conformance with all applicable Shoreline Master Program regulations, including but not limited to, the above list.

2. With the adoption and approval of the recommended conditions of approval, the subject proposal can be consistent with the Washington State's Shoreline Management Act, City of Anacortes' 2010 Shoreline Master Program and development regulations listed therein for developments within the Aquatic & Shoreline Residential shoreline environment designation.
3. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.
4. Staff reserves the right to supplement the record of the case to respond to matters and information raised subsequent to the writing of this report.

III. RECOMMENDATIONS

Based upon the application materials submitted and the Findings of Fact and Conclusions of Law within this staff report, staff recommends the Planning Commission **approve the shoreline substantial development permit subject to the following conditions of approval:**

1. Compensatory mitigation shall be provided onsite to the satisfaction of the Anacortes Shoreline Master Program to ensure the short-term and long-term impacts of the proposal do not degrade the quantitative and qualitative functions and values of the habitat conservation area / critical saltwater habitat onsite.
 - 1.1. An updated Mitigation Plan shall be prepared and submitted to the Planning, Community, and Economic Development Department for review and approval.
 - 1.2. The updated Mitigation Plan shall include revisions to the documented Mitigation Sequencing techniques implemented.
2. A Monitoring Plan shall be developed and provided to the Anacortes Planning, Community, and Economic Development Department for review and acceptance per the standards of the Anacortes Shoreline Master Program. The plan shall provide details on the requirements of the periodic monitoring reports for a period of five (5) years to ensure the success of the required mitigation.
3. The approved onsite mitigation project shall be completed prior to the construction activities for the new float, unless written approval has been granted by the Planning Director approving an alternative timeline.
4. An over-water structure notice on title addressing the Anacortes Shoreline Master Program condition of approval DR-5.6.12 is required to be recorded prior to City of Anacortes building permit issuance. A city attorney approved form will be provided to the applicant for signature and recording.
5. The Applicant shall obtain City of Anacortes construction permits for the in-/over-water work and shall comply with all applicable City codes, manuals, and standards.
6. The Applicant and their contractors shall comply with all applicable state law requirements regarding preservation of archaeological and historic resources, including provisions to stop work and notify the appropriate agencies should protected resources be uncovered during excavation.

7. The scope of the project shall not exceed that as set out in the shoreline permit application and shall be valid only for the improvements described within the application materials, except as modified by this decision or other jurisdictional agencies.
8. All applicable permits (local, state, & federal) shall be secured before any construction activities begin onsite. Copies shall be provided to the City of Anacortes' at time of building permit application submittal.
9. The applicant and their contractors shall comply with federal statutes including but not limited to: Endangered Species Act, Clean Water Act, Marine Mammal Protection Act, and other federal statutes.
10. The project shall comply with all applicable Shoreline Master Program regulations, including but not limited to those listed in the staff report.
11. All existing and future installed exterior lighting shall be hooded or otherwise altered where necessary so to be directed away from the shore. Light should not be shown into the waters of Flounder Bay.

INFORMATION FOR DEVELOPER:

1. Development shall comply with AMC 18.16.130 regulating the time limit for shoreline permits as follows:
 - a. **TIME LIMIT FOR SUBSTANTIAL PROGRESS.** Construction, or substantial progress toward completion, must begin within two (2) years after approval of the permit. Substantial progress toward construction shall include, but not limited to, the letting of bids, making of contracts, purchasing of materials involved in development, but shall not include development or uses which are inconsistent with the Shoreline Management Act or the city's master program. In determining the running two-year period hereof, there shall not be included the time during which development was not actually pursued by construction and the pendency of litigation reasonably related thereto made it reasonable not to so pursue; provided, that the city may, in its discretion, extend the two-year time period for a reasonable time based on factors, including the inability to expeditiously obtain other governmental permits which are required prior to the commencement of construction.
 - b. **5-YEAR PERMIT AUTHORIZATION:** If construction has not been completed within five years of approval by the City of Anacortes, the city will review the permit, with prior notice to parties of record, and, upon showing of good cause, either extend the permit for one additional year, or terminate the permit. Prior to the city authorizing any permit extensions, it shall notify any parties of record and the Department of Ecology. Note: Only one single extension is permitted.
 - c. The effective date of a shoreline permit shall be the date of the last action required on the shoreline permit and all other government permits and approvals that authorize the development to proceed, including all administrative and legal actions on any such permit or approval. It is the responsibility of the applicant to inform the local government of the pendency of other permit applications filed with the agencies other than the local government and of any related administrative and legal actions on any permit or approval. If no notice of the pendency of the permits or approvals is given to the local government prior to the date established by the shoreline permit or the provisions of this section, the expiration of a permit shall be based on the shoreline permit.

Waterfront Construction

PROJECT DESCRIPTION & CONSTRUCTION SEQUENCE

Bottner, Carrie – Float replacement

A. Project Location

The proposed project is located at private residence Lot 33 Skyline No. 11 in Skyline Marina, Flounders Bay, Puget Sound
Site address is 2310 Dover Dr, Anacortes, WA 98221, Skagit County Section 27 Township 35, Range 01, at Lat: 48.4912, Long: -122.6758 Parcel # P60047

B. Project Description

New 8'x30' float, replacement ramp and access pier. Project scope removes 2 existing 16" piles and proposes adding 3 10" steel piles to secure new aluminum framed float with high density foam-filled pontoons. Replace concrete shore mount in nearshore with framed pier on 4 pin piles and light transferring grated deck as well as a new grated aluminum ramp.

(See project drawings for more details.)

C. Construction Technique & Sequencing

1. Pre-Fabrication

The new access pier, gangway ramp and float will be constructed in sections at the contractor's Seattle yard. All prefab components will be loaded onto the contractor's construction barge at their Seattle yard along with all construction materials and shipped to the site for installation.

2. Site Preparation

Construction access to site will be from the water only via the construction barge. No construction equipment will access the site from the upland side.

3. Onsite Construction

- Deploy floating containment boom;
- Remove concrete shore mount by trenching under to install rigging and picking with barge mounted crane and placed on barge for disposal at approved upland facility. If trenching is not feasible, hand impact tools will be used to breakup concrete shoremount, load into super sac bag and placed on barge for disposal in approved up land facility.

Waterfront Construction

- Using barge crane, vibratory driver to remove 2 – 16” steel piles, place on barge for disposal at approved upland facility;
- Using barge crane, remove existing ramp, place on barge for disposal at approved upland facility;
- Using barge mounted crane and vibratory driver Drive 4 – 4” pin piles for new access pier
- Using barge mounted crane and vibratory driver Drive three (3) new galvanized 10” steel piles
- Using the barge crane, hoist the aluminum truss pier into place and secure it to the four piles;
- Using the barge crane, hoist the moorage float into place and secure to the steel piles with pile hoops;
- Using the barge crane set waterward end of truss ramp on new moorage float and secure to seaward end of pier.
- Collect all construction debris and load into a 20 c/y container on the construction barge.
- Dispose of all construction debris at an approved upland disposal site.
- Dispose of demolition debris at an approved upland site.

4. Equipment used

Crane barge will be used to deliver materials, equipment and crew to the site. Piles to be driven using the barge mounted construction crane and a vibratory pile driver. Small power tools and hand tools will also be used to complete the project.

5. Materials used

Material consists of aluminum framed float with plastic moorage tubs, aluminum pier and ramp with grated decking and galvanized steel pipe piles and galvanized hardware.

6. Work Corridor

The construction barge will operate offshore to avoid bottom and shoreline disturbances that could occur with ground-based equipment. All staging will take place on the barge.

7. Staging Area

The barge will hold all construction materials during the project and all construction debris will be held in a 20 c/y steel debris container that is secured on the barge for upland disposal later.

8. Running of Equipment During Construction

Equipment will be running off and on during the construction phase, only when required, and only during allowed work hours.

Waterfront Construction

9. Clean-Up

All construction debris will be removed and loaded into a 20 c/y steel debris container secured on the construction barge during construction. Debris is then transported by barge to the contractor's Seattle yard, off-loaded, and shipped to an approved upland disposal site.

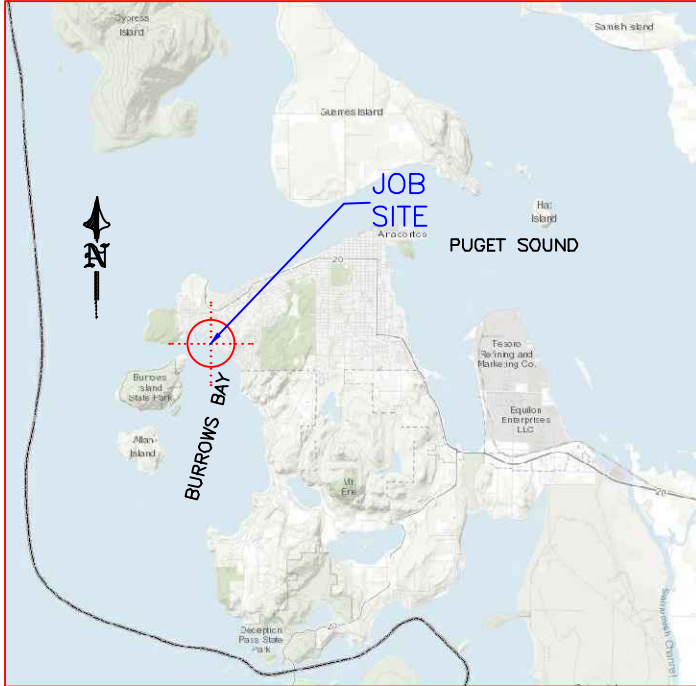
10. Project Timing

All proposed construction will take place during daylight hours in approved work windows unless work needs to be coordinated with evening hours to facilitate construction in the approved work window.

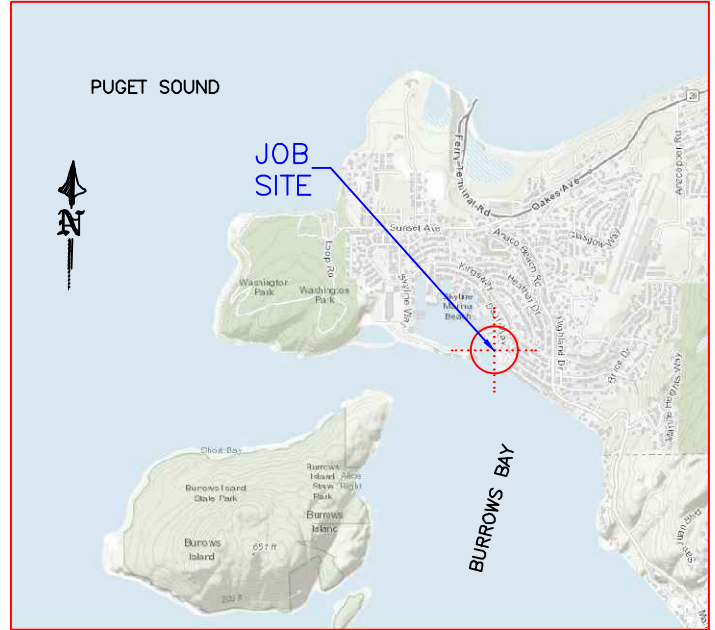
11. Duration of Construction

Onsite construction will take between two and three weeks.

AREA MAP/NO SCALE



VICINITY MAP/NO SCALE



LEGAL DESCRIPTION

SECTION: SW-27-35-01 LAT: 48.491170 (48° 29' 28.212" N)
TAXLOT #: P60047 LONG: -122.675810 (122° 40' 32.916" W)

SKYLINE NO 11 LOT 33 TGW TL ADJ DESC E853901 DAF BAT S COR LT 33 TH S 76-48-12 W 59.59FT TH N 48- 15-25 W 56.32FT TH N 62-32-20 E 101.17F TIO SELY COR LT 32 TH S 22-12-54 W 20FT TH S 18-55-05 E 55FT TPB EXC THAT PTN I ANY LY WHN BDY OF SKYLINE S/P

PROJECT DESIGNED BY:
Waterfront Construction Inc.
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REVISED
08/29/2024

TO REPOSITION FLOAT
25' AWAY FROM
EELGRASS BED.

ADJACENT OWNERS:

- ① ROBERT MEIER
2308 DOVER DRIVE
ANACORTES, WA 98221
- ② ERIC, TONI & RYAN NICKOLS
2312 DOVER DRIVE
ANACORTES, WA 98221

APPLICATION#:

PROPOSED: FLOAT REPLACEMENT

PURPOSE: PROVIDE SAFE & ECOLOGICALLY
SOUND MOORING & WATER ACCESS

DATUM: C.O.E. MLLW=0.0'

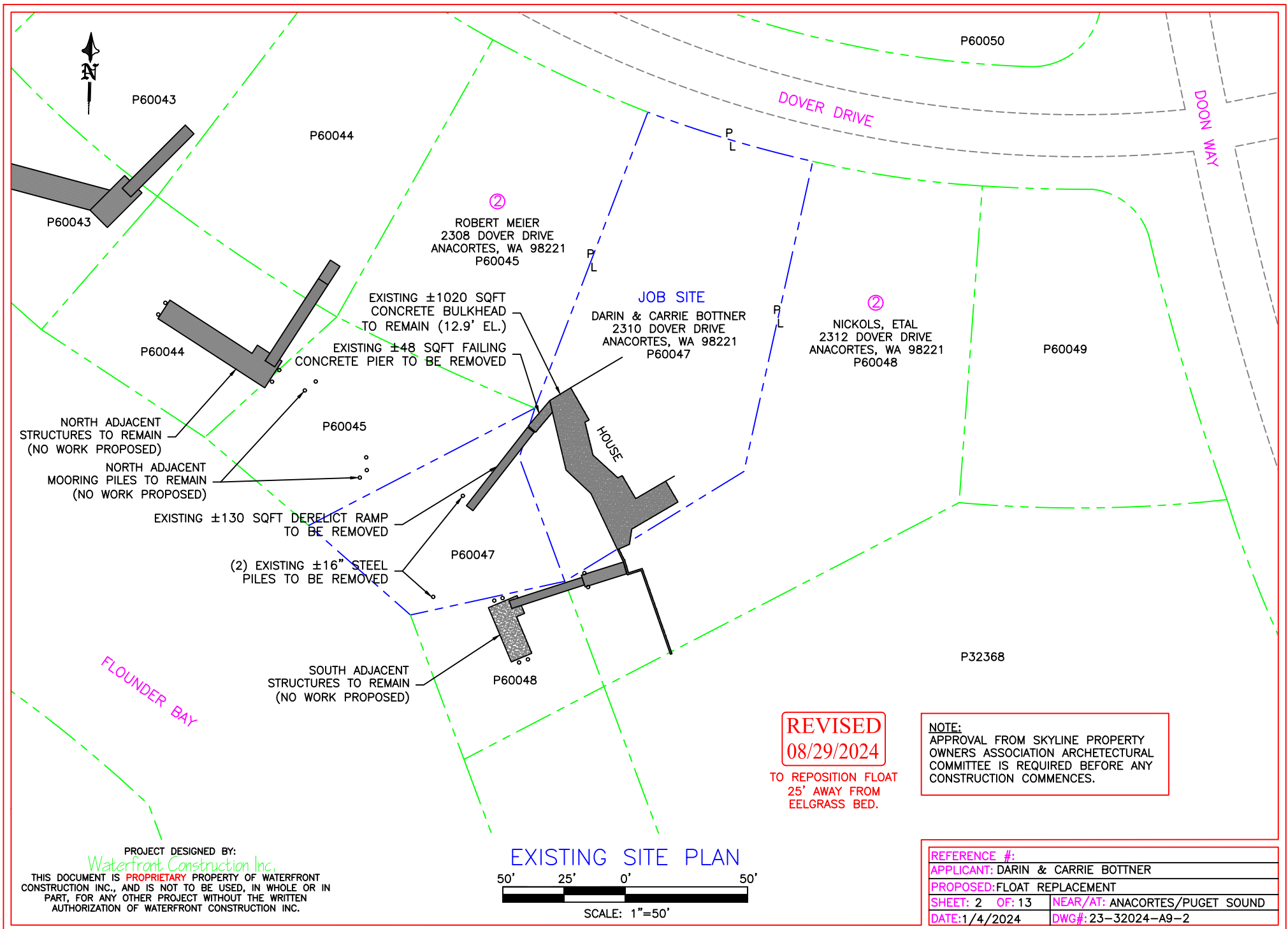
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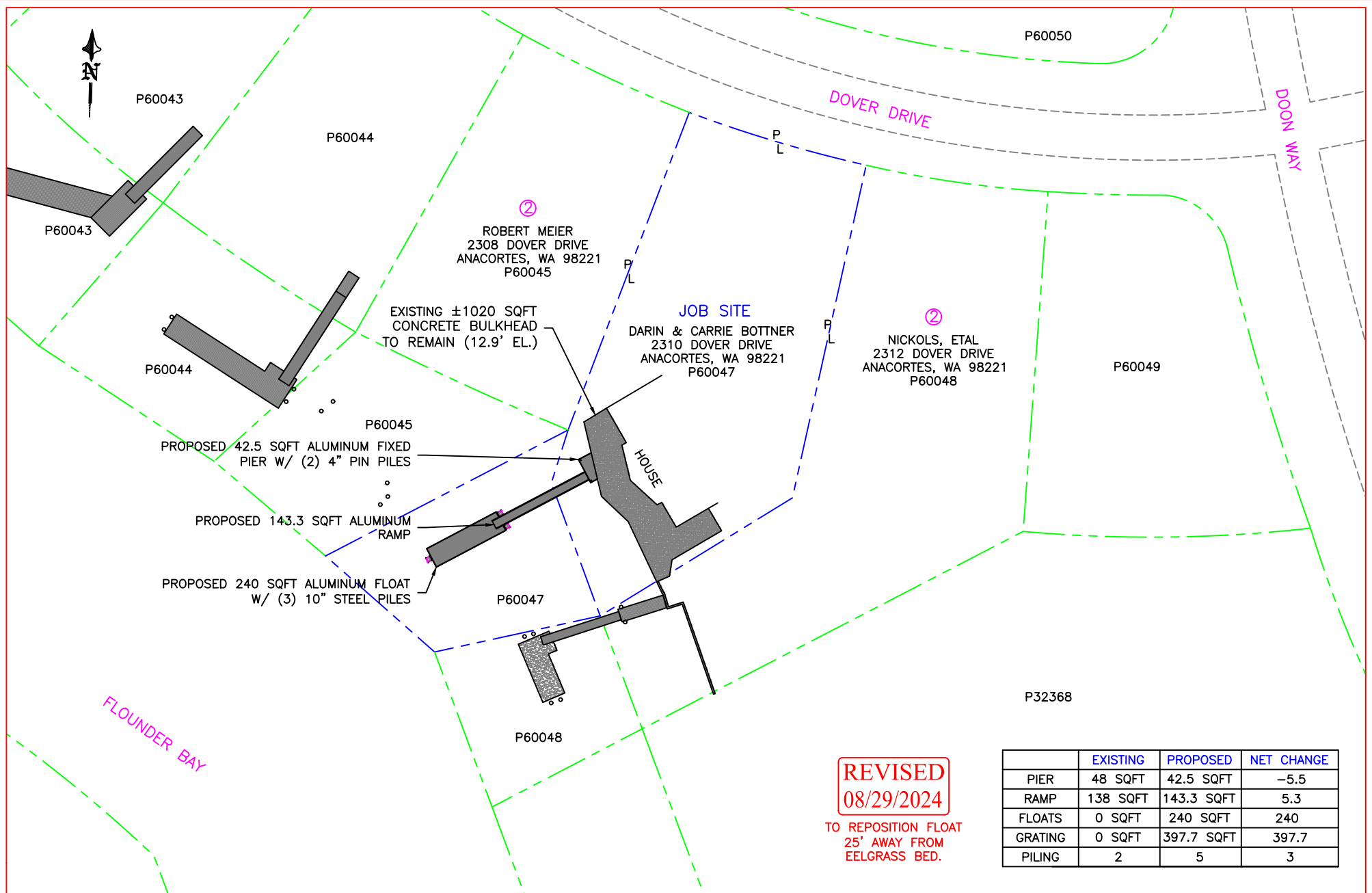
APPLICANT: DARIN & CARRIE BOTTNER

SITE ADD. 2310 DOVER DRIVE
ANACORTES, WA 98221

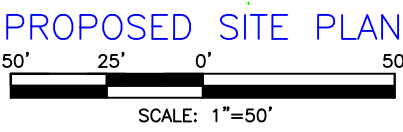
MAIL ADD. (SAME AS ABOVE)

PAGE: 1 OF: 13 DATE: 1/4/2024





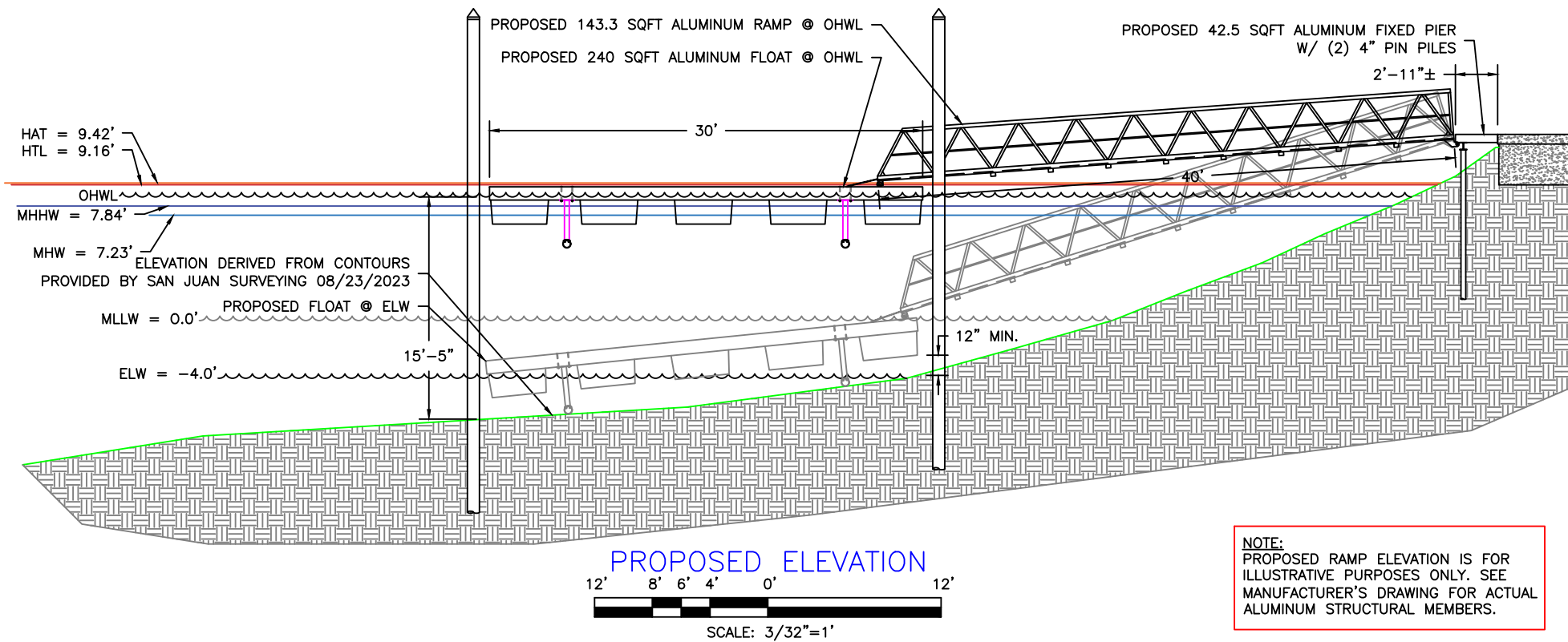
PROJECT DESIGNED BY:
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REVISED
08/29/2024
 TO REPOSITION FLOAT
 25' AWAY FROM
 EELGRASS BED.

	EXISTING	PROPOSED	NET CHANGE
PIER	48 SQFT	42.5 SQFT	-5.5
RAMP	138 SQFT	143.3 SQFT	5.3
FLOATS	0 SQFT	240 SQFT	240
GRATING	0 SQFT	397.7 SQFT	397.7
PILING	2	5	3

REFERENCE #:	
APPLICANT: DARIN & CARRIE BOTTNER	
PROPOSED: FLOAT REPLACEMENT	
SHEET: 3 OF: 13	NEAR/AT: ANACORTES/PUGET SOUND
DATE: 1/4/2024	DWG#: 23-32024-A9-3



NOTE:
PROPOSED RAMP ELEVATION IS FOR
ILLUSTRATIVE PURPOSES ONLY. SEE
MANUFACTURER'S DRAWING FOR ACTUAL
ALUMINUM STRUCTURAL MEMBERS.

PIER HAS BEE DESIGNED FOR MOORAGE
OF 50' LONG MERIDIAN 490 BOAT.

PROPOSED PIER MATERIAL LIST

PART	SPECS	TREATMENT
PILING	4" STD WALL STEEL PIPE	GALVANIZED
CAP BEAM ASSY	W6x15	GALVANIZED
GRATING	FIBERGRATE-62	NONE
PIER TUBING	ALUMINUM	NONE
HARDWARE	STEEL	STAINLESS OR HDG.

PROPOSED RAMP MATERIAL LIST

PART	SPECS	TREATMENT
GRATING	FIBERGRATE-62	NONE
RAMP TUBING	ALUMINUM	NONE
HARDWARE	STEEL	STAINLESS OR HDG.

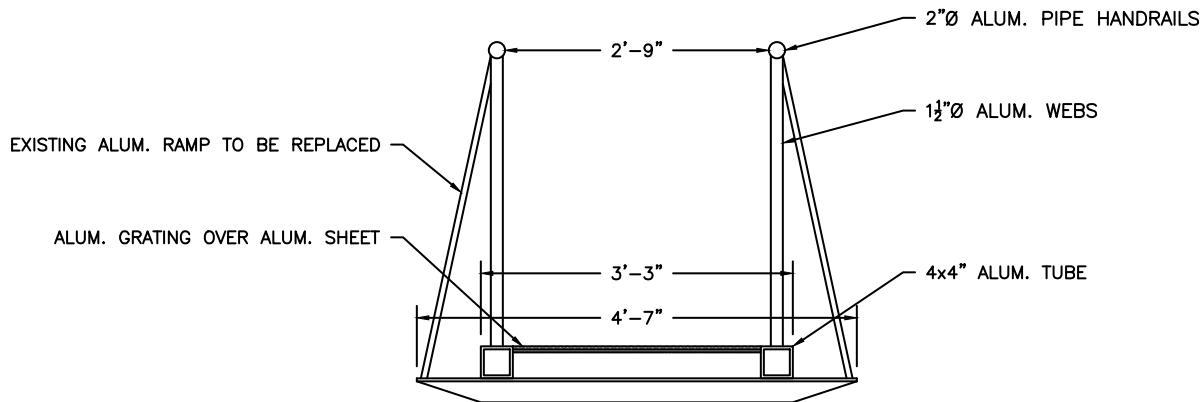
PROPOSED FLOAT MATERIAL SPECIFICATIONS

PART	SPECIFICATIONS	TREATMENT	PART	SPECIFICATIONS	TREATMENT
PILING	10" STD WALL STEEL PIPE	GALVANIZED	FLOAT FASCIA	1X12" COMPOSITE FASCIA	NONE
FLOAT NAILERS	ALUM. RECT. TUBE	NONE	FLOAT GRATING	FIBERGRATE-62	NONE
FLOAT TRUSS FRAMING	ALUM. RECT. TUBE	NONE	HARDWARE	STEEL	STAINLESS OR HDG.

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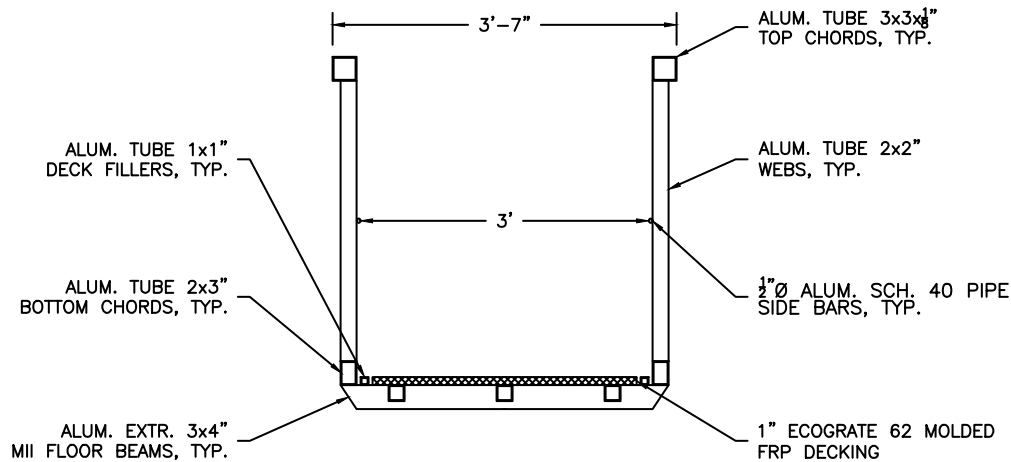
REVISED
08/29/2024
TO REPOSITION FLOAT
25' AWAY FROM
EELGRASS BED.

REFERENCE #:	
APPLICANT: DARIN & CARRIE BOTTNER	
PROPOSED: FLOAT REPLACEMENT	
SHEET: 6 OF: 13	NEAR/AT: ANACORTES/PUGET SOUND
DATE: 1/4/2024	DWG#: 23-32024-A9-6

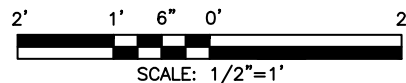


EXISTING RAMP SECTION A-A

SCALE: 1/2"=1'



PROPOSED RAMP SECTION A-A



NOTE:
PROPOSED RAMP SECTION IS FOR ILLUSTRATIVE PURPOSES ONLY. SEE MANUFACTURER'S DRAWING FOR ACTUAL ALUMINUM STRUCTURAL MEMBERS.

REVISED
08/29/2024

TO REPOSITION FLOAT
25' AWAY FROM
EELGRASS BED.

PROJECT DESIGNED BY:

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REFERENCE #:

APPLICANT: DARIN & CARRIE BOTTNER

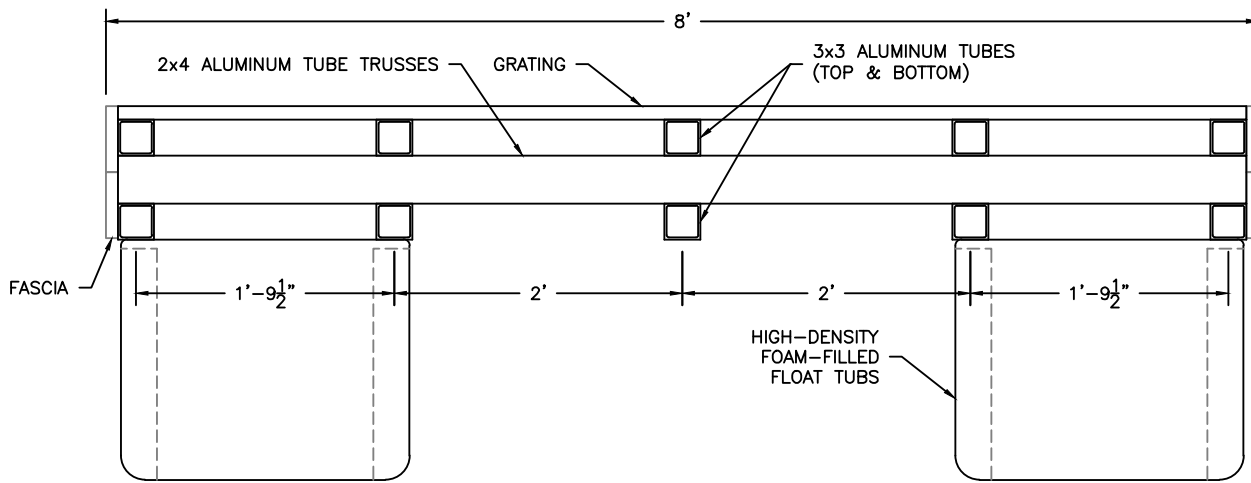
PROPOSED: FLOAT REPLACEMENT

SHEET: 7 OF: 13

NEAR/AT: ANACORTES/PUGET SOUND

DATE: 1/4/2024

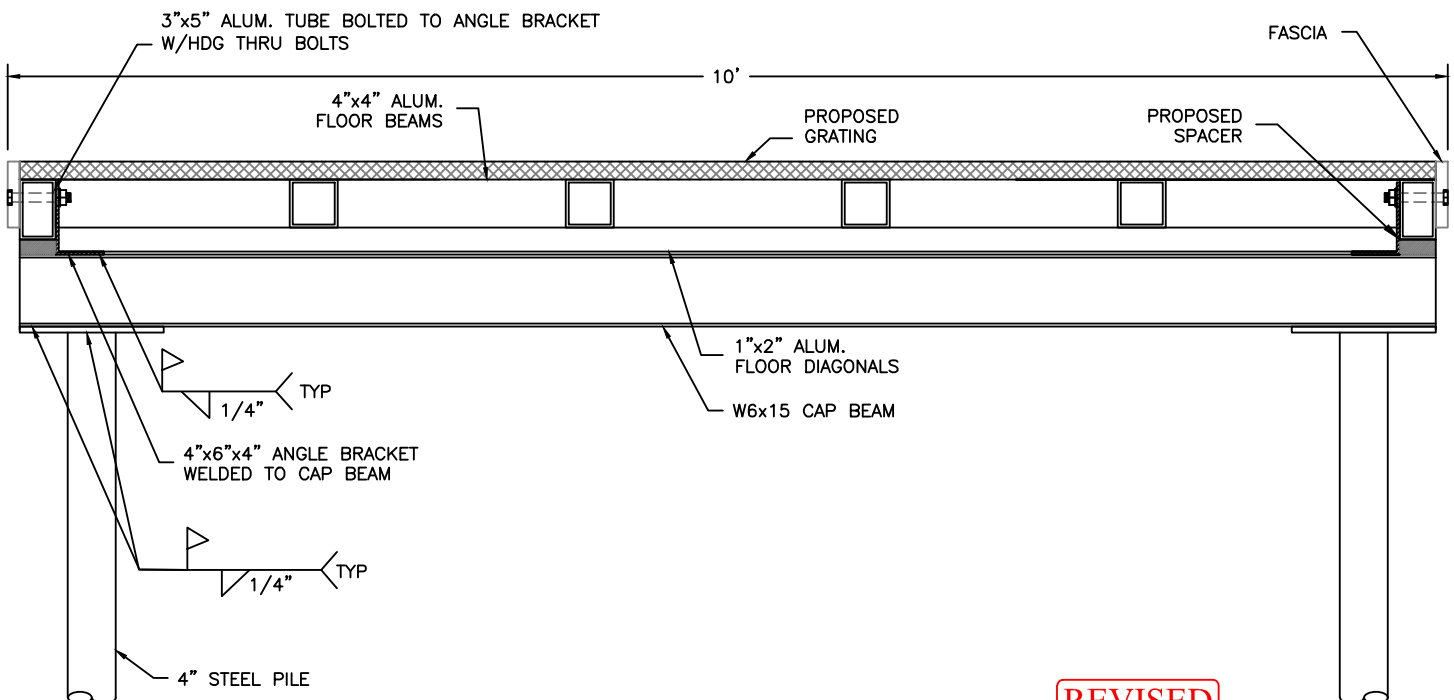
DWG #: 23-32024-A9-7



PROPOSED FLOAT SECTION B-B

SCALE: 3/4"=1'

NOTE:
PROPOSED PIER & FLOAT SECTIONS
FOR ILLUSTRATIVE PURPOSES ONLY.
SEE MANUFACTURER'S DRAWINGS FOR
FURTHER DETAILS.



PROPOSED PIER SECTION C-C

12" 6" 3" 0' 1'
SCALE: 3/4"=1'

REVISED
08/29/2024

TO REPOSITION FLOAT
25' AWAY FROM
EELGRASS BED.

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Waterfront Construction Inc.

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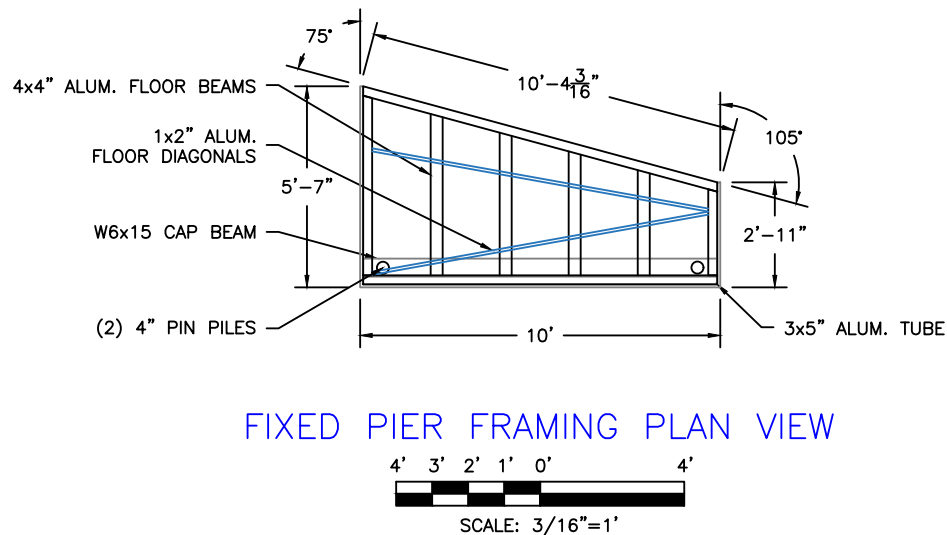
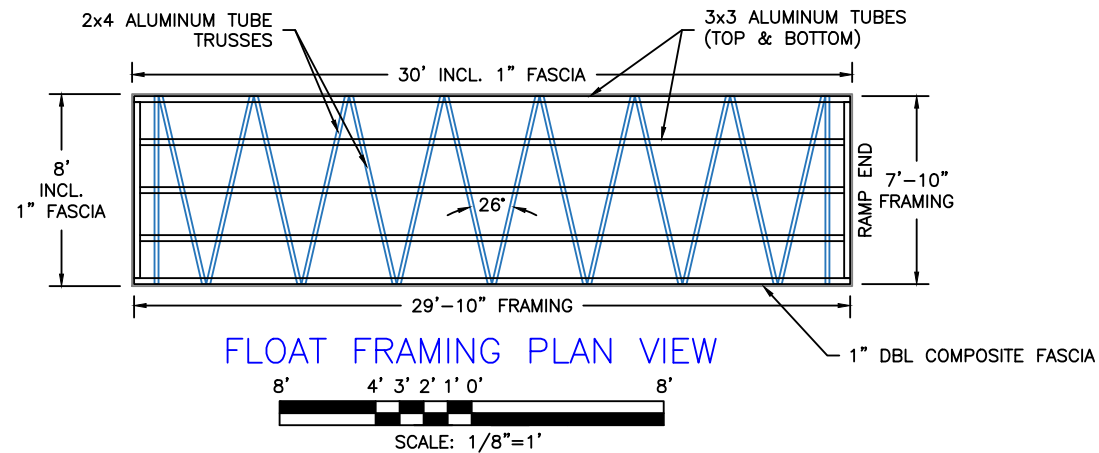
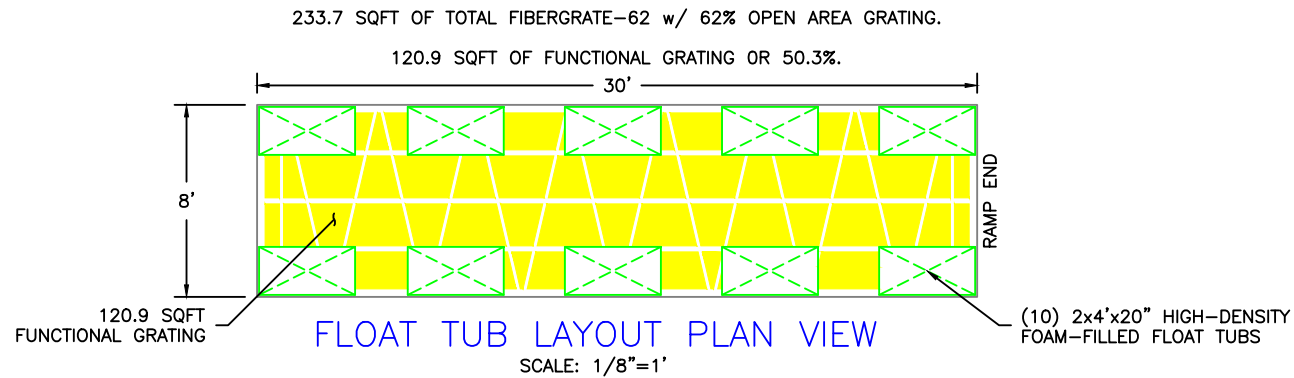
REFERENCE #:

APPLICANT: DARIN & CARRIE BOTTLNER

PROPOSED: FLOAT REPLACEMENT

SHEET: 8 OF: 13 NEAR/AT: ANACORTES/PUGET SOUND

DATE: 1/4/2024 DWG#: 23-32024-A9-8

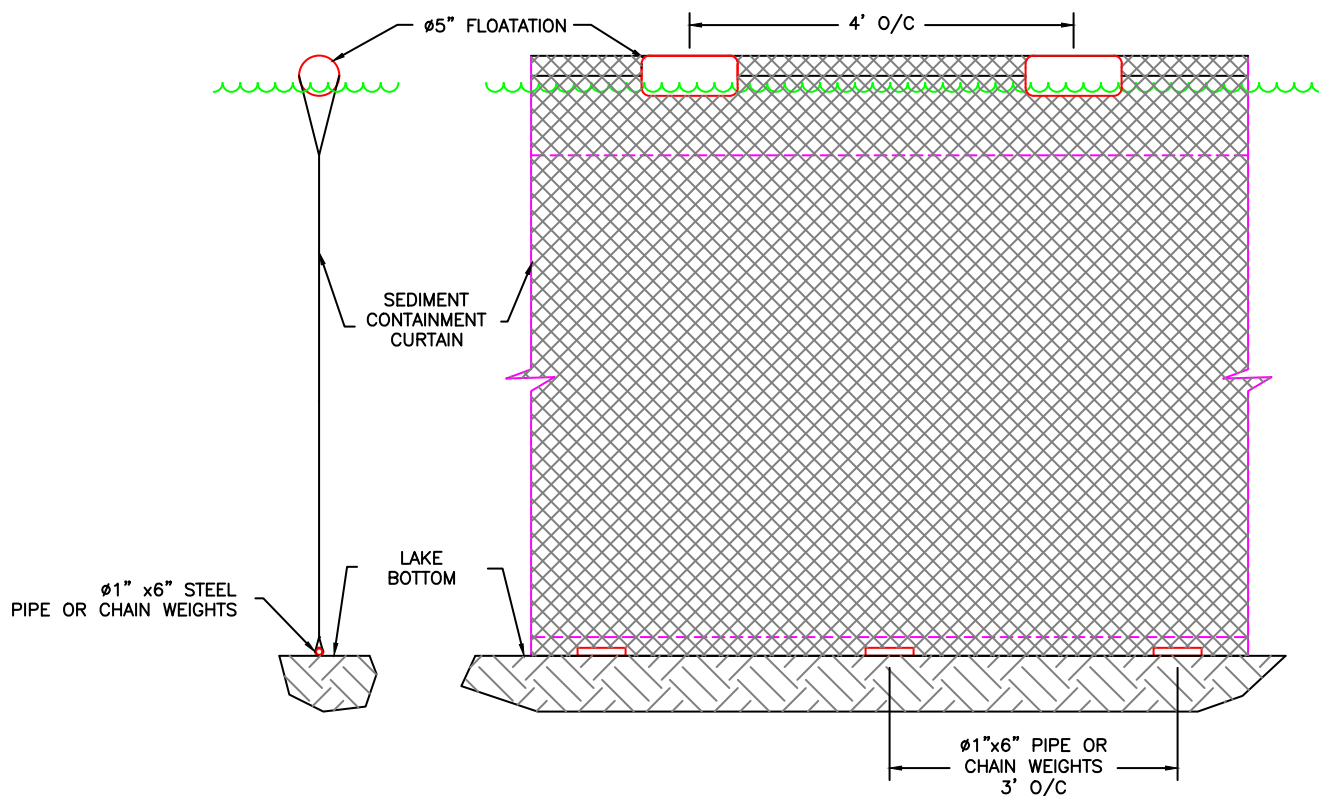


REVISED
08/29/2024

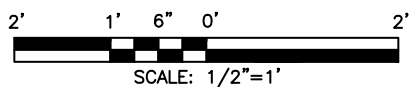
TO REPOSITION FLOAT
25' AWAY FROM
EELGRASS BED.

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REFERENCE #:	
APPLICANT: DARIN & CARRIE BOTTNER	
PROPOSED: FLOAT REPLACEMENT	
SHEET: 9 OF: 13	NEAR/AT: ANACORTES/PUGET SOUND
DATE: 1/4/2024	DWG #: 23-32024-A9-9



TEMP. FLOATING SILT CONTAINMENT FENCE



PROJECT DESIGNED BY:

Waterfront Construction Inc.

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REVISED
08/29/2024

TO REPOSITION FLOAT
25' AWAY FROM
EELGRASS BED.

REFERENCE #:

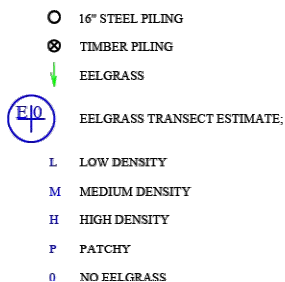
APPLICANT: DARIN & CARRIE BOTTNER

PROPOSED: FLOAT REPLACEMENT

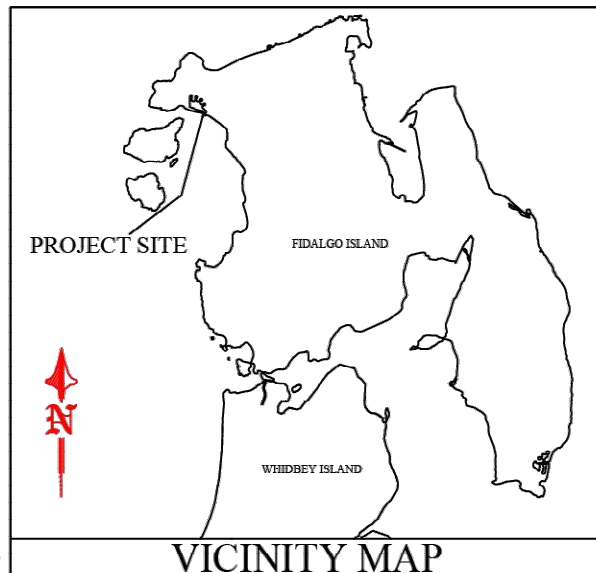
SHEET: 10 OF: 13 NEAR/AT: ANACORTES/PUGET SOUND

DATE: 1/4/2024 DWG#: 23-32024-A9-10

0 MA = no macroalgae observed
Fucus = *Fucus*
Grac. = *Gracilaria*
Sac. = *Saccharina*
Sarc. = *Sarcodiotheca*
Ulva = *Ulva*



SCALE: 1" = 20'



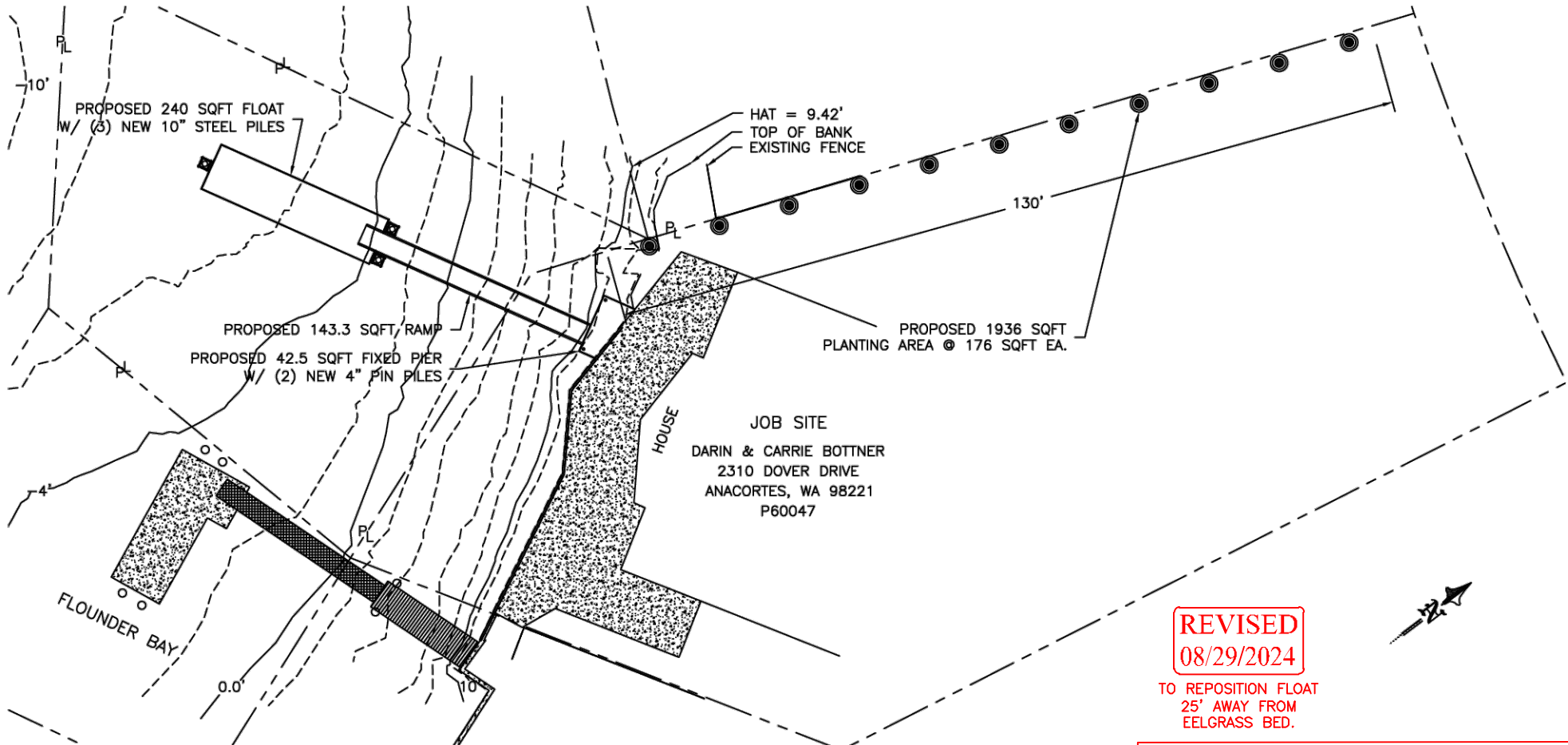
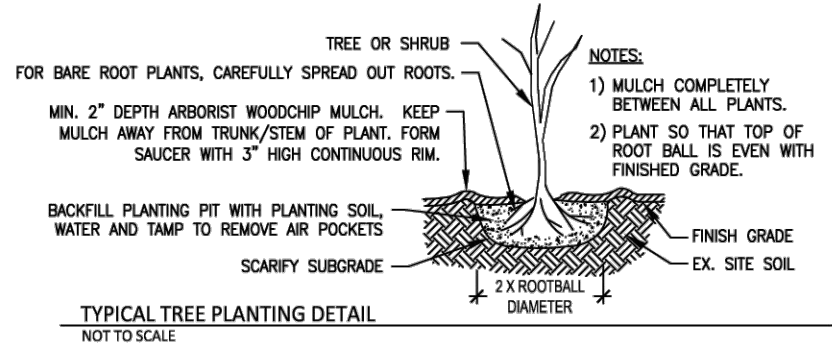
NOT CONSTRUCTION DRAWINGS

PLANT SCHEDULE

Common Name	Scientific Name	Qty	Size
OCEAN SPARAY	<i>HOLODISCUS DISCOLOR</i>	11	Min. 18" Height
Total SHRUBS:		11	

NOTES:

1. AREA CALCULATED BY UW EXTENSION WEBSITE METHOD.
2. SUGGESTED PLANTING LOCATIONS SHOWN. ACTUAL LOCATIONS WILL BE FIELD ADJUSTED AS NEEDED TO AVOID CONFLICTS.



REVISED
08/29/2024

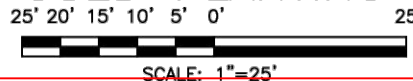
TO REPOSITION FLOAT
25' AWAY FROM
EELGRASS BED.

PROJECT DESIGNED BY:



3639 PALATINE AVE N
SEATTLE, WA 98103
206-634-9193

PROPOSED PLANTING PLAN



REFERENCE #:	
APPLICANT: DARIN & CARRIE BOTTNER	
PROPOSED: FLOAT REPLACEMENT	
SHEET: 12 OF: 13	NEAR/AT: ANACORTES/PUGET SOUND
DATE: 1/4/2024	DWG#: 23-32024-A9-12

STRUCTURAL NOTES

CODE:
THE WASHINGTON STATE BUILDING CODE (WSBC) 2021 EDITION AND THE 2009 UNIFIED FACILITIES CRITERIA (UFC). FLOATING PIER HAS BEEN DESIGNED FOR MOORAGE OF A 50 FOOT LONG MERIDIAN 490 BOAT.

LIVE LOADS:
RESIDENTIAL PIER 40 PSF

LATERAL LOADS (BASED ON ASCE 7):
WIND DESIGN DATA:
WIND SPEED 97 MPH
IMPORTANCE FACTOR 1
RISK CATEGORY II
EXPOSURE C
TOPOGRAPHICAL FACTOR 1

EARTHQUAKE DESIGN DATA (USING USGS SEISMIC HAZARD MAPS):
LATITUDE 48.49 DEGREES (°N)
LONGITUDE -122.68 DEGREES (°W)
Ss 1.164
S1 0.414
SITE CLASS D- DEFAULT
SDS 0.931
SD1 0.521
IMPORTANCE FACTOR 1.0
SEISMIC DESIGN CATEGORY D

BASIC SEISMIC-FORCE-RESISTING SYSTEM:
STEEL ORDINARY CANTILEVER COLUMN SYSTEM.
R 1.25
Cs 0.745
DESIGN BASE SHEAR (ASD) 0.261 K

PILING:
BEFORE WORK BEGINS, LOCATE ALL UNDERGROUND UTILITIES BY CONTACTING "CALL BEFORE YOU DIG" AT 1-800-424-5555 OR 811. HOWEVER, THIS SERVICE DOES NOT HAVE A COMPLETE DATABASE OF ALL OBSTRUCTIONS, THEREFORE OTHER LOCATING SERVICES MAY ALSO BE NECESSARY.

4" PIN PILING (SHOREWARD):
4" PILING SHALL BE STANDARD ASTM A53, GRADE B $F_y = 35,000$ PSI.

ALL STEEL SHALL BE HOT-DIPPED GALVANIZED IN ACCORDANCE WITH ASTM A123. REPAIR ALL SCRAPES, DINGS, WELDS, ETC., IN ACCORDANCE WITH ASTM A780.

STEEL PILING (IN WATER):
10" PILING SHALL BE STANDARD ASTM A252, GRADE "3" $F_y = 45,000$ PSI.

ALL STEEL SHALL BE HOT-DIPPED GALVANIZED IN ACCORDANCE WITH ASTM A123. REPAIR ALL SCRAPES, DINGS, WELDS, ETC., IN ACCORDANCE WITH ASTM A780.

PILE INSTALLATION:
THE PILES SHALL BE DRIVEN TO REFUSAL USING A VIBRATOR OR DIESEL HAMMER. OUR DESIGN ASSUMES THAT THERE IS A LAYER OF SOFT SOIL BELOW THE MUDLINE THAT IS UP TO 20 FEET DEEP THAT IS UNDERLAIN BY DENSE SOIL THAT IS SUFFICIENT FOR BEARING. THE DEPTH OF THIS SOFT SOIL LAYER SHOULD BE MONITORED AND RECORDED TO CONFIRM THAT IT IS NOT MORE THAN 20 FEET THICK. NOTIFY ENGINEER IF THE SOFT SOIL LAYER IS MORE THAN 20 FEET THICK. THE PILES SHALL BE DRIVEN A MINIMUM OF 5 FEET INTO THE DENSE BEARING SOIL. THE DEPTH OF EMBEDMENT INTO THE DENSE BEARING SOIL SHOULD BE MONITORED AND RECORDED TO CONFIRM THAT THE MINIMUM EMBEDMENT IS ACHIEVED. THE TOTAL EMBEDMENT DEPTH SHALL BE 10 FEET MINIMUM FOR THE 4" PIN PILES AND 16 FEET MINIMUM FOR THE 10" PILING. IF THE MINIMUM EMBEDMENTS ARE NOT REACHED, THEN OVERDRIVING OF THE PILES WILL BE NECESSARY.

STRUCTURAL STEEL (ABOVE WATER):
WIDE-FLANGE BEAMS ASTM A992 $F_y = 50,000$ PSI. CHANNELS, ANGLES, AND PLATES ASTM A36 $F_y = 36,000$ PSI. ALL FABRICATION AND ERECTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF AISC "STEEL CONSTRUCTION MANUAL."

ALL WELDS SHALL BE 3/16" MINIMUM CONTINUOUS FILLET WELDS USING AWS D1.1 CLASS E70 ELECTRODES UNLESS NOTED OTHERWISE. ALL WELDING SHALL BE PERFORMED BY WELDERS CERTIFIED BY WABO.

ALL STEEL SHALL BE HOT-DIPPED GALVANIZED IN ACCORDANCE WITH ASTM A123. REPAIR ALL SCRAPES, DINGS, WELDS, ETC., IN ACCORDANCE WITH ASTM A780.

ALUMINUM:
CHANNELS, TUBES, AND PLATES SHALL BE ALUMINUM 6061-T6 $F_{ty} = 35,000$ PSI. ALUMINUM TAPPING SCREWS SHALL BE IN ACCORDANCE WITH ASME B18.6.4. ALL FABRICATION & ERECTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE ALUMINUM ASSOCIATION "ALUMINUM DESIGN MANUAL."

STEEL FASTENERS AT ALUMINUM TO BE HOT-DIPPED GALVANIZED OR SIMILAR LEVEL OF PROTECTION. DO NOT USE STAINLESS STEEL. PROVIDE GALVANIZED BONDED SEALING WASHERS AT STEEL FASTENERS ATTACHED TO ALUMINUM.

MISCELLANEOUS:
CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS IN THE FIELD. REPETITIVE FEATURES MAY BE DRAWN OR CALLED OUT ONCE BUT SHALL BE COMPLETELY PROVIDED AS IF DRAWN IN FULL. ALL WORKMANSHIP SHALL BE OF THE HIGHEST QUALITY AND IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS AND INDUSTRY STANDARDS. PROVIDE TEMPORARY BRACING AS REQUIRED UNTIL ALL PERMANENT CONNECTIONS AND STIFFENINGS HAVE BEEN INSTALLED.

SAFETY:
THE CONTRACTOR SHALL BE RESPONSIBLE FOR DEMOLITION, TEMPORARY BRACING, SHORING, METHODS, TECHNIQUES, SEQUENCES AND PROCEDURES IN CONNECTION WITH THE WORK.

THE CONTRACTOR SHALL BE SOLELY AND COMPLETELY RESPONSIBLE FOR THE CONDITION ON THE JOB SITE, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK. THIS REQUIREMENT WILL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS.

THE REQUIRED AND/OR IMPLIED DUTY OF THE ENGINEER TO CONDUCT CONSTRUCTION REVIEW OF CONTRACTOR'S PERFORMANCE DOES NOT, AND IS NOT INTENDED TO, INCLUDE REVIEW OF THE ADEQUACY OF THE CONTRACTOR'S SAFETY MEASURES IN, ON, OR NEAR THE CONSTRUCTION SITE.

THE SEAL ON THESE DRAWINGS REPRESENTS THE ENGINEERING ANALYSIS OF FIXED PIER FRAMING MEMBERS, PIN PILES, FLOAT GUIDE PILES, AND THE FLOAT STRUCTURE.

THE DESIGN IS IN ACCORDANCE WITH THE 2021 WASHINGTON STATE BUILDING CODE AND THE 2009 UNIFIED FACILITIES CRITERIA. OUR SCOPE OF WORK DOES NOT INCLUDE THE DESIGN OF THE GANGWAY RAMP AND CONNECTIONS, BUOYANCY, UPLAND STRUCTURES, ETC.

THE SITE INFORMATION, DIMENSIONS, AND PLAN LAYOUT HAVE BEEN PROVIDED TO US BY WATERFRONT CONSTRUCTION, INC.

PACIFIC ENGINEERING JOB NUMBER: 24086.00

REVISED
08/29/2024

TO REPOSITION FLOAT
25' AWAY FROM
EELGRASS BED.

PROJECT DESIGNED BY:

Waterfront Construction Inc.

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REFERENCE #:	
APPLICANT: DARIN & CARRIE BOTTLNER	
PROPOSED: FLOAT REPLACEMENT	
SHEET: 13 OF: 13	NEAR/AT: ANACORTES/PUGET SOUND
DATE: 1/4/2024	DWG#: 23-32024-A9-13

Ecological No Net Loss Assessment, Critical Areas, and Critical Habitat Assessment Report Bottner Float Replacement

Prepared for

**Darin and Carrie Bottner
2310 Dover Drive
Anacortes, WA 98221**

Prepared by



Northwest Environmental Consulting, LLC
600 N 36th Street, Suite 425
Seattle, WA 98103
206-234-2520

May 2024

Purpose

The purpose of this report is to fulfill the requirements of the City of Anacortes Shoreline Master Program (Chapter 6.3) by assessing overall project impacts and mitigation to determine if the project meets the “No Net Loss” General Regulation of the Shoreline Master Program.

All actions and development must be designed and constructed in accordance with mitigation sequencing per AMC 19.70.125 to achieve no net loss of critical area functions and values. The sequence is as follows:

1. Avoiding the impact altogether by not taking a certain action or parts of actions;
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment or by restoring or stabilizing the critical area through natural, engineering, or other methods;
4. Reducing or eliminating the impacts or hazard over time by preservation and maintenance operations during the life of the action;
5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and/or
6. Monitoring, measuring and reporting the impact to the decision-maker and taking appropriate corrective measures.

Location

The subject property is located at 2310 Dover Drive on a residential lot on the shoreline in Anacortes, Washington (Figure 1), parcel number P60047, Skyline NO 11 Lot 33 (Shoreline Residential), (SW Quarter of Sec 27, T 35N, R 1W). The parcel is on the waterfront of Burrows Bay, which is part of the Salish Sea and supports several endangered fish species, designated priority fish species, important marine habitats and associated species.

Project Description

The owners are proposing to replace a dilapidated pier and ramp, and replace the failed float.

The existing ramp (to be removed) is anchored by a 48-square-foot concrete pier that is failing (see Photos, attached). The pier is above the HTL line and does not constitute overwater coverage. The approximately 138-square-foot ramp is attached at one end to the concrete pier and extends over the water without any float on the other side, making it unsafe to walk on.

Two derelict 16-inch steel piles will also be removed.

The failing concrete pier will be replaced with an aluminum fixed pier, approximately 70 square feet, supported by four 4-inch pin piles. The pier will connect to a new 129-sq-ft ramp (36 x 3.5 ft), which will extend to a 30-by-8-foot (240-square-foot) float connected to three 10-inch steel piles. The existing solid ramp will be replaced with a grated ramp.

The float, pier and ramp will be assembled off-site and barged in to the project location, where they will be joined to the pier and float piles.

Float stops (Sheet 6) will prevent the float from resting on the seafloor during extreme low tides.

The planting plan includes 11 ocean spray shrubs.

See Appendix A – Project Drawings.

Approach

Northwest Environmental Consulting LLC (NWECC) biologists Brad Thiele evaluated the site using site photos, aerial photographs, and online resource review to evaluate conditions on site and adjacent to the site. NWECC consulted the following sources for information on potential critical fish and wildlife habitat along this shoreline:

- Skagit County Property Search (Skagit County 2023)
- U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) (USFWS 2023)
- Washington Department of Fish and Wildlife (WDFW), Priority Habitats and Species Program (PHS) (WDFW 2023)
- WDFW SalmonScape (WDFW 2023)
- WDFW Forage Fish Maps (WDFW 2023)
- Washington Department of Natural Resources (WDNR), Puget Sound Eelgrass Monitoring Program (WDNR 2023)
- WDNR, Wetlands of High Conservation Value (WDNR 2023)

Site Description

The subject property is in an urban residential neighborhood along the shoreline of the entrance to Flounder Bay from Burrows Bay in the Skyline neighborhood of Anacortes. Single-family houses are present along the shoreline. Most of Flounder Bay is developed with the Skyline Marina. Pictures of the site are included in Attachment B- Site Photos.

The area is a marine waterfront residential neighborhood and the shoreline consists of rocky shorelines. The bay was originally a log pond for the Walton's Lumber Company (Anacortes Museum and Maritime Heritage Center 2023). The marina was recently dredged in August 2010. The shoreline has been altered with constructed pocket bays, and the site has a flat lawn with some ornamental plants.

Substrates along the shoreline consist of angular rocks along the base of the rock bulkhead, about 15 feet from shore substrates transition to gravel and sand with cobbles. There is an eelgrass bed mapped about 17 feet from the waterward edge of the new float (Sheet 3).

Critical Areas

The City of Anacortes regulates Critical Areas under ANC 19.70 that may occur on or near the property. NWECC reviewed online sources on the presence of these important species and habitats. Table 1 shows Critical Areas presence in the area.

Table 1 – Critical Areas Presence

Critical Area Type	Presence	Source
Geologically Hazardous Area	Shoreline slope stability and tsunami hazard	City of Anacortes Critical Areas Map
Wetlands	Estuarine and Marine Deepwater Wetland	City of Anacortes Critical Areas Map
Frequently Flooded Areas	Yes	FEMA Flood Map Zone AE
Fish and Wildlife Habitat Conservation Areas	None at the residence; surf smelt spawning at the breakwater to Flounder Bay; sand lance spawning along Burrows Bay shoreline; abalone present in Burrows Bay.	WDFW PHS on the Web, City of Anacortes Critical Areas Map
Critical Aquifer Recharge areas	No	City of Anacortes Critical Areas Map

Fish and Wildlife Habitat Conservation Areas (FWHCAs)

The City of Anacortes regulates FWHCAs (AMC 19.70) that may occur on or near the property. NWECC reviewed online sources on the presence of these important species and habitats. Table 2 shows FWHCA presence in the area.

Proposal has been modified to locate the float 25-feet from eelgrass bed.

Table 2 – FWHCA Presence

FWHCA type	Presence	Source
Critical Saltwater Habitat	Eelgrass bed about 17 feet from the waterward edge of the proposed float	JenJay survey 9-13-23
Naturally occurring ponds less than 20 acres in size	No	City of Anacortes Critical Areas Map
Riparian management zones	No	City of Anacortes Critical Areas Ordinance AMC 19.72
Lakes and streams stocked by government or tribal entities	No	City of Anacortes Critical Areas Map
Anadromous fish habitat	Yes	PHS on the Web
DNR natural area preserves, resource conservation areas and state wildlife areas	No	Critical Areas Maps, PHS on the Web
DNR rare plants and high quality ecosystems	No	DNR Natural Heritage Program Database
State Priority Habitats and Species	Shellfish areas 700 ft south of the site; aquatic habitat, forage fish (sand lance)	WDFW PHS on the Web

	spawning 400 feet south of the site	
Species of Local Importance	No	City of Anacortes Critical Areas Ordinance AMC 19.72

Project Impacts and Conservation Measures

Direct Impacts:

Sedimentation Runoff: The project will not create any new impervious surface. The existing concrete 48-square-foot, non-pollution-generating surface will be removed and replaced with an aluminum framed fixed pier with grated decking. The ground surface below is covered in rip rap so no stabilization of exposed earth is required after the concrete is removed.

Shoreline: Planting native vegetation will increase the habitat functions of the shoreline by creating shade along the shoreline that will be an improvement from the existing baseline habitat conditions at the project site. The oceanspray shrubs will provide structural diversity for birds and wildlife, leaf litter and other allochthonous food sources to marine waters and provide shading along the shoreline. The proposed planting plan can be found in Appendix A.

Shading: The project will maintain an artificial structure on the shoreline. A concrete block walkway will be removed from the shoreline and replaced with a grated fixed pier, which will have a positive effect on the shoreline. Overwater coverage will be changed as shown below:

Element	Existing (sq ft)	Proposed (sq ft)	Change (sq ft)
Pier*	48	70	22
Ramp	138	129	-9
Float		240	240
Less Overlap		-11	-11
Total	138	358	220

* Not overwater

The new float will have 120.9 square feet (50.3%) of functional grating using Ecograte62 (62% open space). With 62 percent light penetration, this reduces the effective overwater coverage of the new float to 75 square feet. The existing ramp is not grated, the new ramp will be grated with Ecograte62 (62% open space). The new ramp will reduce overwater coverage by 9 square feet and reduce total effective overwater coverage by an additional 80 square feet at the site. The existing concrete walkway and proposed grated pier are not overwater.

The new structures will add an additional 198 square feet of overwater coverage at the site. Using grated decking minimizes the new overwater coverage to 123 square feet. The old float was about 8 feet wide by 42 to 46 feet long, or 336 to 368 square feet with concrete decking. The overall new design is more than 210 square feet reduction in overwater coverage compared to the former design. Float stops (Sheet 6) will prevent the float from grounding out on the bottom during extreme low tides.

Noise: Construction equipment will create construction noise audible to neighbors. Construction noise will be typical of construction sites from use of hand tools. If the concrete shore mount cannot be lifted and removed in one piece by the barge mount crane, impact equipment will be used briefly to break up the concrete pier. A vibratory driver will be used to drive four 4-inch pin

piles and three 10-inch steel piles. Noise disturbance will be short-term and should have negligible effects on fish and wildlife in the area.

Propeller noise from construction tugs and moored vessels can produce noise levels that may exceed the disturbance threshold for fish. Boats can produce sound levels that are considered harmful to fish; however, work tugs and boats using the moorage will not operate at wide open throttle so these noise levels will not occur from construction related tugs or moored vessels. During operation of moored vessels, the sounds will be brief as boats enter and leave the marina and not expected to have a significant effect on fish species.

Underwater noise will occur during pile driving and extraction activities. Information about noise from 10-inch-diameter piles is not available, so 12-inch-diameter values were used.

Conservative measures of predicted noise pressure from vibratory pile driving at close range (10 m) are expected to be approximately 155 dB RMS and 155 dB SEL for 12-inch diameter pipe piles (WSDOT 2020 and Caltrans 2015).

Thresholds for behavioral effects and injury for fish and marine mammals are shown below:

Underwater Noise Effect Thresholds

	Behavioral Effects	Injury Threshold
Salmonids	150 dB _{RMS}	206 dB _{PEAK} 187 dB _{SEL} adults 183 dB _{SEL} juveniles
Cetaceans	120 dB _{RMS}	202 dB _{RMS} continuous 173 dB _{SEL} non-explosive impulsive or intermittent
Marbled Murrelets	150 dB _{SEL}	202 dB _{SEL}

Source: NMFS and USFWS 2023

Given that the piles are smaller than the 12 inches used for the expected noise values, it is unlikely that the disturbance threshold for salmonids will be reached. If it is reached, it will only be for a very small radius.

The disturbance threshold for cetaceans will be reached for a radius of up to 2,154 meters, limited by landforms in the area. The project area is close to the mouth of Flounder Bay, and noise will be limited to within the bay and a narrow swath through Burrows Bay, mostly in shallower waters than are generally used by cetaceans.

Total duration of underwater noise from pile driving will be a maximum of 90 minutes.

Temporary Turbidity: Minor turbidity may result from bottom-disturbing activities (pile installation and removal), and prop wash from the work tug. This turbidity is expected to be minor and short in duration, settling out within 2 hours. Care will be taken when positioning piles for installation, so there is minimal scraping along the bottom. Piles will be lifted slowly from the water, and the work barge will be lined with filtration material so sediments clinging to the piles do not wash back into the water. The tug will be operated at the lowest throttle position necessary to move the vessel. The work area will be surrounded by a silt curtain to confine any turbidity to a small area while it settles out.

Potential spills: Short-term risks include the potential for petroleum spills that can occur with any heavy equipment operation. The level of impact to the aquatic environment is expected to be minor because of the amount of petroleum products available for spillage during typical construction activities, and because of spill containment measures that will be employed including: degreasing and cleaning of all equipment prior to use; refueling and maintenance of equipment on uplands; spill response kits and clear notification procedures will be in place in case of emergencies; and implementation of a Spill Prevention Containment and Countermeasures (SPCC) plan.

Best Management Practices: Applicable BMPs will be used. Any construction debris will be removed from the site. If gasoline powered tools are used, they will be refueled at least 200 feet from the shoreline or in specific containment areas on the work barge. Care will be taken not to touch the bottom with barge anchors in the eelgrass area.

A floating boom and silt curtain will be placed around the project area while work is being done. The area inside the boom will be cleared of floating debris before the boom is removed. Spill containment and removal materials will be kept onsite.

Piles will be pulled up slowly to minimize turbidity. Sediment bonds will be broken by running the vibratory hammer at low power before the piles are gently lifted. Holes left by pile removal will be filled, if needed, with clean sand that matches the existing substrate in texture and composition. If a pile is broken during removal, it will be cutoff below the mudline per permit requirements.

Critical Areas: FWHCAs are present at or near the site.

FHWCA:

ESA listed Species: Aquatic ESA listed fish and mammal species occur in the area. The work will not increase impervious surface. Access to the beach is already possible at low tide. Construction will minimize effects on listed species. The work will be done during the allowed work window to avoid harm to juvenile salmon, and the water is too shallow to be accessed by Southern Resident Killer Whales or Humpback whales. The disturbance threshold for cetaceans will be reached for a distance of 2,154 meters, limited by landforms. A narrow swath through Burrows Bay will experience disturbance-level noise for a period of approximately 90 minutes.

Kelp and Eelgrass Beds: Care will be taken not to anchor the work barge in the eelgrass bed adjacent to the project site. The dock repairs and floats are not above the eelgrass beds, so shading from the new float will not shade the existing eelgrass bed.

Forage Fish: No spawning is documented on the beach. Spawning is documented in nearby areas, but not at the project site. Forage fish habitat will not be affected due to a lack of presence at the site.

Critical Aquifer Areas: This is not a critical aquifer recharge area. According to the Skagit County interactive map, this is a potential saltwater intrusion area (where saltwater could penetrate the water table). The proposed project will have no effect on critical aquifer areas.

Conservation Credits: The project requires approval from the National Marine Fisheries Service (NMFS). NMFS has developed a calculator to determine appropriate conservation costs for proposed in-water structures in Puget Sound. NMFS has established a conservation credit system that can be purchased from providers. The owner is not able to complete the required conservation credits at the subject property and the property owner has opted to pay into the Puget Sound Partnership to mitigate project impacts.

The fee was determined using the Puget Sound Nearshore Conservation Calculator.

IMPACT MINIMIZATION AND MITIGATION

Reasonable efforts were made to apply mitigation sequencing when altering habitats within shoreline areas, as required by City Code. This sequence has three steps: avoidance, minimization, and mitigation.

Avoidance and Minimization

The pier repair and shoreline improvements are being done to maintain the moorage structure and improve shoreline conditions.

During construction, BMPs will be used to prevent construction debris from entering the marine environment. All construction debris will be removed from the site.

Additional avoidance and minimization measures include the following:

- Float is designed using aluminum frame work to reduce the guide piles to 10" dia. and from 4 to 3;
- No use of treated wood for any in-water structures or components are proposed;
- Piles will be galvanized steel and the smallest size and quantity practicable;
- No impact pile driving or proofing will occur;
- Piles will be capped to prevent perching by predatory birds.

Mitigation Approach

The owner proposes to grate the existing pier ramp, remove a concrete ramp and two derelict pilings and plant native trees and/or shrubs. The owner has opted to pay a mitigation fee using the Puget Sound Near Shore Calculator. The fee will be paid to the Puget Sound Partnership.

Shoreline Functions and Values Improvements

Decreasing shading by using grated decking can increase productivity in the waters. Changing the dock to grated decking will improve juvenile fish migration functions of the nearshore by reducing hard shadows that sometimes cause juvenile salmonids to hesitate before passing under a structure.

A shoreline planting plan will be implemented that will add native trees and/or native shrubs to the shoreline that will provide natural shading, allochthonous food sources and will eventually be a source of woody materials that will improve shoreline conditions at the site in the long-term.

Proposed Mitigation

Mitigation Goals

The mitigation goals include using grating decking, removing a 48 square foot concrete pier, removing two 16-inch derelict steel mooring piles, planting native trees and/or shrubs and using the Puget Sound Nearshore Calculator to determine additional mitigation.

Performance Standards

The performance standards include reducing effective overwater coverage in the nearshore environment by using grated decking, removing piling and a concrete ramp, and paying into the Puget Sound Partnership Conservation Program. These performance standards will be complete upon completion of the project.

Shoreline plantings shall maintain a 100% survival for the 5 years. For proper functioning, species diversity will be maintained. The planting areas will maintain plantings for the 5-year monitoring period.

Planting Plan

Shrubs and trees will be containerized or bare root. The planting layouts, details, and quantities are shown in Appendix A – Sheet 12 of 12.

Schedule and Maintenance

Plantings shall be installed in the same season or before completion of the dock construction. Watering will be required for at least the first year after planting during the summer months, and any invasive plants removed.

Maintenance and Monitoring Program

To ensure that the performance standards are met, plantings will be counted in August or September for survival for five years. All dead plantings will be replaced with similar native plants so that 100% survival is reached for the monitoring period.

Compliance With Development Regulations

The City of Anacortes Shoreline Management Program, Chapter 6.C, DR-6.7.1, states:

Water-dependent development and uses, including marinas, docks, piers, mooring areas, underwater parks, utility crossings, and shoreline modifications, shall not intrude into or be built over critical saltwater habitat unless the applicant can show that all of the following criteria can be met:

a. The use preference listing in RCW 90.58.020 for uses in Shoreline of Statewide Significance shall be adhered to.

Response: This is not a new land use decision; the project is to restore a previously permitted residential dock in a residential neighborhood where every shoreline residence has a dock. The replacement float and access pier and ramp will be built with better materials than the original, and placed in the same footprint.

b. The public's need for such a structure is clearly demonstrated and an alternative alignment or location on the applicant's property that would avoid impacts to critical saltwater habitats is not feasible or would result in unreasonable and disproportionate cost to accomplish the same general purpose. An alternatives analysis will be required for any non-exempt project proposed within FWHCAs. The analysis should include in part, shoreline bathymetry, shoreline features at the site, and substrate composition.

Response: The structure is being placed in the same footprint as the original, avoiding new disturbance. The replacement structure will be built with less intrusive materials. The concrete pier will be replaced with grated aluminum, and the ramp and float will be built with grated decking. This is a replacement, not a new structure.

c. The project is consistent with the state's interest in resource protection and species recovery.

Response: The structures are being built with materials that meet state agency standards and will improve conditions over existing for fish using the shoreline.

d. Impacts to critical saltwater habitat functions are mitigated to result in equal or better ecological function.

As stated in C, conditions will be improved over existing. Two derelict piles will be removed, and grated decking materials will replace the previous solid materials.

Conclusion

There will be temporary impacts from noise and disturbed sediments during construction. The effects of construction will be short term. Construction disturbance will degrade ecological conditions at the site temporarily. Permanent impacts will occur from maintaining an overwater structure that will create shading and add piling to the aquatic habitat.

The project will minimize construction effects on the environment by following the prescribed fish window and using applicable BMPs to prevent construction spills, turbidity, and floating debris from escaping the area. The construction crew will retrieve all dropped items from the bottom and dispose of them properly. The new float will be grated, and the fixed pier that will replace the concrete pier is also grated above the High Tide Line.

A shoreline planting plan will be implemented that will add a native shrubs that will improve natural shading and provide additional vertical structure in the riparian zone, and will improve shoreline conditions at the site in the long-term.

The shoreline will be improved by removing 2 steel piles and a concrete ramp. All new decking (pier, ramp, and float) will be grated reducing effective overwater coverage along the shore and in the nearshore environment. The owner will purchase conservation credits from the Puget Sound Partnership.

The conservation measures are designed to improve ecological functions or prevent further degradation of habitat **and will result in No Net Loss of ecological functions.**

Document Preparers

Brad Thiele	Biologist	30 years of experience	Northwest Environmental Consulting, LLC (NWECC)
Kristin Noreen	Permit Specialist	22 years of experience	Northwest Environmental Consulting, LLC (NWECC)

The conclusions and findings in this report are based on field observations and measurements and represent our best professional judgment and to some extent rely on other professional service firms and available site information. Within the limitations of project scope, budget, and seasonal variations, we believe the information provided herein is accurate and true to the best of our knowledge. Northwest Environmental Consulting does not warrant any assumptions or conclusions not expressly made in this report, or based on information or analyses other than what is included herein.

REFERENCES

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- Washington Department of Fish and Wildlife (WDFW). 2023. Priority Habitats and Species.
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<http://wadnr.maps.arcgis.com/apps/webappviewer/index.html?id=83b8389234454abc8725827b49272a31>. Accessed December 2023.

SEPA¹ 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.

¹ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/Checklist-guidance>

A. Background

[Find help answering background questions](https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-A-Background)²

1. Name of proposed project, if applicable:

Bottner, Carrie – New float, ramp and access pier

2. Name of applicant:

Carrie Bottner

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

2310 Dover Dr Anacortes, WA 98221

4. Date checklist prepared:

~~1-11-24, 6-6-24, 8-12-24~~

10-7-24

5. Agency requesting checklist:

City of Anacortes

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

As permits allow and within approved work window.

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

None at this time.

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

a Biological Evaluation which includes a Habitat Survey in reference to Eelgrass and Macroalgae for the project area. A copy will be provided to the City of Anacortes.

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.

There are no other applications for governmental approvals pending at this time.

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

Shoreline Substantial Development- City of Anacortes

SEPA Determination—City of Anacortes

Building Permit- City of Anacortes

Hydraulic Project Permit- WA Department of Fish and Wildlife

Section 10/404 Permit-U. S. Army Corps of Engineers

Water Quality Certification- WA Department of Ecology (If required)

² <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-A-Background>

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.)

The proposal is to construct a new ramp, float and fixed access pier to provide private moorage. The project includes:

- An 4' x 10' fully grated (43% open area) access pier on 2- 4" steel piles
- A 4' x 40' fully grated (62% open area) ramp
- An 8' x 30' fully grated (62% open area) float resulting in 50.3% functional grating
- Install (3) 10" steel guide piles.

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 proposed project is located at private residence Lot 33 Skyline No. 11 in Flounders Bay, Puget Sound

Site address is 2310 Dover Dr, Anacortes, WA 98221, Skagit County Section 27 Township 35, Range 01, at Lat: 48.4912, Long: -122.6758 Parcel # P60047

B.Environmental Elements

1. Earth

[Find help answering earth questions](https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-b-environmental-elements/environmental-elements-earth)³

a. General description of the site:

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

Note: The site is a low bank waterfront lot occupied by a single family residence with concrete patio. The work on this project will take place near the shoreline and in the water. All work will be done from a construction barge with no access from the upland.

³ <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-b-environmental-elements/environmental-elements-earth>

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

The rip-rap bulkhead is approximately a 40% 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.

The soil is a combination of imported topsoil and typical glacial till: silt with clay. There are no known agricultural soils of significance in the area.

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

No

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.

There is no change to the percentage of the site covered by impervious surfaces. This project does not affect the number, type, and intensity of impervious surfaces.

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

No

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

No change to the percentage of the site covered by impervious surfaces.

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

An in-water silt containment curtain will be placed to contain any debris or suspended soils from driving.

2. Air

[Find help answering air questions](https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-Air)⁴

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.

Equipment will be running off and on throughout the on-site construction phase. Once construction is complete, there will be no emissions.

⁴ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-Air>

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

There are none known.

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

Only operate equipment when needed and turned off when not in use. Proper Equipment maintenance. Equipment will be checked daily and any necessary repairs will be made prior to use.

3. Water

[Find help answering water questions](#)⁵

- a. Surface:**

[Find help answering surface water questions](#)⁶

- 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.**

Yes. Flounder Bay which flows into the Puget Sound.

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

Yes, The proposal is to construct a new ramp, float and fixed access pier to provide private moorage. Please see attached project 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.**

None.

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

No.

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

the house as Zone X and the dock as Zone AE

⁵ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-3-Water>

⁶ <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>

- 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, there will be no discharge of waste materials into surface waters.

b. Ground:

[Find help answering ground water questions](#)⁷

- 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.

- 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.**

None.

c. Water Runoff (including stormwater):

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

Water runoff is not affected/altered by this project.

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

As with any project involving the moving of materials there is a chance that debris could enter marine waters. All precautions will be taken to prevent this from happening. Although not anticipated, should any debris fall into marine waters it will be retrieved immediately and placed on the construction barge for disposal upon completion of the work.

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

No.

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

None needed or proposed.

⁷ <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>

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 Algae: fucus, gracilaria, saccharina, sarcodiotheca, and ulva.

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

None

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.

Plant 11 shrubs

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

5. Animals

[Find help answering animal questions](#)⁸

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:

⁸ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-5-Animals>

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

Marbled murrelet
Bull trout
Chinook salmon
Steelhead
Southern resident Killer Whale
Bocaccio Rockfish

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

Yes, all of Washington is in the Pacific Flyway

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

Removal of 70 sf of impervious surface (concrete) from nearshore and re-vegetation with ocean spray shrub.

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

None Known

6. Energy and natural resources

[Find help answering energy and natural resource questions](#)⁹

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.

None

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

No

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

None

7. Environmental health

[Health Find help with answering environmental health questions](#)¹⁰

⁹ <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>

¹⁰ <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.**

None

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

None known

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

None

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.**

None

4. **Describe special emergency services that might be required.**

No requirement for emergency service is anticipated. However, should they be needed, the Washington Department of Ecology, an Emergency Response Cleanup Team, and WDFW will be contacted and call the Anacortes spill hotline @ 360-293-1921.

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

A hazardous spill management plan will be present on-site. Spill clean-up and containment materials will also be on-site. Included in the clean-up packets will be containment booms, materials designed to absorb petroleum produces, and plastic bags to be used for material transport. No measures to reduce or control hazards are proposed.

b. Noise

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

None

- 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)?**

Noise will be generated by construction equipment intermittently when equipment is in use. Underwater noise will be elevated during vibratory pile driving and may affect the behavior of marine mammals. A Marine Mammal Protection plan will be implemented to prevent harassing Endangered Species Act listed marine mammals.

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

Construction will be limited to approved hours during the workweek. Equipment only operated when needed and turned off when not in use. Off-site pre-fabrication of the pier, ramp, and float prior to on-site hand assembly. All materials and construction equipment will be barge transported to/from site.

8. Land and shoreline use

[Find help answering land and shoreline use questions](#)¹¹

- 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.**

Site: Single Family Residence

Adjacent: Single Family Residence

- 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.**

Single Family Residence with attached garage and 48 sf concrete pier.

In-/over water structure include a 130sf derelict ramp and 2 – 16” dia. steel piles.

¹¹ <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>

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

b. 48 sf Failing concrete pier, 130 sf ramp, and 2- 16" dia. steel piles

a. What is the current zoning classification of the site?

R2 (Residential Low Density 2)

b. What is the current comprehensive plan designation of the site?

RLD2 (Residential Low Density 2)

c. If applicable, what is the current shoreline master program designation of the site?

Shoreline Residential.

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

Parcel is located in tsunami inundation area. This site is identified as a critical saltwater habitat.

e. Approximately how many people would reside or work in the completed project?

None

f. Approximately how many people would the completed project displace?

None

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

None

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

None

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

None

9. Housing

[Find help answering housing questions](https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-9-Housing)¹²

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

N/A

¹² <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-9-Housing>

- 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](#)¹³

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

The guide piles will be approximately 10' above the Mean Higher High Water Line.

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

None

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

None

11. Light and glare

[Find help answering light and glare questions](#)¹⁴

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

None

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

No

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

None

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

None

¹³ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-10-Aesthetics>

¹⁴ <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?**

Water recreation opportunities at the site include boating, swimming, skiing, and fishing.

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

No. The proposed project would enhance the opportunities for recreational boating, swimming and water access for the owners and their guests.

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

None

13. Historic and cultural preservation

[Find help answering historic and cultural preservation questions](#)¹⁵

- 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.**

No

- 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.**

None

- 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.**

Review of GIS data and department of archeology found no cultural or historical near project site. DAHP WISSARD mapping had NO historic properties identified.

- 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.**

Float is designed with a patented truss design to reduce guide piles needed from 4 to 3.

¹⁵ <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](#)¹⁶

- 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 currently accessed from Anaco Beach Road and by working your way down to the waterfront using residential streets. The property is directly accessed from Dover Drive. All construction materials and equipment will be transported to site via barge.

- b. Is the site or affected geographic area currently served by public transit? No If so, generally describe. If not, what is the approximate distance to the nearest transit stop?** Unknown

- 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).**

None

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

Yes, project is located near Bayside Marina and Skyline Marine Center

- 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.**

No

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

Recreational boat traffic in Flounder Bay although the work area is well away from navigational lanes for other residents or the marina.

¹⁶ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-14-Transportation>

15. Public services

[Find help answering public service questions¹⁷](#)

- 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

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

None needed or proposed

16. Utilities

[Find help answering utilities questions¹⁸](#)

- 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.

None

C. Signature

[Find help about who should sign¹⁹](#)

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 Christy Dopp

Type name of signee: Christy Dopp

Position and agency/organization: Authorized Agent, Waterfront Construction, Inc

Date submitted: 10-7-24

¹⁷ <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>

¹⁸ <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-b-environmental-elements/environmental-elements-16-utilities>

¹⁹ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-C-Signature>

D. Supplemental sheet for nonproject actions

[Find help for the nonproject actions worksheet²⁰](#)

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?**

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

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

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

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

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

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?**

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

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?**

²⁰ <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-d-non-project-actions>

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

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

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

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



WASHINGTON STATE

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

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



US Army Corps
of Engineers®
Seattle District

AGENCY USE ONLY

Date received: _____

Agency reference #: _____

Tax Parcel #(s): _____

Part 1–Project Identification

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

Bottner, Carrie – Float replacement

Part 2–Applicant

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

2a. Name (Last, First, Middle)

Carrie Bottner

2b. Organization (If applicable)

2c. Mailing Address (Street or PO Box)

2310 Dover Dr

2d. City, State, Zip

Anacortes, WA 98221

2e. Phone (1)

2f. Phone (2)

2g. Fax

2h. E-mail

360-622-6003

cbottner95@gmail.com

¹Additional forms may be required for the following permits:

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

²To access an online JARPA form with [\[help\]](#) screens, go to

http://www.epermitting.wa.gov/site/alias_resourcecenter/jarpa_jarpa_form/9984/jarpa_form.aspx.

For other help, contact the Governor's Office for Regulatory Innovation and Assistance at (800) 917-0043 or help@oria.wa.gov.

Part 3—Authorized Agent or Contact

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

3a. Name (Last, First, Middle)			
Christy Dopp			
3b. Organization (If applicable)			
Waterfront Construction, Inc			
3c. Mailing Address (Street or PO Box)			
205 NE Northlake Way, Suite 230			
3d. City, State, Zip			
Seattle, WA 98105			
3e. Phone (1)	3f. Phone (2)	3g. Fax	3h. E-mail
206-586-5559			christy@waterfrontconstruction.com

Part 4—Property Owner(s)

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

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

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

Part 5–Project Location(s)

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

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

5a. Indicate the type of ownership of the property. (Check all that apply.) [help]			
☒ Private			
☐ Federal			
☐ Publicly owned (state, county, city, special districts like schools, ports, etc.)			
☐ Tribal			
☐ Department of Natural Resources (DNR) – managed aquatic lands (Complete JARPA Attachment E)			
5b. Street Address (Cannot be a PO Box. If there is no address, provide other location information in 5p.) [help]			
2310 Dover Dr.			
5c. City, State, Zip (If the project is not in a city or town, provide the name of the nearest city or town.) [help]			
Anacortes, WA 98221			
5d. County [help]			
Skagit			
5e. Provide the section, township, and range for the project location. [help]			
¼ Section	Section	Township	Range
SW	27	35N	01E
5f. Provide the latitude and longitude of the project location. [help]			
Example: 47.03922 N lat. / -122.89142 W long. (Use decimal degrees - NAD 83)			
LAT: 48.4912 LONG: -122.6758			
5g. List the tax parcel number(s) for the project location. [help]			
The local county assessor's office can provide this information.			
P60047			
5h. Contact information for all adjoining property owners. (If you need more space, use JARPA Attachment C.) [help]			
Name	Mailing Address	Tax Parcel # (if known)	
Meier, Rober C	2308 Dover Drive	P60045	
	Anacortes, WA 98221		
Nickols, Eric D	2312 Dover Drive	P60048	
	Anacortes, WA 98221		

5i. List all wetlands on or adjacent to the project location. [help]
5j. List all waterbodies (other than wetlands) on or adjacent to the project location. [help]
Flounder Bay/ Burrows Bay
5k. Is any part of the project area within a 100-year floodplain? [help]
☒ Yes ☐ No ☐ Don't know
5l. Briefly describe the vegetation and habitat conditions on the property. [help]
Upland there is primarily grass. Shoreline substrate consists of rock, clay, mud, and gravel. Below the water there is mud, with little to no natural vegetation as Flounder Bay is a dredged marina. Water depth ranges from approximately 10 to 15 feet. Due to neighborhood's strict view restrictions in the covenants and glass panel fence and concrete patio extending to a point immediately upland of the existing rip rap the applicant is proposing planting shrubs.
5m. Describe how the property is currently used. [help]
Property is currently used as a single family residential with a residence. Private ramp, mooring piles, and floating dock are used recreationally.
5n. Describe how the adjacent properties are currently used. [help]
Adjacent properties currently used as single family residence/ residential, with moorage structures used for recreation.
5o. Describe the structures (above and below ground) on the property, including their purpose(s) and current condition. [help]
Upland includes single family home and parking area. There is a ramp and concrete shore mount that are in less than fair condition. Also, 2 steel mooring piles are installed in the water that are spaced wider than the allowable float length. Non-commercial in nature
5p. Provide driving directions from the closest highway to the project location, and attach a map. [help]
From I-5 N take exit 230 onto Highway 20 towards Anacortes. Continue on Highway 20 until the roundabout, turn right onto Commercial Drive. Turn left onto 12 th Street, towards the ferry landing. Continue past the ferry landing onto Sunset Ave. From Sunset Ave turn left onto Skyline Way, left onto Kings Way, right onto Cay Way. Then turn left onto Doon Way and the home is on the right.

Part 6–Project Description

6a. Briefly summarize the overall project. You can provide more detail in 6b. [\[help\]](#)

New 8'x30' float, ramp and access pier. Project scope removes 2 existing 16" dia. piles and proposes adding 3- 10" steel piles to secure new aluminum framed float with high density foam-filled pontoons. Remove 70 sf concrete pier in nearshore and install a 43sf framed pier on 2 pin piles with light transferring grated deck as well as a new grated 40' x 3'-7" aluminum ramp.

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

The proposed project will provide private, adequate and safe moorage for the applicant's recreational water craft.

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

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

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

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

☐ Other:

6e. Describe how you plan to construct each project element checked in 6d. Include specific construction methods and equipment to be used. [help]
- Identify where each element will occur in relation to the nearest waterbody. - Indicate which activities are within the 100-year floodplain.
- Fabricate aluminum beam float with decking offsite; - Load construction materials and equipment on crane barge and mobilize to jobsite; - Remove concrete shore mount and existing ramp. Store on barge to be dispose of upland; - vibratory pile drive 2 – 4” pin piles for new access pier - vibratory pile drive three (3) new 10” steel piles - Install new floating dock. Floats will be high density foam-filled pontoons. - Install pre-fabricated fixed pier; - Install new ramp to fixed pier and float; - Mobilize to WCI Seattle yard; Dispose of demolition debris at an approved upland site.
6f. What are the anticipated start and end dates for project construction? (Month/Year) [help]
If the project will be constructed in phases or stages, use JARPA Attachment D to list the start and end dates of each phase or stage.
Start Date: <u>TBD when permits</u> are in place, subject to applicable in water windows End Date: <u>TBD when permits</u> are in place, subject to applicable in water windows ☐ See JARPA Attachment D
6g. Fair market value of the project, including materials, labor, machine rentals, etc. [help]
Approximately \$90,000
6h. Will any portion of the project receive federal funding? [help]
If yes, list each agency providing funds.
☐ Yes ☒ No ☐ Don't know

Part 7–Wetlands: Impacts and Mitigation

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

7a. Describe how the project has been designed to avoid and minimize adverse impacts to wetlands. [help]
☒ Not applicable

7b. Will the project impact wetlands? [\[help\]](#)

☐ Yes
☒ No
☐ Don't know

7c. Will the project impact wetland buffers? [\[help\]](#)

☐ Yes
☐ No
☐ Don't know

7d. Has a wetland delineation report been prepared? [\[help\]](#)

- If Yes, submit the report, including data sheets, with the JARPA package.

☐ Yes
☐ No

7e. Have the wetlands been rated using the Western Washington or Eastern Washington Wetland Rating System? [\[help\]](#)

- If Yes, submit the wetland rating forms and figures with the JARPA package.

☐ Yes
☐ No
☐ Don't know

7f. Have you prepared a mitigation plan to compensate for any adverse impacts to wetlands? [\[help\]](#)

- If Yes, submit the plan with the JARPA package and answer 7g.
- If No, or Not applicable, explain below why a mitigation plan should not be required.

☐ Yes
☐ No
☐ Don't know

7g. Summarize what the mitigation plan is meant to accomplish, and describe how a watershed approach was used to design the plan. [\[help\]](#)

7h. Use the table below to list the type and rating of each wetland impacted, the extent and duration of the impact, and the type and amount of mitigation proposed. Or if you are submitting a mitigation plan with a similar table, you can state (below) where we can find this information in the plan. [\[help\]](#)

Activity (fill, drain, excavate, flood, etc.)	Wetland Name ¹	Wetland type and rating category ²	Impact area (sq. ft. or Acres)	Duration of impact ³	Proposed mitigation type ⁴	Wetland mitigation area (sq. ft. or acres)

¹ If no official name for the wetland exists, create a unique name (such as "Wetland 1"). The name should be consistent with other project documents, such as a wetland delineation report.

² Ecology wetland category based on current Western Washington or Eastern Washington Wetland Rating System. Provide the wetland rating forms with the JARPA package.

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

⁴ Creation (C), Re-establishment/Rehabilitation (R), Enhancement (E), Preservation (P), Mitigation Bank/In-lieu fee (B)

Page number(s) for similar information in the mitigation plan, if available: _____

7i. For all filling activities identified in 7h, describe the source and nature of the fill material, the amount in cubic yards that will be used, and how and where it will be placed into the wetland. [\[help\]](#)

7j. For all excavating activities identified in 7h, describe the excavation method, type and amount of material in cubic yards you will remove, and where the material will be disposed. [\[help\]](#)

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

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

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

8a. Describe how the project is designed to avoid and minimize adverse impacts to the aquatic environment. [\[help\]](#)

☐ Not applicable

Equipment will be checked daily and any necessary repairs will be made prior to use, vessel will be propelled with minimum power to prevent damage to marine environment, vessel will be operated during tidal elevations that avoid grounding of the barge, spuds will not be deployed into seagrass or kelp, removed piles will be disposed of to an approved upland area, steel piling will be used instead of treated wood piling, ramp and floating dock will be grated to allow light filtration. Project will be timed outside of salmonid and bull trout migration windows, outside of winter season. Concrete shore mount/pier will be removed reducing overwater coverage, all debris/ material will be removed from beach area and prevented from entering the waters of the state.

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

☒ Yes ☐ No

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

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

☐ Yes ☐ No ☐ Don't know

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

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

Mitigation plan is meant to minimize impact on aquatic environment, lessening the potential impact to fish and other creatures by removing concrete from their environment and replacing the current access pier/ float/ ramp with ones that has appropriate light filtration.

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

Activity (clear, dredge, fill, pile drive, etc.)	Waterbody name ¹	Impact location ²	Duration of impact ³	Amount of material (cubic yards) to be placed in or removed from waterbody	Area (sq. ft. or linear ft.) of waterbody directly affected
Pile drive	Puget Sound	In Flounder Bay	Permanent	3 - 10" Steel Piling	2.4 sq. ft.
Piling removal	Puget Sound	In Flounder Bay	Permanent	2 – 16" Steel Piling	1.6 sq. ft.

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

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

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

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

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

Piling will be removed and installed using a vibratory hammer hooked to a crane positioned on a barge.

8h. Have you prepared a Water Quality Monitoring Plan (WQMP) for all in-water work (below ordinary high water), over water work or discharges to waters of the state?

☐ Yes ☐ No

If NO describe the monitoring that you will be conducting including parameters, equipment and locations, or explain why monitoring will not be necessary. [\[help\]](#)

Part 9—Additional Information

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

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

Agency Name	Contact Name	Phone	Most Recent Date of Contact
City of Anacortes	Grace Pollard	360-588-8231	10-3-24

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

• If Yes, list the parameter(s) below. • If you don't know, use Washington Department of Ecology's Water Quality Assessment tools at: https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-improvement/Assessment-of-state-waters-303d.
☐ Yes ☐ No
9c. What U.S. Geological Survey Hydrological Unit Code (HUC) is the project in? [help] • Go to http://cfpub.epa.gov/surf/locate/index.cfm to help identify the HUC.
Rosario Strait-Strait of Juan De Fuca (171100191300)
9d. What Water Resource Inventory Area Number (WRIA #) is the project in? [help] • Go to https://ecology.wa.gov/Water-Shorelines/Water-supply/Water-availability/Watershed-look-up to find the WRIA #.
WRIA 03
9e. Will the in-water construction work comply with the State of Washington water quality standards for turbidity? [help] • Go to https://ecology.wa.gov/Water-Shorelines/Water-quality/Freshwater/Surface-water-quality-standards/Criteria for the standards.
☒ Yes ☐ No ☐ Not applicable
9f. If the project is within the jurisdiction of the Shoreline Management Act, what is the local shoreline environment designation? [help] • If you don't know, contact the local planning department. • For more information, go to: https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Shoreline-coastal-planning/Shoreline-laws-rules-and-cases.
☐ Urban ☐ Natural ☐ Aquatic ☐ Conservancy ☒ Other: <u>shoreline residential</u>
9g. What is the Washington Department of Natural Resources Water Type? [help] • Go to http://www.dnr.wa.gov/forest-practices-water-typing for the Forest Practices Water Typing System.
☒ Shoreline ☐ Fish ☐ Non-Fish Perennial ☐ Non-Fish Seasonal
9h. Will this project be designed to meet the Washington Department of Ecology's most current stormwater manual? [help] • If No, provide the name of the manual your project is designed to meet.
☒ Yes ☐ No
Name of manual: _____
9i. Does the project site have known contaminated sediment? [help] • If Yes, please describe below.
☐ Yes ☒ No

9j. If you know what the property was used for in the past, describe below. [\[help\]](#)

9k. Has a cultural resource (archaeological) survey been performed on the project area? [\[help\]](#)

- **If Yes**, attach it to your JARPA package.

☐ Yes ☒ No

9l. Name each species listed under the federal Endangered Species Act that occurs in the vicinity of the project area or might be affected by the proposed work. [\[help\]](#)

Marbled murrelet
Bull trout
Chinook salmon
Steelhead
Southern resident Killer Whale
Bocaccio Rockfish

9m. Name each species or habitat on the Washington Department of Fish and Wildlife's Priority Habitats and Species List that might be affected by the proposed work. [\[help\]](#)

Pinto Abalone
Yuma myotis

Part 10–SEPA Compliance and Permits

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

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

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

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

☐ A copy of the SEPA determination or letter of exemption is included with this application.

☒ A SEPA determination is pending with Anacortes (lead agency). The expected decision date is _____.

☐ I am applying for a Fish Habitat Enhancement Exemption. (Check the box below in 10b.) [\[help\]](#)

☐ This project is exempt (choose type of exemption below).

☐ Categorical Exemption. Under what section of the SEPA administrative code (WAC) is it exempt?

☐ Other: _____

☐ SEPA is pre-empted by federal law.

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

LOCAL GOVERNMENT

Local Government Shoreline permits:

☒ Substantial Development ☐ Conditional Use ☐ Variance

☐ Shoreline Exemption Type (explain): _____

Other City/County permits:

☐ Floodplain Development Permit ☐ Critical Areas Ordinance

STATE GOVERNMENT

Washington Department of Fish and Wildlife:

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

Washington Department of Natural Resources:

☒ Aquatic Use Authorization

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

Do not send cash.

Washington Department of Ecology:

☐ Section 401 Water Quality Certification

☐ Authorization to impact waters of the state, including wetlands (Check this box if the proposed impacts are to waters not subject to the federal Clean Water Act)

FEDERAL AND TRIBAL GOVERNMENT

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

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

United States Coast Guard:

For projects or bridges over waters of the United States, contact the U.S. Coast Guard at:

☐ Bridge Permit: D13-SMB-D13-BRIDGES@uscg.mil

☐ Private Aids to Navigation (or other non-bridge permits): D13-SMB-D13-PATON@uscg.mil

United States Environmental Protection Agency:

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

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

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

Part 11—Authorizing Signatures

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

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

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

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

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

Carrie Bottner

Applicant Printed Name



Applicant Signature

11.15.23

Date

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

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

Christy Dopp

Authorized Agent Printed Name

Christy Dopp

Authorized Agent Signature

11-13-23

Date

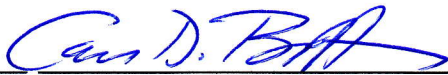
11c. Property Owner Signature (if not applicant) [\[help\]](#)

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

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

Carrie Bottner

Property Owner Printed Name



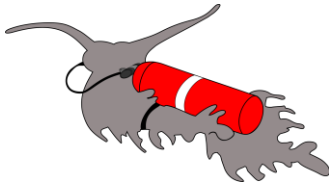
Property Owner Signature

11.15.23

Date

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

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



JEN-JAY, INC

Eelgrass Macroalgae Habitat Survey

Bottner, Darin & Carrie
13 September 2023

LOCATION: *Burrows Pass, Fidalgo Island, Skagit County*

PURPOSE: To survey the area for the presence of submerged aquatic vegetation.

TIME: 9:00 A.M.

VISIBILITY: 15' ±

DEPTH CALCULATIONS: Depth contour measurements were made by San Juan Surveying and are shown on the accompanying drawing.

BOTTOM TYPE: Substrate is primarily mud with minimal shell, transitioning to 0-36" rock proceeding shoreward.

LATITUDE and LONGITUDE: 48.49091°, -122.67629°

VEGETATION: Eelgrass (*Zostera marina*) was observed throughout much of the surveyed area. The macroalgae genera *Fucus*, *Gracilaria*, *Saccharina*, *Sarcodiotheca*, and *Ulva* were also observed.

SURVEY PATTERN: Using a TOPCON HiPer VR GNSS rover receiver, anchored surface buoys were deployed to designate the corners of the survey area and serve as reference points for measuring tapes. Beginning at the 0, 0 transect point at 48.49093°, -122.67611°, an inshore tape was extended 58' parallel to shore and ending at transect point 58, 0 at 48.49100°, -122.67632°. Beginning at the 0, 100 transect point at 48.49068°, -122.67631°, an offshore tape was extended 58' parallel to shore and ending at transect 58, 100 at 48.49076°, -122.67652°.

The 29' marks on the inshore and offshore tapes were connected with a running transect line 100' long, centered on the proposed float. Two (2) additional running transect lines were extended between the inshore and offshore tapes to the northwest of this center line at the 43' and 58' marks, and 2 additional running transect lines were extended between the inshore and offshore tapes to the southeast of the center line at the 15' and 0' marks. With the 29' line centered on the float, the 0 and 58' running transect lines are 25 ft from the edge of the float. This spacing was chosen in order to delineate the vegetation within a 25 ft buffer around the project, resulting in a total of five (5) running transects at 0, 15', 29', 43', 58'. The 100' spacing between onshore and offshore tapes was chosen to include a minimum 25 ft distance shoreward and waterward of the project using 20' intervals, with an additional allowance at each end to better observe extents of vegetation known to be present at the site. Observations were taken every 20' along each of the running transect lines, with the biologist observing the vegetation and substrate present on either side and forward of each sample location. General characterizations were made about the percent cover of algal

species and/or other vegetation observed in the visual area at each location. The accompanying drawing shows a visual representation of the survey pattern.

Additionally, a biologist delineated the boundary of the observed eelgrass bed using a diver-towed, TOPCON HiPer VR GNSS rover receiver.

Survey methods are in accordance with the WDFW Eelgrass/Macroalgae Habitat Interim Survey Guidelines (revised in June 2008), WAC 220-660-35, which states that “deviations from the survey guidelines shall be approved by the AHB (Area Habitat Biologist) prior to conducting eelgrass or macroalgae surveys. Additionally, all preliminary surveys follow the Preliminary Survey and Tier 1 survey methods outlined in Components of a Complete Eelgrass Delineation Report developed by the Army Corps of Engineers (ACOE) dated January 9, 2018.

VERTEBRATE and INVERTEBRATE SPECIES: None noted.

FORAGE FISH: No forage fish mapped at the project site.

Any questions regarding this survey should be addressed to:

JEN-JAY, INC.

0 MA = no macroalgae observed
Fucus = *Fucus*
Grac. = *Gracilaria*
Sac. = *Saccharina*
Sarc. = *Sarcodiotheca*
Ulva = *Ulva*



To: Libby Grage, Planning Manager with City of Anacortes
From: Jennifer Dadisman and Fiona McNair with GeoEngineers, Inc.
Date: May 10, 2024
File: 0382-060-00
Subject: 3rd Party Review for a Shoreline Permit at 2310 Dover Drive;
 City File No. SDP-2024-0002

GeoEngineers, Inc. (GeoEngineers) has been retained to conduct a 3rd party review for the City of Anacortes (Anacortes) shoreline permit located at 2310 Dover Drive, City File No. SDP-2024-0002. We understand the applicant is proposing to replace a dilapidated pier and ramp and install a float. Documents provided from Anacortes include: project design drawings; project description and construction sequence; the Ecological No Net Loss Assessment, Critical Areas, and Critical Habitat Assessment Report (CAR) (Northwest Environmental Consulting, LLC. 2023); State Environmental Policy Act (SEPA) Checklist; Joint Aquatic Resources Project Approval (JARPA); and the Notice of Application (NOA) with Optional SEPA Determination of Non Significance (DNS).

This is not a consistency report and just reviews the adequacy of submitted permit materials in accordance with the shoreline master program. This memorandum includes three sections: (1) Compliance with the current Anacortes Shoreline Master Program (SMP), Anacortes Municipal Code (AMC) Chapter 18.16; (2) Peer review of the CAR for compliance with industry standards, best practices and agency guidance; and (3) Potential mitigation opportunities.

Anacortes Shoreline Master Program (SMP) Compliance

Applicable sections from the SMP have been included in the bulleted list below. Our response to whether the project complies with the SMP or has addressed these sections is included below the SMP text in italicized text.

Section 5.9 – Shoreline Residential

D. MANAGEMENT POLICIES

Design Elements

- **Policy 5.9.5** Allow development only in those areas where impacts and hazards to or caused by the proposed development can be effectively mitigated and where the environment is capable of supporting the proposed use in a manner that protects ecological functions.

The CAR and other submitted permit materials do not provide adequate information to understand the potential project impacts and estimated potential loss of ecological functions.

- **Policy 5.9.10** While shoreline setbacks based on science are preferred to protect ecological functions, using them may not be feasible where previous development has significantly altered the natural shoreline environment, such as along some parts of Burrows Bay. In such areas, an alternative strategy is established for new and re-development using smaller shoreline setbacks that are based on the existing development pattern, in combination with mitigation requirements that provide enhancement

of existing degraded conditions and offsets impacts of the development on shoreline ecological functions.

See below on setbacks and impervious surfaces. Options for marine riparian restoration on this parcel are limited by paved areas and the riprap bank.

E. DEVELOPMENT REGULATIONS

Uses

- **DR-5.9.1** Prohibited and allowed uses are generally identified in Table 5.1 in Section 5.12 of this Master Program.

Per TABLE 5.1. SHORELINE USE AND MODIFICATION MATRIX, Docks, Piers and Floats are allowed in the Shoreline Residential Environment and per NOTE # 4 for TABLE 5.1 - Private piers are only permitted in single-family residential use areas within Flounder Bay and along Cap Sante. All other residential piers are prohibited. The subject property is located in Flounder Bay, where private piers are permitted.

Setbacks

- **DR-5.9.5 Shoreline Setback** - Permanent buildings and structures including common appurtenant structures such as garages and decks over 30 inches above grade shall be set back a minimum of sixty (60) feet from the ordinary high water mark, except for the shoreline along Burrows Bay between the east extent of Croatian Way and Skyline Way which shall have a minimum setback of twenty-five (25) feet from the ordinary high water mark. Patios, decks under 30 inches, or other structural or impervious surfaces, shall be limited to no more than 150 square feet and intrude no more than 10 feet into the shoreline setback. Pathways providing access to the shoreline, not including ramps, are allowed but shall utilize pervious materials. Setbacks are measured landward, on a horizontal plane, perpendicular to the ordinary high water mark. Setback requirements shall apply to non-water-dependent structures and uses and do not apply to piers, ramps or docks.

Per TABLE 5.2. SHORELINE DEVELOPMENT STANDARDS MATRIX.

In Shoreline Residential Environments on Burrows Bay (between east end of Croatian Way and Skyline Way) the setback is 0 for water-dependent uses and 25 feet for non-water-dependent uses (setback = minimum distance measured in feet from the ordinary high water mark on a horizontal plane perpendicular to the shoreline).

The setback for the proposed pier, ramp and dock is 0 (zero), so the proposed pier, ramp and dock is in compliance with DR-5.9.5 Shoreline Setback.

The existing house and paved patio are non-conforming with DR-5.9.5 Shoreline Setback, because the patio, a portion of the house a portion of the paved (pervious) access path that is accessing the patio are all located within the 25-foot setback.

Design Elements

- **DR-5.9.10** For all residential development within shoreline jurisdiction, the area of impervious surfaces (including parking areas, but excluding required right-of-way improvements) to be developed within shoreline jurisdiction shall be limited by the slope of the lot as specified in the following table.

Slope	Impervious limit (expressed as a percentage of actual land area)
15% or less	30%
15-30	25%
Greater than 30%	20%

Areas waterward of the ordinary high water mark and areas of marine bluffs, steep slopes, and wetlands shall not be included to calculate land area. For example, only the buildable area landward of the marine bluff edge shall be used in the calculation. A Shoreline Variance is required for reduction of dimensional standards. Let us know if you have any questions or comments.

The entire parcel at 2310 Dover Drive is within Shoreline Jurisdiction. The existing house and paved areas (impervious surfaces) make up approximately 4,850 square feet of the approximately 13,000 square foot parcel, equal to approximately 37.3 percent (based on rough estimates from Google Earth). This estimate of percent impervious does include the existing concrete ramp that will be replaced with grated decking. Without the 48 square foot concrete ramp there will be 36.9 percent impervious within Shoreline Jurisdiction.

The existing house and paved areas are non-conforming with DR-5.9.10 (exceeding the impervious limit by approximately 7% or 900 square feet – with the ramp removed).

The current proposal does not propose to alter the existing house, paved patio or paved driveway and paths (impervious surfaces) but does propose to demolish the paved ramp and replace it with grated decking.

- **DR-5.9.11** Where riparian vegetation does not exist or is degraded, a minimum of fifteen percent (15%) of the total lot area shall be retained or replanted in native vegetation. Areas to be retained or replanted shall include the largest contiguous, and/or most waterward blocks of native vegetation located on site. If few or no areas of native vegetation remain, the vegetation retention area shall be replanted with species native to shoreline areas of Fidalgo Island. For additions and expansions of existing developments, replanting shall be commensurate with the degree of impact resulting from the new development. For lots which border the OHWM, all revegetation shall take place within the shoreline setback in order to provide the greatest benefit.

This policy is challenging to meet without removing some of the existing concrete patio. Fifteen percent of the total lot area is equal to approximately 1,950 square feet.

CHAPTER 6 ENVIRONMENTAL PROTECTION GENERAL REGULATIONS

6.3 Impacts, Mitigation and Bonding

A. MANAGEMENT POLICIES

- Policy 6.3.1: Protect the environment through implementation of this Master Program including the use of the AMRRCM (Avoid, Minimize, Rectify, Reduce, Compensate, Monitor) mitigation sequence (WAC 173-26-201(2)(e)(i)).

The CAR does not adequately discuss rectifying, reducing, compensating or monitoring.

- Policy 6.3.2: Minimize the adverse impacts of shoreline developments and activities on the shoreline environment during all phases of development (e.g., design, construction, operation, and management).

*The CAR discusses some minimization measures that were taken during design and will be taken during construction such as: adding grated decking to allow light to penetrate through the decking (62 percent open space); constructing the new pier with grated decking (currently it is paved); removing (pulling up) existing piles slowly to minimize turbidity; conducting work during the in-water work window; building the float in the same location as the previous float and making the new float approximately 10 feet shorter (although the previous is no longer there, so it is NOT an existing structure; using Best Management Practices (BMPs) during construction to prevent debris from entering the water; minimizing artificial light impacts by focusing the light onto the pier surface and adding shades to the light (note that there is no mention of lighting in the JARPA); no treated wood (**NOTE: project narrative claims that ammoniacal copper zinc arsenate (ACZA) treated lumber will be used, while the CAR claims that no treated wood will be used.**); epoxy coated piles; no impacts pile driving or proofing (**NOTE – one section of the report states that impact equipment will be used to install the piles (Page 4 under Noise) and another section of the report states that no impact equipment will be used to install the piles (Page 6 under Avoidance and Minimization). On page 5 the report claims that “...noise will not reach behavioral effects thresholds for salmonids or cetaceans due to small pile size.”; however, no calculations are provided. From the Washington State Department of Transportation (WSDOT) Biological Assessment (BA) Manual (WSDOT 2023) – a 12-inch pile close to 10-inch diameter proposed being installed via vibratory driving can generate from 137 to 155 decibels root mean square (dBRMS) and from 155 to 191 dB sound exposure level (SEL) Cumulative. Auditory Injury Thresholds for high-frequency cetaceans is 173 dB SEL Cumulative; and the Behavioral Disturbance Thresholds for cetaceans, harbor seals and pinnipeds is 120 dBRMS**); no galvanized coated steel below the water line (**NOTE – JARPA drawings [01/04/2024] Sheet 6 of 11 calls out galvanized pilings and cap beam**); piles will be capped to prevent perching by predatory birds.*

*The CAR **does not** discuss minimization measures that will be taken during operation and management of the proposed structure.*

- Policy 6.3.3: Assure, at a minimum, that development and use within shoreline jurisdiction results in no net loss of ecological functions necessary to sustain shoreline natural resources. Development activities shall protect existing ecological functions and ecosystem-wide processes.

In our opinion the CAR does not demonstrate no net loss of ecological functions. The project will increase the area of overwater structures in critical saltwater habitat and designated critical habitat for listed threatened and endangered species. The only mitigation discussed in the CAR is planting two shore pines

next to the existing house. Use of grated decking is a design requirement by all regulatory agencies and is not considered mitigation. The new float will be a new overwater structure and will create a new source of shade, creating habitat for predatory fish who consume migrating salmonids and shading out potential benthic habitat that could support macroalgae and other primary production. However, the new float will be approximately 30 feet offshore and therefore will only create shade right along the shoreline at low tide. A floating structure will serve as a substrate for new macroalgae and invertebrates and thus will create some new habitat.

A full description of construction methods is not provided so that there is confusion about what the project impacts will be.

■ B. Development Regulations - General

DR-6.3.1: All shoreline development and activity shall be located, designed, constructed, and managed in a manner that avoids, minimizes and/or mitigates adverse impacts to the environment. The preferred mitigation sequence (avoid, minimize, rectify, reduce, or compensate for the environmental impact) shall follow that listed in WAC 173-26- 201(2)(e), see also definition of "Mitigation" listed in this Maser Program, Chapter 12).

As discussed above the CAR does not discuss minimization measures that will be taken during operation and management of the proposed structures and does not adequately discuss rectifying, reducing, compensating or monitoring.

- DR-6.3.2, If impacts cannot be avoided through design modifications, the City shall require mitigation commensurate with the project's adverse impacts.

The CAR does not address whether potential design modifications were considered to avoid or minimize impacts. In our opinion the CAR does not adequately or completely discuss all potential impacts from the project and the proposed "out of kind" mitigation (i.e., two shore pines installed to compensate for 240 square feet of a new float, and for the extended life of the existing structures being replaced) does not provide adequate compensation for lost ecological functions.

- DR-6.3.3: Identified significant short term, long term, or cumulative adverse environmental impacts lacking appropriate mitigation shall be sufficient reason for permit denial consistent with constitutional and statutory limitations on such denials.

As discussed above, the proposed "out of kind" mitigation does not provide adequate compensation for lost ecological functions.

- DR-6.3.4: Wood treated with creosote or pentachlorophenol is prohibited. Use of other wood treatments shall be minimized to the extent practicable.

The project does not include use of treated wood materials.

B. DEVELOPMENT REGULATIONS - MITIGATION

- DR-6.3.5: In addition to the requirements for critical areas reports contained in the shoreline-specific Critical Areas Regulations found in Appendix A, the mitigation plan shall address the following:

- Inventory existing shoreline environment including the physical, chemical and biological elements and provide an assessment of their conditions.

The shoreline was briefly discussed in the CAR, but a full inventory of the existing shoreline was not described in the report. The underwater survey did identify additional macrovegetation that is not described in the report. An eelgrass bed is mapped approximately 17 feet from the proposed float but JARPA sheet 11 of 11 shows “low density” and “patchy” eelgrass under the proposed float and surrounding the mapped eelgrass bed. No definition of “low density” or “patchy” is provided. Per guidance from the United States Army Corps of Engineers (USACE) “An eelgrass bed is defined as a minimum of 3 shoots per 0.25 m² (1/4 square meter) within 1 meter of any adjacent shoots.” (USACE 2016 and 2018). Based on site photographs included in the CAR, it appears that a site visit was conducted during a high tide, when water was along the bulkhead; low tide descriptions and photos would have been useful to include in the report. How did the author know that beyond the angular rock, the substrate transitions to sand, gravels and cobbles?

- A discussion of the project’s impacts and their effect on the ecological functions necessary to support existing shoreline resources.

The CAR did discuss impacts; however, several inconsistencies were identified throughout the report, and it is not clear how the project will impact the shoreline or what effects the project will have on ecological functions. For example, one section of the report states that impact equipment will be used to install the piles (Page 4 under Noise) and another section of the report states that no impact equipment will be used to install the piles (Page 6 under Avoidance and Minimization). Another example of inconsistent information is the size of the proposed ramp because in the shading section of the CAR (overwater coverage table) the ramp is listed as 138 square feet but in the project description section it is described as 40 feet by 3 feet (120 square feet).

- A discussion of any federal, state or local special management recommendations which have been developed for wetlands or nearshore species or habitats located on site.

A discussion of management recommendations for critical saltwater habitat was not identified in the CAR. There was no mention of local shoreline buffers or shoreline regulations.

- An assessment of habitat recommendations proposed by resource agencies and their applicability to the proposal.

A discussion of management recommendations for critical saltwater habitat was not identified in the CAR. There was no mention of local shoreline buffers or shoreline regulations.

- A discussion of measures to preserve existing habitats and opportunities to restore habitats that were degraded prior to the proposed land use activity.

A discussion of measures to preserve or restore degraded habitats was not listed in the CAR. More information should be included on BMPs to be used during pile removal and installation and construction of the project.

- Planting and soil specifications; success standards; and contingency plans

The CAR does address planting specifications along with planting performance standards. However, a contingency plan was not described in the CAR.

- A discussion of proposed measures which mitigate the impacts of the project to ensure no net loss of shoreline ecological functions, value, and proposed success criteria.

The CAR did discuss impacts; however, several inconsistencies were identified throughout the report, and it is not clear how the project will impact the shoreline or the project's effects to the ecological functions. Therefore, the effectiveness of the mitigation measures proposed are difficult to assess. In addition, more information is needed regarding the in-lieu fee program to be able to assess whether it could ensure no net loss of shoreline functions and values.

- An evaluation of the anticipated effectiveness of the proposed mitigation measures to ensure no net loss of ecological functions.

*The CAR did not evaluate the anticipated effectiveness of the proposed mitigation measures to compensate for lost ecological functions to ensure no net loss of ecological functions. The CAR states that proposed mitigation includes: "... grate the existing pier ramp, remove a concrete ramp and two derelict pilings and plant native trees and/or shrubs. The owner may also pay a mitigation fee using the Puget Sound Near Shore Calculator." The performance standards section on Page 7 discusses how the performance standards include "... reducing effective overwater coverage in the nearshore environment by using grated decking..."; however, the proposed project will increase net overwater coverage by 242 square feet (240 square feet of which is the new float). Grated decking is a material requirement per regulatory agencies not mitigation. A statement that "The owner **may** also pay a mitigation fee using the Puget Sound Near Shore Calculator" is not adequate assurance of proposed mitigation to make a permit decision on.*

- A discussion of proposed management practices which will protect fish and wildlife habitat both during construction and after the project site has been fully developed including proposed monitoring and maintenance programs.

Limited BMPs are discussed in the CAR. The monitoring plan includes replacing any dead plants of the two installed shore pines for 5 years (maintain 100 percent survival for 5 years). Under Performance Standards the CAR states "For proper function, species diversity will be maintained." This statement does not make sense because the only existing shoreline vegetation is a mowed lawn and only shore pine (two individual plants) are proposed as part of the mitigation. One species of tree and a mowed lawn is not "species diversity".

- Contingency plan if the mitigation fails to meet established success criteria

A contingency plan if the mitigation fails was not in the CAR. Although the only measured performance standard was plant survival (100 percent for 5 years) and the only follow up action required for a dead plant is to install a new one. So technically, because the proposed mitigation was simple and minimal (and inadequate to replace lost ecosystem functions), replacement of dead plants could be considered a contingency plan.

- Any additional information necessary to determine the impacts of a proposal and mitigation of the impacts.

The CAR did discuss impacts; however, several inconsistencies were identified throughout the report and it is not clear how the project will impact the shoreline or what the effects of the project will be on shoreline ecological functions.

- DR-6.3.6: Compensatory mitigation in the immediate vicinity of the impact shall be the preferred mitigation option, except where offsite mitigation can be demonstrated to be more beneficial to shoreline ecological functions.

*The CAR did not elaborate on why onsite mitigation was not possible. The CAR mentioned potentially utilizing the Puget Sound Nearshore in-lieu fee program to compensate for impacts if needed; however, the SMP allows for onsite except where offsite mitigation can be demonstrated to be more beneficial. The CAR does not elaborate if the in-lieu fee program would be more beneficial. Importantly, the CAR states that “The owner **may** also pay a mitigation fee using the Puget Sound Near Shore Calculator”. A proposal that it is a possibility but not a certainty that the owner will purchase nearshore credits as mitigation is not adequate assurance of proposed mitigation to make a permit decision on.*

- DR-6.3.7: if offsite mitigation is implemented, the applicant must demonstrate to the satisfaction of the Shoreline Administrator that the mitigation site will be protected in perpetuity.

The CAR did not include this information either for the shoreline plantings or the in-lieu fee/nearshore credits. More information regarding assurances of protection of the installed shore pines in perpetuity and of the in-lieu fee program will be needed to assess whether mitigation would be protected in perpetuity.

B. DEVELOPMENT REGULATIONS - BONDING

- DR-6.3.9 Except for projects undertaken by public entities, performance or maintenance bonds or other security shall be required by the City to assure that work is completed, monitored, and maintained.

The CAR did not discuss bonds or other securities to assure that work is completed, monitored and maintained.

B. DEVELOPMENT REGULATIONS – MONTIORING

- DR-6.3.10 As a condition of approval, the City shall require periodic monitoring for up to five years from the date of completed development to ensure the success of required mitigation. The monitoring period may be extended if the success criteria set forth in the approved mitigation plan fail to be accomplished, or the mitigation plan has a longer horizon.

As discussed under DR-6.3.5 above, 5 years of monitoring for the two installed shore pines is proposed.

6.4 Environmental Elements

B. DEVELOPMENT REGULATIONS

Archaeological/Historical/Cultural Impacts

The CAR did not discuss potential Archaeological, Historical or Cultural Impacts from the project and the responses in the SEPA checklist under Section 13. Historic and cultural preservation were all “No” or “None”, without any backup documentation.

6.7 Fish and Wildlife Habitat Conservation Areas

A. APPLICABILITY

- “This section provides policies and regulations that apply to fish and wildlife habitat conservation areas, including critical saltwater and freshwater habitats as defined by WAC 173-26-221(2)(c)(iii) and (iv).

These policies and regulations apply in addition to the shoreline-specific critical areas protection standards for fish and wildlife habitat conservation areas found in Appendix A, Section A-5.”

- “Kelp beds, eelgrass beds, herring spawning and holding areas, smelt and sand lance spawning and holding areas and other critical habitats are classified as “critical saltwater habitats” in the Shoreline Master Program Guidelines, WAC 173-26-221(2)(iii). The Guidelines also classify subsistence, commercial and recreational shellfish beds, mudflats, intertidal habitats with vascular plants, and areas with which priority species have a primary association as “critical saltwater habitat”. The Department of Fish and Wildlife has identified the following habitats of special concern: kelp beds, eelgrass beds, herring spawning areas, sand lance spawning areas, smelt spawning areas, juvenile salmonid migration corridors, rock sole spawning beds, rockfish settlement and nursery areas, and lingcod settlement and nursery areas.”

The project area contains critical saltwater habitats including kelp beds, eelgrass beds, mudflats, juvenile salmonid migration corridors and could contain rockfish settlement and nursery areas because rockfish critical habitat is identified at the project site. More information about existing conditions of these habitats, potential impacts of the project on them and proposed mitigation to offset impacts to these habitats is needed.

B. MANAGEMENT POLICIES

- Policy 6.7.1 Encourage the protection of critical salt water habitats in recognition of their importance to the marine ecosystem of the City of Anacortes and the State of Washington. These habitats provide critical reproduction, rearing and migratory nursery areas for valuable recreational and commercial species. They provide habitat for many marine plants, fish, and animals. An analysis of alternatives using SEPA will be required for any project proposed within FWHCAs. The analysis should include, in part, shoreline bathymetry, shoreline features at the site, and substrate composition.

The CAR did not present project alternatives and did not provide enough information or discussion about habitats, eelgrass, macroalgae or substrates. JARPA Sheet 11 of 11 indicates that there is eelgrass under the proposed new float and adjacent to the mapped eelgrass bed but there is no discussion about this eelgrass or potential impacts of the project on it. Similarly, there is no discussion of the macroalgae indicated on JARPA Sheet 11 of 11 and there is no discussion about potential impacts of the project on it. A copy of the eelgrass delineation report (cited as JenJay Survey 9-13-23 in Table 2 of the CAR), detailing survey methods and results should be submitted as part of the Shoreline Permit Application. Per USACE guidance (USACE 2016), eelgrass delineation surveys are valid for 1 year. In addition, “If it has been more than 1 year but less than 3 years since the last survey, then at a minimum, the mapped boundaries of the eelgrass and macroalgae beds must be re-verified to ensure that they have not changed. If more than 3 years have elapsed since the last eelgrass/macroalgae mapping survey, a new complete mapping survey shall be conducted.” (USACE 2016).

- Policy 6.7.2, water dependent uses, including recreational facilities, marinas, transportation facilities and some utility crossings, may be permitted in critical saltwater habitats provided that onsite and/or offsite mitigation is provided that will result in no net loss of ecological functions resulting from the proposed facility or utility.

The CAR does not provide adequate information to determine if the proposed mitigation will adequately compensate for impacts and result in no net loss of ecological functions.

C. DEVELOPMENT REGULATIONS

- DR-6.7.1: Water dependent development and uses, including marinas, docks, piers, mooring areas, underwater parks, utility crossings, and shoreline modifications, shall not intrude into or be built over critical saltwater habitat unless the applicant can show that all the following criteria can be met:
 - a) The use preference listing in RCW 90.58.020 for uses in shoreline of statewide significance shall be adhered to.

The project proposes to improve and expand an existing pier, ramp and float (i.e., appurtenant structure) on a single-family residential parcel. Therefore, the project is in adherence to the priorities listed in Revised Code of Washington (RCW) 90.58.020.

- b) The public's need for such a structure is clearly demonstrated and an alternative alignment or location on the applicant's property that would avoid impacts to critical saltwater habitats is not feasible or would result in unreasonable and disproportionate cost to accomplish the same general purpose. An alternative analysis will be required for any non-exempt project proposed within FWHCAs. The analysis should include in part, shoreline bathymetry, shoreline features at the site and substrate composition.

The CAR did not demonstrate the public's need for such a structure nor provide an alternative analysis for the project.

- c) The project is consistent with the state's interest in resource protection and species recovery.

It is not known if the project is consistent with the state's interest in resource protection or species recovery because the CAR does not adequately describe construction methodology and existing habitats under and around the proposed ramp and float. There is a potential for the project to impact threatened and endangered species and/or critical habitat. For example, Southern Resident Killer Whale (SRKW) critical habitat is within 180 feet of the project and a noise analysis was not conducted or included in the CAR. In addition, rockfish critical habitat is identified at the project site and this species was not identified in the CAR or SEPA checklist as being present.

- d) Impacts to critical saltwater habitat functions are mitigated to result in equal or better ecological function.

There is conflicting information in the CAR regarding impacts and construction methodology, and impacts have not been adequately identified. In addition, not enough information regarding the in-lieu fee program is known to identify whether impacts to critical saltwater habitat would be adequately mitigated, and the potential for purchase of credits through the in-lieu fee program by the project owner was stated in the CAR as a "may" such that it is not certain that the credit purchase will occur.

Peer Review for Compliance with Industry Standards and Best Practices and Agencies Guidance

GeoEngineers reviewed the following documents: project design drawings; project description and construction sequence; the CAR; SEPA Checklist; JARPA; and the NOA with Optional SEPA DNS. Based on this review, inconsistencies and lack of information were identified. Appendix A, List of Inconsistencies and Missing Information, includes bulleted lists from the SEPA checklist, NOA with SEPA DNS, project

description and construction sequence, and CAR. Information listed in the JARPA was reviewed and comments included in Appendix A are applicable to that application.

Potential Mitigation Options

The following are potential additional options for on-site and off-site shoreline mitigation. The SMP Appendix B (Shoreline Restoration Plan), should be referenced for more restoration guidance and suggestions on mitigation opportunities.

ON-SITE MITIGATION OPTIONS

- **Bioengineered rock revetment:** There is approximately 65 feet of marine shoreline at the project site, of which, 50 feet will not be encumbered by the new pier/ramp/float. Incorporating large woody debris (LWD) into the riprap armored bank of the marine shoreline to create a bioengineered rock revetment would create structure. Figure 1 below provides an example of a rock revetment with LWD incorporated in a freshwater riverine environment. In marine environments, the LWD should be designed and installed according to Washington Department of Fish and Wildlife's (WDFW's) Marine Shoreline Design Guidelines (Johannessen et al. 2014) with logs being placed from mid-intertidal elevations to the "upper beach" above the ordinary high water mark (OHWM).

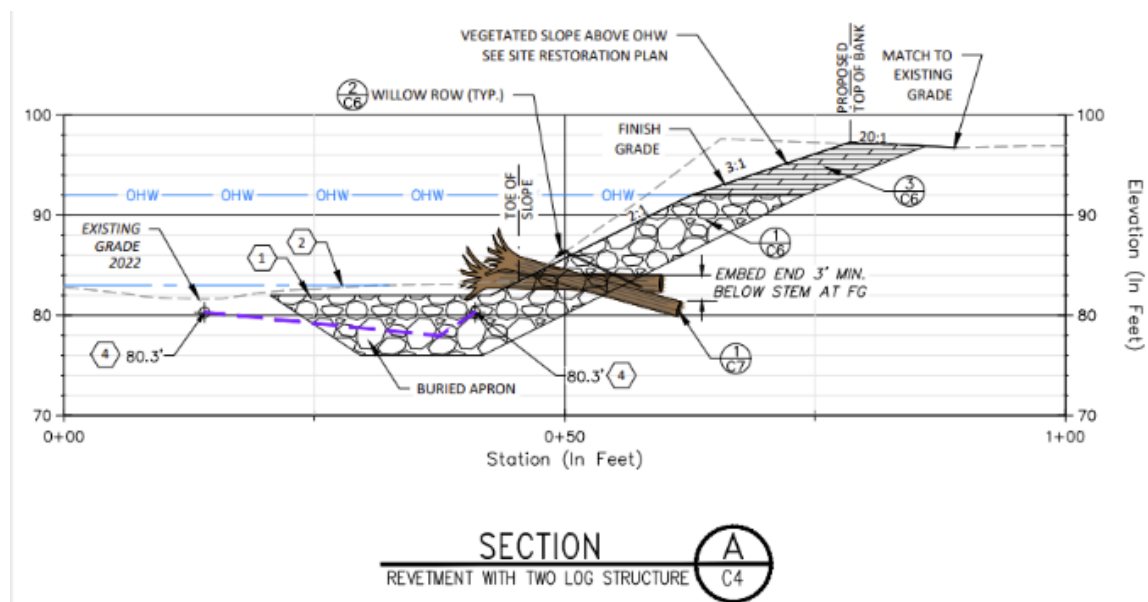


Figure 1. Example Design Detail of a Bioengineered Rock Revetment (Whatcom County 2023)

- **Additional marine riparian shoreline plantings:** Based on review of aerial photographs on Google Earth, there is approximately 700 square feet of paved patio in front of the residence. Based on review of the photographs provided in the CAR (Photo 3), the central portion of this paved patio appears to be supported by a concrete foundation/retaining wall. Photos 1, 2 and 5 show a grassy area on the north side of the house and Photo 4 shows a grassy area on the south side of the house. One shore pine is specified as mitigation in each grassy area, for a total of two shore pines. There is more space for more plantings of native shrubs in these grassy areas and additionally, above the riprapped bank some paved

areas in the front of the house could be removed and planted with native shrubs. Additionally, above the OHWM live cuttings of Hooker's willow (*Salix hookeriana*) and/or Scouler's willow (*Salix scouleriana*) could be installed into the void spaces of the riprap, with sand and compost backfilled into the voids to provide a substrate for rooting, then topped with quarry spalls to hold the rooting material in place. Figure 2 below provides an example design detail for a willow live stake to be installed into a rock revetment, during construction or reconstruction of a revetment. If the owner chooses to install LWD into the riprap to create a bioengineered rock revetment on site, willow stakes could be installed during installation of the LWD. The Mason County Conservation District has produced a list of native plant species appropriate for marine shorelines, Native Plants for Marine Shorelines, (Mason Conservation District 2026).

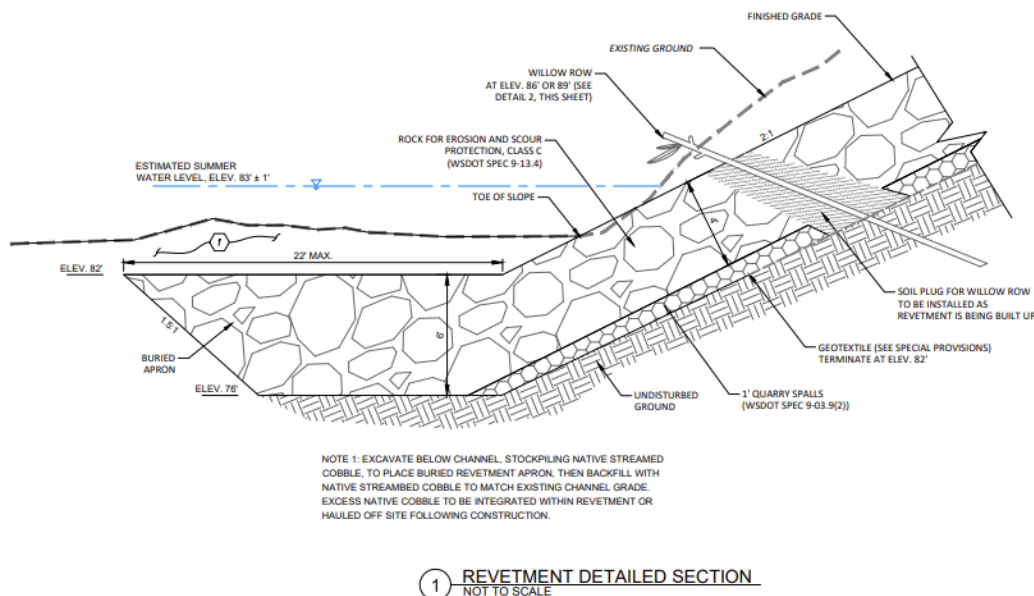


Figure 2. Example Design Detail of Willow Live Staking in Rock Revetment (Whatcom County 2023)

- **Eelgrass restoration/enhancement on site:** Based on review of JARPA Sheet 11, marine substrates from elevations +5 feet to -12 feet mean lower low water (MLLW) consist of mud and 0- to 36-inch rock with occasional shells. Low density and patchy eelgrass was observed at nine sampling locations along transects, with one eelgrass bed mapped approximately 17 feet south of the end of the proposed float. There is opportunity to transplant eelgrass turions into the sediment in the project area in areas that will not be shaded by the proposed new pier/ramp and float.

OFF-SITE MITIGATION OPTIONS

- Evaluate other areas along the marine shoreline in project vicinity for mitigation potential. Projects that are straightforward and provide quick improvements in functions are: derelict pile removal (especially if they are creosote treated wood); marine riparian enhancement (via installation of native trees, shrubs and herbaceous plants), likely working on private or public land with an agreement with the landowner.

References

- Johannessen, J., A. MacLennan, A. Blue, J. Waggoner, S. Williams, W. Gerstel, R. Barnard, R. Carman, and H. Shipman. 2014. Marine Shoreline Design Guidelines. Washington Department of Fish and Wildlife, Olympia, Washington.
- Mason Conservation District. 2016. Native Plants for Marine Shorelines. Available at: https://www.masoncd.org/uploads/3/1/5/9/31598011/tam_22_marine_shoreline_native_plants_3-16_2.pdf.
- Northwest Environmental Consulting, LLC. 2023. Ecological No Net Loss Assessment, Critical Areas, and Critical Habitat Assessment Report Bottner Float Replacement. Prepared for Darin and Carrie Bottner. January 2023.
- US Army Corps of Engineers (USACE). 2016. Components of a complete eelgrass delineation and characterization Report. Available at: <https://www.nws.usace.army.mil/Portals/27/docs/regulatory/Forms/Components%20of%20Eelgrass%20Delineation%205-27-16.pdf?ver=2016-05-27-131522-740>.
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- Washington State Department of Transportation (WSDOT). 2023. Biological assessment preparation manual and templates, Chapter 7 Construction Noise Impact Assessment. Available at: <https://wsdot.wa.gov/sites/default/files/2022-11/BA-Manual-Chapter7.pdf>.
- Whatcom County Department of Public Works, River and Flood Division (Whatcom County). 2023. Everson Overflow Pipeline Revetment Repair Project. Available at: <https://www.whatcomcounty.us/DocumentCenter/View/74108/23-33-Everson-Overflow-Pipeline-Revetment-Repair-Plans71MB?bidId=>.

Attachments:

Appendix A. List of Inconsistencies and Missing Information

Disclaimer: Any electronic form, facsimile or hard copy of the original document (email, text, table, and/or figure), if provided, and any attachments are only a copy of the original document. The original document is stored by GeoEngineers, Inc. and will serve as the official document of record.

Appendices

Appendix A

List of Inconsistencies and Missing Information

Appendix A. List of Inconsistencies and Missing Information

The following list of inconsistencies and missing information is not exhaustive, and some inconsistencies and missing information listed in the main memorandum may not be listed here.

SEPA CHECKLIST AND NOA WITH SEPA DNS:

- Question 5.b - Under listed threatened and endangered species known to be on or near the site, Southern resident Killer Whales (SRKW) are not mentioned. SRKW critical habitat is mapped approximately 180 feet to the south. Rockfish are also not listed and rockfish critical habitat is mapped at the project site (<https://www.webapps.nwfsc.noaa.gov/portal/apps/webappviewer/index.html?id=7514c715b8594944a6e468dd25aaacc9>)
- Question 5.c - The site is part of a migration route because all of Washington is in the Pacific Flyway.
- Question 8. H - The project site has also been identified as a critical saltwater habitat.
- Question 11.a - The Critical Areas Report (CAR) mentions lighting that will be directed away from the shore. However, the answer to this question states there will be no light associated with the project.
- Question 13. C - the question asks about methods used to assess potential impacts to cultural and historic resources on or near the project site. The answer is “none”, which does not address the question.
- Question 14.d. - the question asks if the project will occur in the immediate vicinity of water, rail or air transportation and the answer was “No.” However, the project site is adjacent to the Bayside Marina.

PROJECT DESCRIPTION AND CONSTRUCTION SEQUENCE:

- Does not list the equipment to be used. Just says that all construction equipment will be stationed on a barge.
- Will the removal of the existing pier be conducted from the barge? And if so, how will it be removed. What Best Management Practices (BMPs) will be utilized to ensure debris does not enter the water.

The CAR describes the proposed pier as an aluminum framed fixed pier. The project description describes it as treated wood frame decking with molded plastic grating.

CRITICAL AREAS REPORT (CAR):

- The report did not reference the Anacortes Shoreline Master Program (SMP). The report referenced the current critical areas ordinance (Anacortes Municipal Code [AMC] Chapter 19.70).
- The report did not adequately identify required steps for mitigation sequencing. The report did not discuss rectifying or reducing the impacts.
- During a portion of the year, it is likely that the float will be resting on the bottom of the Puget Sound. No mention of this was made in the report.
- No mention was made of “float stops” that are shown on Sheet 16 of the Joint Aquatic Resources Permit Application (JARPA) drawings. These are the two structures shown on Sheet 16 of the JARPA drawings

that are attached to the float that will keep the entire structure from sitting on the bottom of Puget Sound.

- There is little information and contradictory information provided on how the project will be constructed. i.e. we don't know how the piles or existing ramp will be removed and one section of the report mentions impact equipment will be used to install the piles and another section says that the piles will not be installed with an impact hammer.
- The report states that no galvanized coated steel will be placed below the waterline; however, sheet 6 of the JARPA drawings shows that the float will be galvanized.
- The drawings depict a temporary floating silt containment fence, but this is not described in the text or listed as a minimization measure. If the fence is going to be used as part of the project, it should be described in the text.
- The float tub drawing lists two percentages (120.9 percent and 201.5 percent) of functional grating. Which number is correct?
- Report references AMC Chapter 19.72 which is a reserved section in the Critical Areas Code. However, the Anacortes Shoreline Master Program (2010) is not referenced.
- The report also references AMC 19.70.125 which is mitigation requirements for critical areas. However, according to the SMP, Section 6.1, the AMC critical areas ordinance does not apply to Shoreline Jurisdiction.
- The project description states that the project proposes to replace the dilapidated pier and ramp and replace the failed float. The overwater coverage listed below does not match up with the shading table later in the document.
 - The pier is being increased from 48 square feet to 70 square feet.
 - The ramp is being increased from 120 square feet to 129 square feet.
 - Two derelict 16-inch steel piles (2.7 square feet) will be removed and replaced with 3- by 10-inch steel piles (1.6 square feet).
 - Based on a review of Google Earth timeline photographs, the float was removed between 2014 and 2015. The new pier is 240 square feet.
- Washington State Department of Ecology Coastal Atlas Map (<https://apps.ecology.wa.gov/coastalatlasmap>) was not referenced in the sources reviewed. The Coastal Atlas Map indicates the project shoreline is 100 percent armored, 100 percent modified and contains fringe (patchy) eelgrass.
- The sources in the Approach section of the report do not match the sources used to identify critical area presence.
- Table 1 in the report indicates that Frequently Flooded Areas are not present at the project site, but the project site is within a Federal Emergency Management Agency (FEMA)-mapped floodplain (waterward of the ordinary high water mark [OHWM]), with a base flood elevation of 7 feet (North American Vertical Datum of 1988 [NAVD88]).
- Table 2 in the report identifies Washington Department of Fish and Wildlife (WDFW) SalmonScape as source for presence of Anadromous fish habitat. However, SalmonScape doesn't map fish use along shorelines, just in streams. There are no mapped streams within the immediate vicinity of the site.

- Table 2 in the report identifies shellfish areas, aquatic habitat, forage fish spawning 150 feet south of the site and identifies the sources as being WDFW Priority Habitat Species (PHS) data. WDFW PHS data does not indicate shellfish areas within 500 feet of the site and the aquatic areas and forage fish spawning areas are more than 400 feet to the south.
- JARPA Sheet 11 of 11 indicates that there is eelgrass under the proposed new float and adjacent to the mapped eelgrass bed but there is no discussion about this eelgrass or potential impacts of the project on it. Similarly, there is no discussion of the macroalgae indicated on JARPA Sheet 11 of 11 and there is no discussion about potential impacts of the project on it. A copy of the eelgrass delineation report (cited as JenJay Survey 9-13-23 in Table 2 of the CAR), detailing survey methods and results should be submitted as part of the Shoreline Permit Application. Per United States Army Corps of Engineers (USACE) guidance (USACE 2016), eelgrass delineation surveys are valid for 1 year. In addition, "If it has been more than 1 year but less than 3 years since the last survey, then at a minimum, the mapped boundaries of the eelgrass and macroalgae beds must be re-verified to ensure that they have not changed. If more than 3 years have elapsed since the last eelgrass/macroalgae mapping survey, a new complete mapping survey shall be conducted." (USACE 2016).
- Within the "Project Impacts and Conservation Measurements" section of the report,
 - Within the shading section, the existing ramp is listed as 138 square feet but in the project description section it is 120 square feet (40 feet by 3 feet).
 - The report and shading table do not explain what "Less Overlap" means. This reduces shading impacts by 11 square feet.
- The report states, in the paragraph under the shading table, that the pier is not creating overwater coverage. However, the shading table is supposed to be depicting overwater coverage from the project and the pier is listed in the table.
- The report states in the second paragraph down below the shading table, that the new structures will add an additional 220 square feet of overwater coverage at the site. However, the shading table indicates a net increase of 242 square feet of overwater coverage will occur as a result of the project.
- Noise is indicated as an impact to fish. It is also stated that the new piles will be installed utilizing impact equipment. There are other noise impacts that may affect fish that are not listed, i.e. how the 2- by 16-inch piles are going to be removed. In addition, impact hammers used to install the steel piles may affect other species such as marbled murrelet, SRKW or other marine mammals which are not discussed in the report. A noise analysis should be completed to determine if noise will affect fish, marbled murrelets, seals, pinnipeds, SRKWs or humpback whales.
- BMPs state that the two steel piles will be cut 2 feet below the mudline if the piles cannot be removed. Cutting steel piles below the mudline is not typical especially if sediments are not considered contaminated. If this BMP is applicable to this project, more information on why the piles would be cut below the mudline is needed.
- The report does not appear to list minimization measures for pile installation or removal. There are noise reduction strategies that could be employed. What minimization measures will be utilized to prevent debris from entering the waters?
- The report states that the area is too shallow to allow for SRKW or humpback whales to access the site; however, noise impacts can travel to deeper waters where the whales may be present. The project is approximately 185 feet from mapped SRKW critical habitat. SRKW designated critical habitat is defined

as those area deeper than 20 feet below extreme high water, which is approximately -10.6 feet in the project area; however, the project site is 12 to 14 feet deep at high tide, which is deep enough for killer whales to use. A noise analysis should be completed to demonstrate why noise will not affect SRKW or humpback whales.

- The WSDOT Biological Assessment (BA) manual states that 12-inch steel piles have a 181 decibel (dB) root mean square (RMS) level when installed via an impact hammer; 10-inch steel piles are not indicated. The behavioral effect to fish is 150 dB RMS. Sources for the noise levels for installing a 10-inch steel pile should be identified, and more explanation should be provided as to why noise will not reach the behavioral effects threshold for salmonids or cetaceans.
- The report does not state how the existing steel piles will be removed. Therefore, noise impacts associated with pile removal cannot be assessed with the information provided.
- Impacts from the project are not clearly identified or quantified in the report.
- Within the “Project Impacts and Conservation Measurements” (the term is “Conservation Measures” not “Conservation Measurements”) under the “In-lieu Fee” Section.
 - It appears the first sentence is missing words and is unclear.
 - The report states that the property owner is not able to complete mitigation at the subject property. There is no explanation given as to why onsite mitigation is not possible on site.
 - The report states that the in-lieu fee will be used “if required”. The report does not specify who will identify if this is required. Also, without a clear understanding of where (geographically) the funds will be applied, assessing if the proposed mitigation adequately addresses impacts and results in no net loss of ecosystem functions is not possible.
- Under the Impact Minimization and Mitigation section of the report, it references City Code LUC 20.25E.060.D.2. This does not appear to be City of Anacortes Municipal Code.
- Within the impact section of the report, the report states that the pier repair and shoreline improvements will improve shoreline conditions. More information should be provided to support this statement.
- The report states that impact equipment will be used to install the piles. However, within the Avoidance and Minimization section of the report, it states that “No impact pile driving or proofing will occur”. How the piles will be installed and removed needs to be clearly discussed and measures to reduce impacts from those proposed actions also needs analyzed and presented.
- Within Mitigation Approach the report does not state how the listed actions will mitigate for the proposed impacts. Also, this section does not explain why onsite mitigation is not feasible.
- Within the Shoreline Functions and Values Improvements section of the report, it states that decreasing shading can increase productivity in waters. However, previously, the report states the project is increasing overwater structure coverage and shading. It is true that grating lets more light penetrate to the water below than solid decking; however, grated decking is a standard minimization measure that is required by agencies, and thus use of grated decking material cannot be considered mitigation.
- Performance standards are standards that can be measured to identify whether a mitigation project is successful. Methods to measure the reduced “effective overwater coverage” were not identified. Removing the existing 16-inch steel piles is part of the project (to get them out of the way) as well as mitigation action. Replacing the concrete pier with a grated pier is an improvement in terms of light

penetration; however, the pier is being replaced, not just demolished, and it is being increased in size. Grated decking is a standard minimization measure that is required by agencies, and thus use of grated decking material cannot be considered mitigation. If the project pays into the Puget Sound Nearshore in-lieu fee program, it is not a performance standard but a mitigation action.

- Within the planting plan section, the report states that shrubs and trees will be planted. However, only two trees are proposed for planting.
- The Maintenance and Monitoring Program states that the plantings will be counted for survival for 5 years; however, it does not state the monitoring schedule, or that a monitoring report will be prepared or submitted to applicable agencies.
- The mitigation section of the report does not contain a contingency plan.
- Within the Conclusion Section:
 - The report states that there will be temporary impacts from construction. The report does not previously identify or quantify temporary impacts. Disturbed sediments were not discussed within the impacts section.
 - Permanent impacts are not identified in the conclusion.
 - The report states that “conservation measures” are designed to improve ecological functions or prevent further degradation of habitat but it does not mention mitigation actions.
- Based on a review of the photographs, it appears that the existing ramp may be shorter in length than is listed in the report text and shown in the drawings. It appears from Photo 2 that the distal end of existing ramp may have been damaged/broken off and that the remaining portion is being held up by straps attached to one of the 16-inch steel piles. There are no photographs showing the existing ramp from the southeast looking northwest to view the total length of the existing ramp.

Ecological No Net Loss Assessment, Critical Areas, and Critical Habitat Assessment Report Bottner Float Replacement

Prepared for

**Darin and Carrie Bottner
2310 Dover Drive
Anacortes, WA 98221**

GeoEngineers (7/17/24): Yellow
highlights indicate where the
report was modified from the
original version.

GeoEngineers, Inc.
comments/responses are in text
boxes with red text.

Prepared by



Northwest Environmental Consulting, LLC
600 N 36th Street, Suite 425
Seattle, WA 98103
206-234-2520

May 2024

Purpose

The purpose of this report is to fulfill the requirements of the City of Anacortes Shoreline Master Program (Chapter 6.3) by assessing overall project impacts and mitigation to determine if the project meets the “No Net Loss” General Regulation of the Shoreline Master Program.

All actions and development must be designed and constructed in accordance with mitigation sequencing per AMC 19.70.125 to achieve no net loss of critical area functions and values. The sequence is as follows:

1. Avoiding the impact altogether by not taking a certain action or parts of actions;
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment or by restoring or stabilizing the critical area through natural, engineering, or other methods;
4. Reducing or eliminating the impacts or hazard over time by preservation and maintenance operations during the life of the action;
5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and/or
6. Monitoring, measuring and reporting the impact to the decision-maker and taking appropriate corrective measures.

Location

The subject property is located at 2310 Dover Drive on a residential lot on the shoreline in Anacortes, Washington (Figure 1), parcel number P60047, Skyline NO 11 Lot 33 (Shoreline Residential), (SW Quarter of Sec 27, T 35N, R 1W). The parcel is on the waterfront of Burrows Bay, which is part of the Salish Sea and supports several endangered fish species, designated priority fish species, important marine habitats and associated species.

Project Description

The owners are proposing to replace a dilapidated pier and ramp, and replace the failed float.

The existing ramp (to be removed) is anchored by a 48-square-foot concrete pier that is failing (see Photos, attached). The pier is above the HTL line and does not constitute overwater coverage. The approximately 138-square-foot ramp is attached at one end to the concrete pier and extends over the water without any float on the other side, making it unsafe to walk on.

Two derelict 16-inch steel piles will also be removed.

The failing concrete pier will be replaced with an aluminum fixed pier, approximately 70 square feet, supported by four 4-inch pin piles. The pier will connect to a new 129-sq-ft ramp (36 x 3.5 ft), which will extend to a 30-by-8-foot (240-square-foot) float connected to three 10-inch steel piles. The existing solid ramp will be replaced with a grated ramp.

The float, pier and ramp will be assembled off-site and barged in to the project location, where they will be joined to the pier and float piles.

Float stops (Sheet 6) will prevent the float from resting on the seafloor during extreme low tides.

The planting plan includes 11 ocean spray shrubs.

See Appendix A – Project Drawings.

GeoEngineers (7/17/24): How tall will the float stops be/how far will the bottom side of the float be from the ground during low tides?

Approach

Northwest Environmental Consulting LLC (NVEC) biologists Brad Thiele evaluated the site using site photos, aerial photographs, and online resource review to evaluate conditions on site and adjacent to the site. NVEC consulted the following sources for information on potential critical fish and wildlife habitat along this shoreline:

- Skagit County Property Search (Skagit County 2023)
- U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) (USFWS 2023)
- Washington Department of Fish and Wildlife (WDFW), Priority Habitats and Species Program (PHS) (WDFW 2023)
- WDFW SalmonScape (WDFW 2023)
- WDFW Forage Fish Maps (WDFW 2023)
- Washington Department of Natural Resources (WDNR), Puget Sound Eelgrass Monitoring Program (WDNR 2023)
- WDNR, Wetlands of High Conservation Value (WDNR 2023)

Site Description

The subject property is in an urban residential neighborhood along the shoreline of the entrance to Flounder Bay from Burrows Bay in the Skyline neighborhood of Anacortes. Single-family houses are present along the shoreline. Most of Flounder Bay is developed with the Skyline Marina. Pictures of the site are included in Attachment B- Site Photos.

The area is a marine waterfront residential neighborhood and the shoreline consists of rocky shorelines. The bay was originally a log pond for the Walton's Lumber Company (Anacortes Museum and Maritime Heritage Center 2023). The marina was recently dredged in August 2010. The shoreline has been altered with constructed pocket bays, and the site has a flat lawn with some ornamental plants.

Substrates along the shoreline consist of angular rocks along the base of the rock bulkhead, about 15 feet from shore substrates transition to gravel and sand with cobbles. There is an eelgrass bed mapped about 17 feet from the waterward edge of the new float (Sheet 3).

Critical A

The City of An property. NWI habitats. Tabl

GeoEngineers (7/17/24): Although the survey indicates that there are no eelgrass beds under the new ramp and float, the survey reports 5% macroalgae under the ramp and part of the float and there are patches with 30% cover of macroalgae within 25 feet of the proposed float. The survey also reports low density patchy eelgrass under the proposed float. According to WAC 220-660-380, structures must be located at least 25 feet (measured horizontally from the nearest edge of the structure) and four vertical feet away from seagrass (e.g., eelgrass) and kelp (e.g., bull kelp and sugar kelp) beds.

Bottner No Net LOSS Report

Table 1 – Critical Areas Presence

Critical Area Type	Presence	Source
Geologically Hazardous Area	Shoreline slope stability and tsunami hazard	City of Anacortes Critical Areas Map
Wetlands	Estuarine and Marine Deepwater Wetland	City of Anacortes Critical Areas Map
Frequently Flooded Areas	Yes	FEMA Flood Map Zone AE
Fish and Wildlife Habitat Conservation Areas	None at the residence; surf smelt spawning at the breakwater to Flounder Bay; sand lance spawning along Burrows Bay shoreline; abalone present in Burrows Bay.	WDFW PHS on the Web, City of Anacortes Critical Areas Map
Critical Aquifer Recharge areas	No	City of Anacortes Critical Areas Map

Fish and Wildlife Habitat Conservation Areas (FWHCAs)

The City of Anacortes regulates FWHCAs (AMC 19.70) that may occur on or near the property. NWECC reviewed online sources on the presence of these important species and habitats. Table 2 shows FWHCA presence in the area.

Table 2 – FWHCA Presence

FWHCA type	Presence	Source
Critical Saltwater Habitat	Eelgrass bed about 17 feet from the waterward edge of the proposed float	JenJay survey 9-13-23
Naturally occurring ponds less than 20 acres in size	No	City of Anacortes Critical Areas Map
Riparian management zones	No	City of Anacortes Critical Areas Ordinance AMC 19.72
Lakes and streams stocked by government or tribal entities	No	City of Anacortes Critical Areas Map
Anadromous fish habitat	Yes	PHS on the Web
DNR natural area preserves, resource conservation areas and state wildlife areas	No	Critical Areas Maps, PHS on the Web
DNR rare plants and high quality ecosystems	No	DNR Natural Heritage Program Database
State Priority Habitats and Species	Shellfish areas 700 ft south of the site; aquatic habitat, forage fish (sand lance)	WDFW PHS on the Web

	spawning 400 feet south of the site	
Species of Local Importance	No	City of Anacortes Critical Areas Ordinance AMC 19.72

Project Impacts and Conservation Measures

Direct Impacts:

Sedimentation Runoff: The project will not create any new impervious surface. The existing concrete 48-square-foot, non-pollution-generating surface will be removed and replaced with an aluminum framed fixed pier with grated decking. The ground surface below is covered in rip rap so no stabilization of exposed earth is required after the concrete is removed.

Shoreline: Planting native vegetation will increase the habitat functions of the shoreline by creating shade along the shoreline that will be an improvement from the existing baseline habitat conditions at the project site. The oceanspray shrubs will provide structural diversity for birds and wildlife, leaf litter and other allochthonous food sources to marine waters and provide shading along the shoreline. The proposed planting plan can be found in Appendix A.

Shading: The project will maintain an artificial structure on the shoreline. A concrete block walkway will be removed from the shoreline and replaced with a grated fixed pier, which will have a positive effect on the shoreline. Overwater coverage will be changed as shown below:

Element	Existing (sq ft)	Proposed (sq ft)	Change (sq ft)
Pier*	48	70	22
Ramp	138	129	-9
Float		240	240
Less Overlap		-11	-11
Total	138	358	220

* Not overwater

The new float will have 120.9 square feet (50.3%) of functional grating using Ecograte62 (62% open space). With 62 percent light penetration, this reduces the effective overwater coverage of the new float to 75 square feet. The existing ramp is not grated, the new ramp will be grated with Ecograte62 (62% open space). The new ramp will reduce total effective overwater coverage by 9 square feet and reduce total effective overwater coverage by 9 square feet. The existing concrete walkway and proposed grated pier will reduce total effective overwater coverage by 11 square feet. **GeoEngineers (7/17/24): Grating will reduce shading, but does not reduce total effective overwater coverage.**

The new structures will add an additional 198 square feet of overwater coverage at the site. Using grated decking minimizes the new overwater coverage to 123 square feet. The old float was about 8 feet wide by 42 to 46 feet long, or 336 to 368 square feet with concrete decking. The overall new design is more than 210 square feet reduction in overwater coverage compared to the former design. Float stops (Sheet 6) will prevent the float from grounding on the bottom during extreme low tides.

Noise: Construction equipment will create construction noise audible to neighbors. Construction noise will be typical of construction sites from use of hand tools. If the concrete shore mat cannot be lifted and removed in one piece by the barge mount crane, impact equipment will be used briefly to break up the concrete pier. A vibratory driver will be used to drive four 4-inch

GeoEngineers (7/17/24): The proposed float is considered a new structure. Currently, the only existing over-water structure is the ramp.

piles and three 10-inch steel piles. Noise disturbance will be short-term and should have negligible effects on fish and wildlife in the area.

Propeller noise from construction tugs and moored vessels can produce noise levels that may exceed the disturbance threshold for fish. Boats can produce sound levels that are considered harmful to fish; however, work tugs and boats using the moorage will not operate at wide open throttle so these noise levels will not occur from construction related tugs or moored vessels. During operation of moored vessels, the sounds will be brief as boats enter and leave the marina and not expected to have a significant effect on fish species.

GeoEngineers (7/17/24):
When doing noise analysis we typically use conservative numbers so applying the numbers for 12 inch steel piles is appropriate. If the disturbance thresholds are reached, even if it is a small area, then it does cause disturbance to these species. Also, noise does extend out into Burrows Bay and there have been sightings of Humpback and Orcas in this area as recently of June.

water noise will occur during pile driving and extraction activities. Information about noise 10-inch-diameter piles is not available, so 12-inch-diameter values were used.

ervative measures of predicted noise pressure from vibratory pile driving at close range are expected to be approximately 155 dB RMS and 155 dB SEL for 12-inch diameter piles (WSDOT 2020 and Caltrans 2015).

holds for behavioral effects and injury for fish and marine mammals are shown below:

water Noise Effect Thresholds

	Behavioral Effects	Injury Threshold
salmonids	150 dB _{RMS}	206 dB _{PEAK} 187 dB _{SEL} adults 183 dB _{SEL} juveniles
cetaceans	120 dB _{RMS}	202 dB _{RMS} continuous 173 dB _{SEL} non-explosive impulsive or intermittent
Oiled Murrelets	150 dB _{SEL}	202 dB _{SEL}

Source: NMFS and USFWS 2023

that the piles are smaller than the 12 inches used for the expected noise values, it is likely that the disturbance threshold for salmonids will be reached. If it is reached, it will only a very small radius.

disturbance threshold for cetaceans will be reached for a radius of up to 2,154 meters, limited by landforms in the area. The project area is close to the mouth of Flounder Bay, and will be limited to within the bay and a narrow swath through Burrows Bay, mostly in deeper waters than are generally used by cetaceans.

duration of underwater noise from pile driving will be a maximum of 90 minutes.

Ordinary Turbidity: Minor turbidity may result from bottom-disturbing activities (pile installation and removal), and prop wash from the work tug. This turbidity is expected to be minor and short duration, settling out within 2 hours. Care will be taken when positioning piles for installation, there is minimal scraping along the bottom. Piles will be lifted slowly from the water, and the barge will be lined with filtration material so sediments clinging to the piles do not wash back into the water. The tug will be operated at the lowest throttle position necessary to move the vessel. The work area will be surrounded by a silt curtain to confine any turbidity to a small area while it settles out.

Potential spills: Short-term risks include the potential for petroleum spills that can occur with any heavy equipment operation. The level of impact to the aquatic environment is expected to be minor because of the amount of petroleum products available for spillage during typical construction activities, and because of spill containment measures that will be employed including: degreasing and cleaning of all equipment prior to use; refueling and maintenance of equipment on uplands; spill response kits and clear notification procedures will be in place in case of emergencies; and implementation of a Spill Prevention Containment and Countermeasures (SPCC) plan.

Best Management Practices: Applicable BMPs will be used. Any construction debris will be removed from the site. If gasoline powered tools are used, they will be refueled at least 200 feet from the shoreline or in specific containment areas on the work barge. Care will be taken not to touch the bottom with barge anchors in the eelgrass area.

A floating boom and silt curtain will be placed around the project area while work is being done. The area inside the boom will be cleared of floating debris before the boom is removed. Spill containment and removal materials will be kept onsite.

Piles will be pulled up slowly to minimize turbidity. Sediment bonds will be broken by running the vibratory hammer at low power before the piles are gently lifted. Holes left by pile removal will be filled, if needed, with clean sand that matches the existing substrate in texture and composition. If a pile is broken during removal, it will be cutoff below the mudline per permit requirements.

Critical Areas: FWHCAs are present at or near the site.

FHWCA:

ESA listed Species: Aquatic ESA listed fish and mammal species occur in the area. The work will not increase impervious surface. Access to the beach is already possible at low tide. Construction will minimize effects on listed species. The work will be done during the allowed work window to avoid harm to juvenile salmon, and the water is too shallow to be accessed by Southern Resident Killer Whales or Humpback whales. The disturbance threshold for cetaceans will be reached for a distance of 2,154 meters, limited by landforms. A narrow swath through Burrows Bay will experience disturbance-level noise for a period of approximately 90 minutes.

Kelp and Eelgrass Beds: Care will be taken not to anchor the work barge in the eelgrass bed adjacent to the project site. The dock repairs and floats are not above the eelgrass beds, so shading from the new float will not shade the existing eelgrass bed.

GeoEngineers (7/17/24): The use of conservation credits for mitigation has been developed by NMFS, but has not been approved for use by USACE and/or the City of Anacortes. The City SMP does not say that in-lieu fee programs (which is what the conservation credits are) satisfies mitigation requirements. According to the SMP, offsite mitigation is only allowed if it can be demonstrated to be more beneficial to shoreline ecological functions. In addition, the SMP states that there should be no net loss of ecological functions to the shoreline at the project site and buying these credits does not address this.

costs for proposed in-water structures in Puget Sound. NMFS has established a conservation credit system that can be purchased from providers. The owner is not able to complete the required conservation credits at the subject property and the property owner has opted to pay into the Puget Sound Partnership to mitigate project impacts.

The fee was determined using the Puget Sound Nearshore Conservation Calculator.

IMPACT MINIMIZATION AND MITIGATION

Reasonable efforts were made to apply mitigation sequencing when altering habitats within shoreline areas, as required by City Code. This sequence has three steps: avoidance, minimization, and mitigation.

Avoidance and Minimization

The pier repair and shoreline improvements are being done to maintain the moorage structure and improve shoreline conditions.

During construction, BMPs will be used to prevent construction debris from entering the marine environment. All construction debris will be removed from the site.

Additional avoidance and minimization measures include the following:

- Float is designed using aluminum frame work to reduce the guide piles to 10" dia. and from 4 to 3;
- No use of treated wood for any in-water structures or components are proposed;
- Piles will be galvanized steel and the smallest size and quantity practicable;
- No impact pile driving or proofing will occur;
- Piles will be capped to prevent perching by predatory birds.

Mitigation Approach

The owner proposes to grate the existing pier ramp, remove a concrete ramp and two derelict pilings and plant native trees and/or shrubs. The owner has opted to pay a mitigation fee using the Puget Sound Near Shore Calculator. The fee will be paid to the Puget Sound Partnership.

Shoreline Functions and Values Improvements

Decreasing shading by using grated decking can increase productivity in the waters. Changing the dock to grated decking will improve juvenile fish migration functions of the nearshore by reducing hard shadows that sometimes cause juvenile salmonids to hesitate before passing under a structure.

A shoreline planting plan will be implemented that will add native trees and/or native shrubs to the shoreline that will provide natural shading, allochthonous food sources and will eventually be a source of woody materials that will improve shoreline conditions at the site in the long-term.

GeoEngineers (7/17/24): The mitigation plan does not demonstrate that impacts have been mitigated to result in equal or better ecological function at the site, or that there will be no net loss of functions as stated in the City's SMP

Proposed Mitigation

Mitigation Goals

Mitigation goals include using grating decking, removing and installing two 16-inch derelict steel mooring piles, planting native plants, and using the Puget Sound Nearshore Calculator to determine additional

Performance Standards

Performance standards include reducing effective overwater coverage by using grating decking, removing piling and a cover, and complying with the Puget Sound Partnership Conservation Program. These performance standards shall be completed upon completion of the project.

Shrub plantings shall maintain a 100% survival for the 5 year monitoring period. Tree diversity will be maintained. The planting areas will maintain a 100% survival for the 5 year monitoring period.

GeoEngineers (7/17/24): Performance standards are measurable criteria for determining if goals and objectives have been achieved. Paying into the Puget Sound Partnership Conservation Program is not a performance standard. Unless you provide a plan to measure overwater coverage, this is not a performance standard either. In addition, the grating will reduce shade but not overwater coverage. Also, the float is considered a new structure because there is no existing float currently at the site and so the statement about reducing overwater coverage is not true.

Planting Plan

Shrubs and trees will be counted and are shown in Appendix A – S

GeoEngineers (7/17/24): No trees are proposed. Two Oceanspray shrubs are proposed within 15 feet of the OHWM along the shoreline which may affect shoreline conditions/shading, the remaining 9 plants are proposed along the north property line away from the shoreline and likely will not significantly affect shoreline functions. Shrubs are proposed at 10-ft on center spacing, which is a sparse planting density.

Schedule and Maintenance

Plantings shall be installed in Watering will be required for any invasive plants removed.

Maintenance and Monitoring Program

To ensure that the performance standards are met, plantings will be counted in August or September for survival for five years. All dead plantings will be replaced with similar native plants so that 100% survival is reached for the monitoring period.

Compliance With Development Regulations

The City of Anacortes Shoreline Management Program, Chapter 6.C, DR-6.7.1, states:

Water-dependent development and uses, including marinas, docks, piers, mooring areas, underwater parks, utility crossings, and shoreline modifications, shall not intrude into or be built over critical saltwater habitat unless the applicant can show that all of the following criteria can be met:

- a. The use preference listing in RCW 90.58.020 for uses in Shoreline of Statewide Significance shall be adhered to.

GeoEngineers (7/17/24): The old float was removed between July 2014 and May 2015 according to GoogleEarth aerals. Therefore, the float is considered to be a new structure because there hasn't been a float in this location for approximately 9 years.

Response: This is not a residential dock in a residential neighborhood where every shoreline residence has a dock. The replacement float and access pier and ramp will be built with better materials than the original, and placed in the same footprint.

b. The public's need for such a structure is clearly demonstrated and an alternative alignment or location on the applicant's property that would avoid impacts to critical saltwater habitats is not feasible or would result in unreasonable and disproportionate cost to accomplish the same general purpose. An alternatives analysis will be required for any non-exempt project proposed within FWHCAs. The analysis should include in part, shoreline bathymetry, shoreline features at the site, and substrate composition.

Response: The structure is being placed in the same footprint as the original, avoiding new disturbance. The replacement structure will be built with less intrusive materials. The concrete pier will be replaced with grated aluminum, and the ramp and float will be built with grated decking. This is a replacement, not a new structure.

c. The project is consistent with the state's interest in resource protection and species recovery.

Response: The structures are being built with materials that meet state agency standards and will improve conditions over existing for fish using the shoreline.

d. Impacts to critical saltwater habitat functions are mitigated to result in equal or better ecological function.

As stated in C, conditions will be improved over existing. Two derelict grated decking materials will replace the previous solid materials.

GeoEngineers (7/17/24): Comments from above in report text apply here.

> Not maintaining because new structure; planting additional plants further from the shoreline will not affect shoreline functions; and it has not been demonstrated that purchasing conservation credits will result in no net loss of functions.

Conclusion

GeoEngineers (7/17/24)
the float is a new structure

There will be temporary impacts from noise and disturbed sediments effects of construction will be short term. Construction disturbance will conditions at the site temporarily. Permanent impacts will occur from structure that will create shading and add piling to the aquatic habitat

The project will minimize construction effects on the environment by following the prescribed fish window and using applicable BMPs to prevent construction spills, turbidity, and floating debris from escaping the area. The construction crew will retrieve all dropped items from the bottom and dispose of them properly. The new float will be grated, and the fixed pier that will replace the concrete pier is also grated above the High Tide Line.

A shoreline planting plan will be implemented that will add a native shrubs that will improve natural shading and provide additional vertical structure in the shoreline conditions at the site in the long-term.

The shoreline will be improved by removing 2 steel piles and a (pier, ramp, and float) will be grated reducing effective overwater coverage along the shore and in the nearshore environment. The owner will purchase conservation credits from the Puget Sound Partnership.

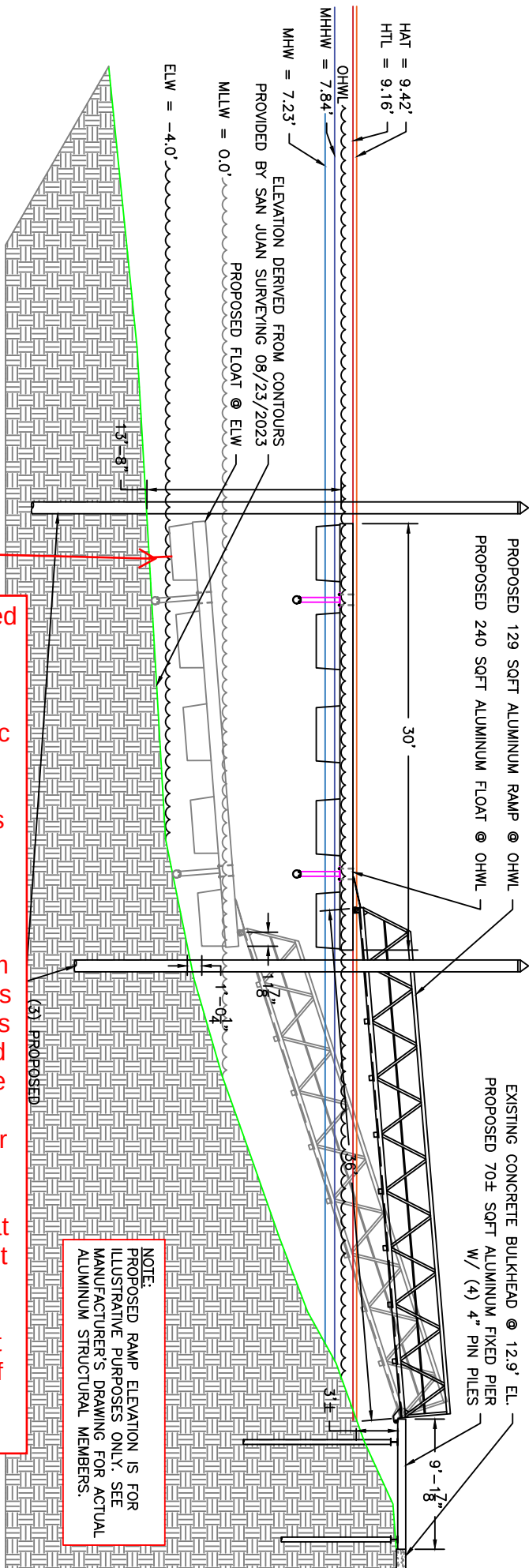
GeoEngineers (7/17/24)
new float will add effective over-water coverage

The conservation measures are designed to improve ecological functions or prevent further degradation of habitat and will result in No Net Loss of ecological functions.

GeoEngineers (7/17/24) Grated decking and float stops are design criteria not conservation measures. Plantings adjacent to the shoreline are conservation measures, however Oceanspray will only get up to 15 feet tall, therefore plants further than 15 feet from the OHWM will not provide shade to the marine nearshore.

GeoEngineers (7/17/24) No net loss has not been demonstrated. Adding a new float, and associated boat use will have impacts on habitats and species that have not been adequately discussed, analyzed and mitigated for.

Appendix A: Project Drawings



PROPOSED PIER MATERIAL LIST	
PART	SPECS
PILING	4" STD WALL STEEL PIPE
CAP BEAM ASSY	W6x15
GRATING	FIBERGRATE-62
PIER TUBING	ALUMINUM
HARDWARE	STEEL
ST	

SPECIFICATIONS	
PILING	10" STD WALL STEEL
FLOAT NAILERS	ALUM. RECT. TUB
FLOAT TRUSS FRAMING	ALUM. RECT. TUB

GeoEngineers (7/17/24) What is the proposed distance between the bottom of the float and the substrate?

See requirements from the WAC below.
Also the Salish Sea Nearshore Programmatic PDC#5 will require similar design criteria.

All public recreational piers, ramps and floats are subject to the provisions in WAC 220-660-380 (attached to this deliverable), including the general provision in section (3) that structures must be located at least 25 feet horizontally and 4 vertical feet away from seagrass and kelp beds. The proposed float is located within 25 feet of the mapped eelgrass bed, the structure would have to be designed to maintain a 4-foot vertical distance from the eelgrass. WAC 220-660-380 contains provisions for all new floating docks (not near eelgrass/kelp but over intertidal area), including the requirement that "Floats are designed with stoppers or support pilings that keep the bottom of the floats at least one foot above the substrate so that the structure will not rest on the bottom;" and other provision on percent of float area to be grated, percent open area, grating orientation and location of floatation relative to the grating, and on encapsulating the floatation material.

NOTE:
PROPOSED RAMP ELEVATION IS FOR ILLUSTRATIVE PURPOSES ONLY. SEE MANUFACTURER'S DRAWING FOR ACTUAL ALUMINUM STRUCTURAL MEMBERS.

GeoEngineers (7/17/24):
Comments/Responses from GeoEngineers,
Inc. are in comment boxes with green text.

Appendix A. List of Inconsistencies and Missing Information

Response on 6-5-24 to the inconsistency and missing information as found by GeoEngineering.

SEPA CHECKLIST AND NOA WITH SEPA DNS:

- Question 5.b - Under listed threatened and endangered species known to be on or near the site, Southern resident Killer Whales (SRKW) are not mentioned. SRKW critical habitat is mapped approximately 180 feet to the south. Rockfish are also not listed and rockfish critical habitat is mapped at the project site (<https://www.webapps.nwfsc.noaa.gov/portal/apps/webappviewer/index.html?id=7514c715b8594944a6e468dd25aaacc9>)
 - Southern resident Killer Whales (SRKW) and Rockfish have been added to SEPA checklist 5.b
- Question 5.c - The site is part of a migration route because all of Washington is in the Pacific Flyway.
 - Edit made to 5.c to list as migration route
- Question 8. H – The project site has also been identified as a critical saltwater habitat.
 - Edit made to 8.H to list as critical saltwater habitat
- Question 11.a – The Critical Areas Report (CAR) mentions lighting that will be directed away from the shore. However, the answer to this question states there will be no light associated with the project.
 - No lighting is proposed for this project.
- Question 13. C – the question asks about methods used to assess potential impacts to cultural and historic resources on or near the project site. The answer is “none”, which does not address the question.
 - Edit has been made to 13.c
- Question 14.d. – the question asks if the project will occur in the immediate vicinity of water, rail or air transportation and the answer was “No.” However, the project site is adjacent to the Bayside Marina.
 - Edit has been made to 14.d

PROJECT DESCRIPTION AND CONSTRUCTION SEQUENCE:

- Does not list the equipment to be used. Just says that all construction equipment will be stationed on a barge.
 - Edit has been made to PDCS to list the equipment that will be stationed on the barge
- Will the removal of the existing pier be conducted from the barge? And if so, how will it be removed. What Best Management Practices (BMPs) will be utilized to ensure debris does not enter the water.
 - Edit made to PDCS to clarify the removal sequence and BMPs that will be utilized

The CAR describes the proposed pier as an aluminum framed fixed pier. The project description describes it as treated wood frame decking with molded plastic grating.

Edit made to PDCS to correct the pier material as aluminum framed

CRITICAL AREAS REPORT (CAR):

- The report did not reference the Anacortes Shoreline Master Program (SMP). The report referenced the current critical areas ordinance (Anacortes Municipal Code [AMC] Chapter 19.70).
 - A section has been added on Page 8 to address the SMP.
- The report did not adequately identify required steps for mitigation sequencing. The report did not discuss rectifying or reducing the impacts. GeoEngineers (7/17/24): I see a list of the sequence on Page 1 but I don't see a section discussing the projects mitigation sequencing within the report.
 - The Mitigation Sequencing section has
- During a portion of the year, it is likely that the float will be resting on the bottom of the Puget Sound. No mention of this was made in the report.
 - The float is not located within Puget Sound. Float stops are now mentioned on Page 2 and 4. The stops will prevent the float from grounding out on the seafloor.
- No mention was made of “float stops” that are shown on Sheet 16 of the Joint Aquatic Resources Permit Application (JARPA) drawings. These are the two structures shown on Sheet 16 of the JARPA drawings that are attached to the float that will keep the entire structure from sitting on the bottom of Puget Sound.
 - See note above. Float stops are now mentioned on Page 2 and 4.
- There is little information and contradictory information provided on how the project will be constructed. i.e. we don't know how the piles or existing ramp will be removed and one section of the report mentions impact equipment will be used to install the piles and another section says that the piles will not be installed with an impact hammer.

There is a noise analysis now on Page 5 for vibratory installation.
- The report states that no galvanized coated steel will be placed below the waterline; however, sheet 6 of the JARPA drawings shows that the float will be galvanized.
 - Galvanized steel piles and float materials will be used as needed; this is permitted in the marine environment.
- The drawings depict a temporary floating silt containment fence, but this is not described in the text or listed as a minimization measure. If the fence is going to be used as part of the project, it should be described in the text.
 - The silt curtain is mentioned on Page 5.
- The float tub drawing lists two percentages (120.9 percent and 201.5 percent) of functional grating. Which number is correct?
 - The plan set has been corrected to state 120.9 sf is the proposed area of functional grating.
- Report references AMC Chapter 19.72 which is a reserved section in the Critical Areas Code. However, the Anacortes Shoreline Master Program (2010) is not referenced.
 - A section has been added on Page 8 to address the SMP.
- The report also references AMC 19.70.125 which is mitigation requirements for critical areas. However, according to the SMP, Section 6.1, the AMC critical areas ordinance does not apply to Shoreline Jurisdiction.
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replace the failed float. The overwater coverage listed below does not match up with the shading table later in the document.

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- The pier is being increased from 48 square feet to 70 square feet.
 - As stated above, the pier is above the High Tide Line and has been removed from the overwater calculation
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 - The solid ramp is being replaced by a grated ramp, reducing the effective overwater coverage.
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- Based on a review of Google Earth timeline photographs, the float was removed between 2014 and 2015. The new pier is 240 square feet.
- Washington State Department of Ecology Coastal Atlas Map (<https://apps.ecology.wa.gov/coastalatlasmap>) was not referenced in the sources reviewed. The Coastal Atlas Map indicates the project shoreline is 100 percent
 - The eelgrass survey by JenJ area.
- The sources in the Approach section are not in the presence.
 - Where critical areas were identified
- Table 1 in the report indicates the project site is within a Federal Emergency Management Agency (FEMA) Zone AE of the ordinary high water mark (OHWM) [Datum of 1988 [NAVD88]].

GeoEngineers (7/17/24): FEMA definition of Floodplain. Any land area susceptible to being inundated by floodwaters from any source. (A 1% annual chance of flooding is the 100-year floodplain.)

FEMA Zone AE definition: The base floodplain where base flood elevations are provided. AE Zones are now used on new format FIRMs instead of A1-A30 Zones.

FEMA Zone Definition: A geographical area shown on a Flood Hazard Boundary Map (FHBM) or a Flood Insurance Rate Map (FIRM) that reflects the severity or type of flooding in the area.

 - This is not a mapped Floodplain, it is Zone AE representing a 1% annual chance of flooding and is mapped where the dock exists. We added a note to the report that Frequently flooded areas are present. The house, patio, etc., are above the Zone AE mapping.
- Table 2 in the report identifies Washington Department of Fish and Wildlife (WDFW) SalmonScape as source for presence of Anadromous fish habitat. However, SalmonScape doesn't map fish use along shorelines, just in streams. There are no mapped streams within the immediate vicinity of the site.
 - SalmonScape maps a Chinook-bearing, unnamed stream entering Burrows Bay about ¾ of a mile southeast of the site. Anadromous fish enter the Salish Sea from river systems and streams throughout the region. Anadromous fish are present in Burrows Bay.
- Table 2 in the report identifies shellfish areas, aquatic habitat, forage fish spawning 150 feet south of the site and identifies the sources as being WDFW Priority Habitat Species (PHS) data. WDFW PHS data does not indicate shellfish areas within 500 feet of the site and the aquatic areas and forage fish spawning areas are more than 400 feet to the south.
 - Measurement corrected
- JARPA Sheet 11 of 11 indicates that there is eelgrass under the proposed new float and adjacent to the mapped eelgrass bed but there is no discussion about this eelgrass or potential impacts of the

project on it. Similarly, there is no discussion about potential impacts in the report (cited as JenJay Survey 9-13-23) should be submitted as part of the Shading Engineers (USACE) guidance (USACE 2019). In addition, "If it has been more than 1 year since the mapped boundaries of the eelgrass have not changed. If more than 3 years since the last survey, a new complete mapping survey :
 GeoEngineers (7/17/24): Although not an eelgrass bed (per WDFW and USACE definitions) there is low density patchy eelgrass under the proposed float according to the JenJay survey. Discussion of macroalgae or potential impacts was not included/added.
 Although not a requirement in the SMP, WDFW and NMFS will have design requirements for the float that it within 25 feet of the surveyed eelgrass bed. Also, there is sugar kelp within 25 feet of the proposed float.

- The JenJay survey is less than 1 year old, and does not indicate eelgrass under the float. Sheet 11 does not show eelgrass under the proposed float; there is a green bathymetry line that could be mistaken for that. The CAR states that the adjacent eelgrass bed will be avoided.
- Within the "Project Impacts and Conservation Measurements" section of the report,
 - Within the shading section, the existing ramp is listed as 138 square feet but in the project description section it is 120 square feet (40 feet by 3 feet).
 - 138 is the correct number.
 - The report and shading table do not explain what "Less Overlap" means. This reduces shading impacts by 11 square feet.
 - The end of the ramp overlaps the float by 11 square feet and shifts with the tide; this is usually the case with ramped floats.
- The report states, in the paragraph under the shading table, that the pier is not creating overwater coverage. However, the shading table is supposed to be depicting overwater coverage from the project and the pier is listed in the table.
 - The pier is above the HTL line. It was mistakenly included in the table.
- The report states in the second paragraph down below the shading table, that the new structures will add an additional 220 square feet of overwater coverage at the site. However, the shading table indicates a net increase of 242 square feet of overwater coverage will occur as a result of the project.
 - The table has been corrected.
- Noise is indicated as an impact to fish. It is also stated that the new piles will be installed utilizing impact equipment. There are other noise impacts that may affect fish that are not listed, i.e. how the 2- by 16-inch piles are going to be removed. In addition, impact hammers used to install the steel piles may affect other species such as marbled murrelet, SRKW or other marine mammals which are not discussed in the report. A noise analysis should be completed to determine if noise will affect fish, marbled murrelets, seals, pinnipeds, SRKWs or humpback whales.
 - A noise analysis has been added. No impact pile equipment is proposed.
- BMPs state that the two steel piles will be cut 2 feet below the mudline if the piles cannot be removed. Cutting steel piles below the mudline is not typical especially if sediments are not considered contaminated. If this BMP is applicable to this project, more information on why the piles would be cut below the mudline is needed.

Usually steel pilings are removed; however, this is not always the case as all piles have a chance of breaking off during removal. The WAC 220-660-140 states that if piling that is being removed breaks, the remainder is to be removed from the water column or cutoff below the water line (they specifically mention creosote piling, but we believe it applies to all piling). Leaving a broken piling in the water column would be a hazard to navigation, would not be beneficial to the marine environment, and would conflict with other permits.

- The report does not appear to list minimization measures for pile installation or removal. There are noise reduction strategies that could be employed. What minimization measures will be utilized to prevent debris from entering the waters?

- Sections have been added to the Impacts and Conservation Measures section.

- The report states that the area is too shallow to allow for SRKW or humpback whales to access the site; however, noise impacts can travel to deeper waters where the whales may be present. The project is approximately 185 feet from mapped SRKW critical habitat. SRKW designated critical habitat is defined as those area deeper than 20 feet below extreme high water, which is approximately -10.6 feet in the project area; however, the project site is 12 to 14 feet deep at high tide, which is deep enough for killer whales to use. A noise analysis should be completed to demonstrate why noise will not affect SRKW or humpback whales.

Noise analysis has been added.

- The WSDOT Biological Assessment (BA) manual states that 12-inch steel piles have a 181 decibel (dB) root mean square (RMS) level when installed via an impact hammer; 10-inch steel piles are not indicated. The behavioral effect to fish is 150 dB RMS. Sources for the noise levels for installing a 10-inch steel pile should be identified, and more explanation should be provided as to why noise will not reach the behavioral effects threshold for salmonids or cetaceans.

- An impact hammer will not be used.

- The report does not state how the existing steel piles will be removed. Therefore, noise impacts associated with pile removal cannot be assessed with the information provided.

- The report was clarified. The reference to impact equipment had to do with concrete removal and a typo that connected the use to the pile install. This information on noise has been added

- Impacts from the project are not clearly identified or quantified in the report.

GeoEngineers (7/17/24):
comment not addressed

- Within the "Project Impacts and Conservation Measurements" (the term is "Conservation Measures" not "Conservation Measurements") under the "In-lieu Fee" Section.

- It appears the first sentence is missing words and is unclear.

The report was completed before consultation with National Marine Fisheries. This section has been updated to reflect consultation with this Federal Agency.

- The report states that the property owner is not able to complete mitigation at the subject property. No explanation given as to why onsite mitigation is not possible on site.

GeoEngineers note: this text is from applicant.

See note above. Additional information was added to the report.

- The report states that the in-lieu fee will be used "if required". The report does not specify who will identify if this is required. Also, without a clear understanding of where (geographically) the funds will be applied, assessing if the proposed mitigation adequately addresses impacts and results in no net loss of ecosystem functions is not possible.

- This section of the report was updated. Credits will be purchased from the Puget Sound Partnership as determined using the Puget Sound Nearshore Habitat Conservation Calculator. The project is in the North Puget Sound Marine Basin.

GeoEngineers
(7/17/24): this text is
from applicant.

- Under the Impact Minimization and Mitigation section of the report, it references City Code LUC 20.25E.060.D.2. This does not appear to be City of Anacortes Municipal Code.

Not found

Within the impact section of the report, the report states that the pier repair and shoreline improvements will improve shoreline conditions. More information should be provided to support this statement.

Please refer to the Conclusion of the report. We believe that using modern construction standards, removal of concrete, planting native vegetation and paying for Credits with the Puget Sound Partnership will improve shoreline and riparian habitat.

The report states that impact equipment will be used to install the piles. However, within the Avoidance and Minimization section of the report, it states that "No impact pile driving or proofing will occur". How the piles will be installed and removed needs to be clearly discussed and measures to reduce impacts from those proposed actions also.

No impact pile driving will occur

Within Mitigation Approach the proposed impacts. Also, this section

The section has been revised

Within the Shoreline Functions a shading can increase productivity increasing overwater structure of the water below than solid deck is required by agencies, and thus

We do not agree with the logic that does not improve the ecological

GeoEngineers (7/17/24): The only existing over-water structure is the ramp. This project proposes to install a new/replaced ramp and a new grated float. Accounting for grated surfaces and % open area of the grated surfaces, the project will install ~ 214 SF of new/replaced solid over-water structures at the site (minus the overlap of the ramp is close to 205 SF), compared to the existing 138 SF of existing solid ramp. The existing ramp is half over a riprap armored bank, while the new float is over intertidal mudflats and areas with macroalgae and sparse eelgrass. The report contains no discussion of anticipated impacts to habitats other than calculations on over-water coverage (e.g., no discussion of boat use impacts, changes in shade regime).

Performance standards

Geo: the concrete structure is a pier. 6-inch penetration, however, the size. Grated decking is a standard of grated decking material. Sound Nearshore in-lieu fee

GeoEngineers (7/17/24): From Photo 1 and 2, at least half of the concrete pier appears to be on top of riprap armoring located above the OHWM and above the HTL. How will removal of a concrete pier at this elevation improve beach sediment migration? There appears to be some a small scour hole north of the concrete pier where the riprap meets native soils. What type of surface/substrate is proposed under the new grated pier? Will it be fully armored under the new grated pier? How will grating serve an ecological purpose?

Again, we do not agree with the reviewer's logic. All actions are part of the project. The owner could leave the concrete ramp and work the new ramp from the end of the concrete, instead they are removing the concrete ramp and replacing it with an elevated and grated structure. This will restore shoreline functions by removing a solid structure from the shoreline that may interfere with beach sediment migration, etc. The owner could also re-use the 16 inch piles and instead are choosing to install a smaller diameter. If the owner reused the 16 inch piles, they would be more impactful than replacing them. Since they are removed from the environment, this is an action that improves the ecological conditions at the site. There is a cost associated with the removal of concrete that improves the ecological functions at the site.

Within the planting plan section, the report states that shrubs and trees will be planted

GeoEngineers (7/17/24): Describe the change. Small increase in benthic habitat (square footage) - also the temporary construction impacts

Geo: Tell us what ecological functions will be improved and how those improved functions will be measured? - some functions that may be provided immediately can be demonstrated and reported through as-built reporting and some may require post-construction monitoring (years).

- Edit made on page 8 to list 11 shrubs to be planted per consultation with NMFS.
- The Maintenance and Monitoring Program states that the plantings will be counted for survival for 5 years; however, it does not state **GeoEngineers (7/17/24): The City is typically the oversight for maintenance and monitoring of mitigation sites and not NMFS** or submitted to applicable agency.
- The report was updated after consultation with NMFS and includes additional plantings and monitoring of those plants.
- The mitigation section of the report does not contain a contingency plan.
 - Updated.
- Within the Conclusion Section:
 - The report states that there will be temporary impacts from the impacts section.
 - Sediment disturbance was added.
 - Permanent impacts are not identified in the conclusion.

The report has been updated.
 - The report states that “conservation measures” are designed to improve ecological functions or prevent further degradation of habitat but it does not state **GeoEngineers (7/17/24): 2 shore pines were removed and 11 oceanspray proposed - at a sparse planting density.**

A mitigation section is in the report. Mitigation is credits from the Puget Sound Partnership.
- Based on a review of the photographs, it appears that the existing ramp may have been damaged/broken off and straps attached to one of the 16-inch steel piles. There from the southeast looking northwest to view the total length of the existing ramp.

GeoEngineers (7/17/24): See previous comments. SMP does not allow in-lieu fee without meeting certain criteria. WDFW does accept PSP conservation credits, but only after on-site and in-kind mitigation, off-site and in-kind, on-site and out-of-kind mitigation has been ruled out. USACE will not accept PSP conservation credits

 - The ramp was surveyed and is illustrated and dimensioned true to how it exists. The original float was damaged and removed from the site over 10 years ago and the previous owner did not have the resources to complete the repair, so the ramp, etc were left. Access to the ramp is not safe and photos were taken from land from the property.

Appendix A. List of Inconsistencies and Missing Information

Response on 6-5-24 to the inconsistency and missing information as found by GeoEngineering.

SEPA CHECKLIST AND NOA WITH SEPA DNS:

- Question 5.b - Under listed threatened and endangered species known to be on or near the site, Southern resident Killer Whales (SRKW) are not mentioned. SRKW critical habitat is mapped approximately 180 feet to the south. Rockfish are also not listed and rockfish critical habitat is mapped at the project site (<https://www.webapps.nwfsc.noaa.gov/portal/apps/webappviewer/index.html?id=7514c715b8594944a6e468dd25aaacc9>)
 - Southern resident Killer Whales (SRKW) and Rockfish have been added to SEPA checklist 5.b
- Question 5.c - The site is part of a migration route because all of Washington is in the Pacific Flyway.
 - Edit made to 5.c to list as migration route
- Question 8. H – The project site has also been identified as a critical saltwater habitat.
 - Edit made to 8.H to list as critical saltwater habitat
- Question 11.a – The Critical Areas Report (CAR) mentions lighting that will be directed away from the shore. However, the answer to this question states there will be no light associated with the project.
 - No lighting is proposed for this project.
- Question 13. C – the question asks about methods used to assess potential impacts to cultural and historic resources on or near the project site. The answer is “none”, which does not address the question.
 - Edit has been made to 13.c
- Question 14.d. – the question asks if the project will occur in the immediate vicinity of water, rail or air transportation and the answer was “No.” However, the project site is adjacent to the Bayside Marina.
 - Edit has been made to 14.d

PROJECT DESCRIPTION AND CONSTRUCTION SEQUENCE:

- Does not list the equipment to be used. Just says that all construction equipment will be stationed on a barge.
 - Edit has been made to PDCS to list the equipment that will be stationed on the barge
- Will the removal of the existing pier be conducted from the barge? And if so, how will it be removed. What Best Management Practices (BMPs) will be utilized to ensure debris does not enter the water.
 - Edit made to PDCS to clarify the removal sequence and BMPs that will be utilized

The CAR describes the proposed pier as an aluminum framed fixed pier. The project description describes it as treated wood frame decking with molded plastic grating.

Edit made to PDCS to correct the pier material as aluminum framed

CRITICAL AREAS REPORT (CAR):

- The report did not reference the Anacortes Shoreline Master Program (SMP). The report referenced the current critical areas ordinance (Anacortes Municipal Code [AMC] Chapter 19.70).
 - A section has been added on Page 8 to address the SMP.
- The report did not adequately identify required steps for mitigation sequencing. The report did not discuss rectifying or reducing the impacts.
 - The Mitigation Sequencing section has been expanded (page 8).
- During a portion of the year, it is likely that the float will be resting on the bottom of the Puget Sound. No mention of this was made in the report.
 - The float is not located within Puget Sound. Float stops are now mentioned on Page 2 and 4. The stops will prevent the float from grounding out on the seafloor.
- No mention was made of “float stops” that are shown on Sheet 16 of the Joint Aquatic Resources Permit Application (JARPA) drawings. These are the two structures shown on Sheet 16 of the JARPA drawings that are attached to the float that will keep the entire structure from sitting on the bottom of Puget Sound.
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- Washington State Department of Ecology Coastal Atlas Map (<https://apps.ecology.wa.gov/coastalatlasmap>) was not referenced in the sources reviewed. The Coastal Atlas Map indicates the project shoreline is 100 percent armored, 100 percent modified and contains fringe (patchy) eelgrass.
 - The eelgrass survey by JenJay (Sept 2023) gives eel grass information within the proposed float area.
- The sources in the Approach section of the report do not match the sources used to identify critical area presence.
 - Where critical areas were identified, the additional sources provided more detailed information.
- Table 1 in the report indicates that Frequently Flooded Areas are not present at the project site, but the project site is within a Federal Emergency Management Agency (FEMA)-mapped floodplain (waterward of the ordinary high water mark [OHWM]), with a base flood elevation of 7 feet (North American Vertical Datum of 1988 [NAVD88]).
 - This is not a mapped Floodplain, it is Zone AE representing a 1% annual chance of flooding and is mapped where the dock exists. We added a note to the report that Frequently flooded areas are present. The house, patio, etc., are above the Zone AE mapping.
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 - Measurement corrected
- JARPA Sheet 11 of 11 indicates that there is eelgrass under the proposed new float and adjacent to the mapped eelgrass bed but there is no discussion about this eelgrass or potential impacts of the

project on it. Similarly, there is no discussion of the macroalgae indicated on JARPA Sheet 11 of 11 and there is no discussion about potential impacts of the project on it. A copy of the eelgrass delineation report (cited as JenJay Survey 9-13-23 in Table 2 of the CAR), detailing survey methods and results should be submitted as part of the Shoreline Permit Application. Per United States Army Corps of Engineers (USACE) guidance (USACE 2016), eelgrass delineation surveys are valid for 1 year. In addition, “If it has been more than 1 year but less than 3 years since the last survey, then at a minimum, the mapped boundaries of the eelgrass and macroalgae beds must be re-verified to ensure that they have not changed. If more than 3 years have elapsed since the last eelgrass/macroalgae mapping survey, a new complete mapping survey shall be conducted.” (USACE 2016).

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Please refer to the Conclusion of the report. We believe that using modern construction standards, removal of concrete, planting native vegetation and paying for Credits with the Puget Sound Partnership will improve shoreline and riparian habitat.

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□ No impact pile driving will occur.

- Within Mitigation Approach the report does not state how the listed actions will mitigate for the proposed impacts. Also, this section does not explain why onsite mitigation is not feasible.

□ The section has been revised.

- Within the Shoreline Functions and Values Improvements section of the report, it states that decreasing shading can increase productivity in waters. However, previously, the report states the project is increasing overwater structure coverage and shading. It is true that grating lets more light penetrate to the water below than solid decking; however, grated decking is a standard minimization measure that is required by agencies, and thus **use of grated decking material cannot be considered mitigation.**

We do not agree with the logic that because something is required by code, guidance, or otherwise, it does not improve the ecological conditions at a site.

- Performance standards are standards that can be measured to identify whether a mitigation project is successful. **Methods to measure the reduced “effective overwater coverage” were not identified.** Removing the existing 16-inch steel piles is part of the project (to get them out of the way) as well as mitigation action. Replacing the concrete pier with a grated pier is an improvement in terms of light penetration; however, the pier is being replaced, not just demolished, and it is being increased in size. Grated decking is a standard minimization measure that is required by agencies, and thus use of grated decking material cannot be considered mitigation. If the project pays into the Puget Sound Nearshore in-lieu fee program, it is not a performance standard but a mitigation action.

Again, we do not agree with the reviewer’s logic. All actions are part of the project. The owner could leave the concrete ramp and work the new ramp from the end of the concrete, instead they are removing the concrete ramp and replacing it with an elevated and grated structure. This will restore shoreline functions by removing a solid structure from the shoreline that may interfere with beach sediment migration, etc. The owner could also re-use the 16 inch piles and instead are choosing to install a smaller diameter. If the owner reused the 16 inch piles, they would be more impactful than replacing them. Since they are removed from the environment, this is an action that improves the ecological conditions at the site. There is a cost associated with the removal of the larger pile and concrete that improves the ecological functions at the site.

- Within the planting plan section, the report states that shrubs and trees will be planted. However, only two trees are proposed for planting.

- ☐ Edit made on page 8 to list 11 shrubs to be planted per consultation with NMFS.
- The Maintenance and Monitoring Program states that the plantings will be counted for survival for 5 years; however, it does not state the monitoring schedule, or that a monitoring report will be prepared or submitted to applicable agencies.
 - ☐ The report was updated after consultation with NMFS and includes additional plantings and monitoring of those plants.
- The mitigation section of the report does not contain a contingency plan.
 - ☐ Updated.
- Within the Conclusion Section:
 - ☐ The report states that there will be temporary impacts from construction. The report does not previously identify or quantify temporary impacts. Disturbed sediments were not discussed within the impacts section.
 - Sediment disturbance was added.
 - ☐ Permanent impacts are not identified in the conclusion.

The report has been updated.
 - ☐ The report states that “conservation measures” are designed to improve ecological functions or prevent further degradation of habitat but it does not mention mitigation actions.

A mitigation section is in the report. Mitigation is being completed by purchasing conservation credits from the Puget Sound Partnership.
- Based on a review of the photographs, it appears that the existing ramp may be shorter in length than is listed in the report text and shown in the drawings. It appears from Photo 2 that the distal end of existing ramp may have been damaged/broken off and that the remaining portion is being held up by straps attached to one of the 16-inch steel piles. There are no photographs showing the existing ramp from the southeast looking northwest to view the total length of the existing ramp.
 - ☐ The ramp was surveyed and is illustrated and dimensioned true to how it exists. The original float was damaged and removed from the site over 10 years ago and the previous owner did not have the resources to complete the repair, so the ramp, etc were left. Access to the ramp is not safe and photos were taken from land from the property.

TECHNICAL MEMORANDUM

TO: Darin Bottner, Property Owner

FROM: Brad Thiele, Northwest Environmental Consulting, LLC

DATE: August 9, 2024

SUBJECT: Response NNL Report Comments

PROJECT: Bottner Dock Repairs

This technical memorandum is in response to comments from the City of Anacortes review completed by GeoEngineers on the No Net Loss report. Our responses are in italic under the review comments cut and pasted from the report.

GeoEngineers (7/17/24): How tall will the float stops be/how far will the bottom side of the float be from the ground during low tides?

The design will be approved by WDFW. The float stops are typically 12-inches if required due to low tides. We do not see a code requirement specifying float stops in the City of Anacortes SMP.

GeoEngineers (7/17/24): Although the survey indicates that there are no eelgrass beds under the new ramp and float, the survey reports 5% macroalgae under the ramp and part of the float and there are patches with 30% cover of macroalgae within 25 feet of the proposed float. The survey also reports low density patchy eelgrass under the proposed float. According to WAC 220-660-380, structures must be located at least 25 feet (measured horizontally from the nearest edge of the structure) and four vertical feet away from seagrass (e.g., eelgrass) and kelp (e.g., bull kelp and sugar kelp) beds.

A few individual shoots noted in the eelgrass survey is thorough field work, but it is not considered a bed per methods published in Components of a Complete Eelgrass Delineation and Characterization Report (U.S. Army Corps of Engineers, 2016) which states:

Eelgrass Delineation Method A: *An eelgrass bed is defined as a minimum of 3 shoots per 0.25 m² (1/4 square meter) within 1 meter of any adjacent shoots. To identify the bed boundary, proceed in a linear direction and find the last shoot that is within 1 meter of an adjacent shoot along that transect. The bed boundary (edge) is defined as the point 0.5 meter past that last shoot, in recognition of the average length of the roots and rhizomes extending from an individual shoot (Washington Dept. of Natural Resources (WADNR 2012).*

Eelgrass Delineation Method B: *The California Eelgrass Mitigation Policy and Implementing Guidelines (NOAA Fisheries 2014) identify eelgrass bed edge as follows: any eelgrass within one square meter quadrat and within 1 meter of another shoot.*

The eelgrass survey completed by JenJay used these methods to determine if beds were present and delineated them as outlined in the Eelgrass report.

The location of the float will be approved by WDFW and NMFS did not comment on the location of the eelgrass bed. The Puget Sound Nearshore Calculator took into account the macroalgae in the area.

GeoEngineers (7/17/24): Grating will reduce shading but does not reduce total effective overwater coverage.

The SMP requires grated decking be used to ramps over 4 feet wide to use grated decking and floats over 6-feet wide contain 50% functional grating. The replacement ramp is 3-feet-7-inches wide and is not required to be grated by the City of Anacortes SMP. The grating is square in configuration so north south orientation does not affect the effectiveness of the grating. The proposal exceeds the conservation standards stated in the SMP.

Solid overwater coverage and effective coverage using grated decking are not the same. The effective coverage is a reduction in the opaqueness of the structure by using grating, thus reducing shading and the impacts of the structure. The measurement is not being used as a measurement to determine mitigation in this report, only stating it results in a reduction in effective overwater coverage. Using grated decking does reduce the impacts from shading and is a conservation measure designed to reduce shading impacts.

The Puget Sound Nearshore Habitat Conservation Calculator takes into account the impacts from grated vs. solid decking and adjusts the conservation credits required accordingly. The owner is opting to use 70% open grating, resulting in less impacts from shading. This is a conservation measure, and offsets impacts to the extent practicable from the proposed structure.

GeoEngineers (7/17/24): The proposed float is considered a new structure. Currently, the only existing over-water structure is the ramp.

The float was there and removed in 2015, the project is permitting the float as a new float, so this comment does not apply.

GeoEngineers (7/17/24): When doing noise analysis we typically use conservative numbers so applying the numbers for 12 inch steel piles is appropriate. If the disturbance thresholds are reached, even if it is a small area, then it does cause disturbance to these species. Also, noise does extend out into Burrows Bay and there have been sightings of Humpback and Orcas in this area as recently of June.

Burrows Bay is outside the inner harbor line and therefore out of the jurisdiction of the City of Anacortes. A marine mammal protection plan has been completed for this project as part of the Federal review process and will be implemented during pile work by the contractor.

GeoEngineers (7/17/24): The use of conservation credits for mitigation has been developed by NMFS but has not been approved for use by USACE and/or the City of Anacortes. The City SMP does not say that in-lieu fee programs (which is what the

conservation credits are) satisfies mitigation requirements. According to the SMP, offsite mitigation is only allowed if it can be demonstrated to be more beneficial to shoreline ecological functions. In addition, the SMP states that there should be no net loss of ecological functions to the shoreline at the project site and buying these credits does not address this.

This project falls under Federal review and the USACE and NMFS is requiring the in lieu fee be paid as part of that permit process. A meeting with NMFS was completed and mitigation on site was discussed and no meaningful options are available except as proposed.

The SMP does not exclude in lieu fee programs as possible mitigation.

GeoEngineers (7/17/24): The mitigation plan does not demonstrate that impacts have been mitigated to result in equal or better ecological function at the site, or that there will be no net loss of functions as stated in the City's SMP

They are mitigated through design elements, removal of opaque and concrete structures, shoreline planting, and an in lieu fee program. The Puget Sound Partnership is the only Conservation Credit program approved by NMFS in this area. The fee being paid is over \$50,000 and will be used for conservation projects that will offset the impacts from this project. We believe this fee more than compensates for the impacts from this project, especially given it is along a dredged channel in an artificial bay designed and maintained for navigation and safe moorage. More on the Puget Sound Nearshore Habitat Conservation Calculator can be found here.

<https://www.fisheries.noaa.gov/west-coast/habitat-conservation/puget-sound-nearshore-habitat-conservation-calculator>

GeoEngineers (7/17/24): Performance standards are measurable criteria for determining if goals and objectives have been achieved. Paying into the Puget Sound Partnership Conservation Program is not a performance standard. Unless you provide a plan to measure overwater coverage, this is not a performance standard either. In addition, the grating will reduce shade but not overwater coverage. Also, the float is considered a new structure because there is no existing float currently at the site and so the statement about reducing overwater coverage is not true.

It is a reduction in effective coverage over using a solid structure, which was once present, but was removed by the prior owner who was not able to replace the structure and sold the property. Your comments also state it was present and replaced between 2014 and 2015. We are just stating it was there at one point. The float is being permitted as a new float and exceeds the requirements under the SMP and is being considered as a new float per the Puget Sound Nearshore Calculator and the in lieu fee reflects this. The performance standards are to be completed at the time of construction and help reduce impacts.

GeoEngineers (7/17/24): No trees are proposed. Two Oceanspray shrubs are proposed within 15 feet of the OHWM along the shoreline which may affect shoreline conditions/shading, the remaining 9 plants are proposed along the north property line away from the shoreline and likely will not significantly affect shoreline functions. Shrubs are proposed at 10-ft on center spacing, which is a sparse planting density.

Trees were proposed, the HOA view preservation Covenant will not allow it. The property is narrow near the waterfront and very little opportunity for planting is present. This planting plan will restrict some access from the north side of the house to the waterfront. The existing patio makes it impossible to create a planting plan that is continuous with the shoreline.

GeoEngineers (7/17/24): The old float was removed between July 2014 and May 2015 according to GoogleEarth aerials. Therefore, the float is considered to be a new structure because there hasn't been a float in this location for approximately 9 years.

As GeoEngineers stated in the comment a float was present, meaning this is a replacement float for what was there. The permit being applied for is for a new float, this comment does not apply.

Also – the In lieu fee shows the float as new, not a replacement, so the in lieu fee being assessed is for a new float.

GeoEngineers (7/17/24): Comments from above in report text apply here.
> Not maintaining because new structure; planting additional plants further from the shoreline will not affect shoreline functions; and it has not been demonstrated that purchasing conservation credits will result in no net loss of functions.

The in lieu fee will be used for mitigation credit in the north Puget sound area. The planting plan was discussed with NMFS, and planting along the shoreline is not feasible. This planting plan is a compromise of available space, and HOA requirements.

GeoEngineers (7/17/24) Grated decking and float stops are design criteria not conservation measures. Plantings adjacent to the shoreline are conservation measures, however Oceanspray will only get up to 15 feet tall, therefore plants further than 15 feet from the OHWM will not provide shade to the marine nearshore.

We disagree, they may be design criteria, but they are design requirement required to minimize the impact to endangered fish species and forage opportunities, therefore it is a conservation measure.

See notes above about plantings. Establishing riparian vegetation will provide beneficial functions as stated in the report but may be minimal. The Puget Sound Nearshore Calculator takes the proposed planting configuration and applies credit based on the configuration. This planting plan is not optimal due to site constraints and HOA requirements and therefore does not provide maximum credits.

GeoEngineers (7/17/24) No net loss has not been demonstrated. Adding a new float, and associated boat use will have impacts on habitats and species that have not been adequately discussed, analyzed and mitigated for.

We disagree. The site is in an artificially created bay that has been designated as a moorage area by the City of Anacortes and meets or exceeds SMP design guidelines.

The conservation opportunities on site are minimal and will be completed through removal of an existing opaque overwater structure and a concrete structure along the upper shore zone. Converting lawn to native plantings will provide ecological lift to the riparian habitat along Flounders Bay. Design elements will minimize construction impacts. The in lieu fee will be used to more than offset the impacts over the life of the project and will provide more meaningful conservation and benefits to salmon and other aquatic endangered, threatened or species of concern than anything that can be completed on site. For the reasons above, we believe this project meets the No Net Loss requirements of the SMP in Anacortes.

Response to GeoEngineers (7/17/24) Comments - SEPA Environmental Checklist

1. Page 8
 - a. 5b Removed Bald Eagle and Harbor Seal from list
2. Page 8
 - a. 5e No known invasive animal species to be on or near site
3. Page 10
 - a. 7b Correction made in terms of noise
4. Page 13
 - a. 13c Added DAHP WISAARD include no historic properties on mapper
5. Page 15
 - a. 16a Added utilities available at the site

Reponse to GeoEngineers (7/17/24) Comments - PDCS

1. Changed "replacement" float to "NEW" float

Attachment A: Project Drawings

Attachment B: Monitoring Zones



NOTICE OF APPLICATION with OPTIONAL SEPA DNS

Lead Agency: City of Anacortes

Project Number: SDP-2024-0002

Project Location: 2310 Dover Drive, Anacortes, WA 98221

Property Owner: Darine and Carrie Bottner

Applicant: Christy Dopp, Permit Coordinator, Waterfront Construction, Inc.

christy@waterfrontconstruction.com (206) 586-5559

Date of Application: January 12, 2024

Date of Completeness: January 31, 2024

Date of Issuance: February 14, 2024

Comment Due Date: March 15, 2024

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

New 8'x30' fully grated float, 4'x36' fully grated replacement ramp, and 6'x12' fully grated access pier. 2 existing piles will be removed and replaced with 3 10" steel piles to secure new aluminum framed float with high density foam filled pontoons. Replacement of concrete shore mount in nearshore with framed pier on 4 pin piles and light transferring grated deck as well as a new grated aluminum ramp.

Required Project Permits/Approvals: The following may be required in addition to the above: any over/in-water state and federal permits, and an over/in-water structure, dock or piling.

SEPA Environmental Review: The City of Anacortes Department of Planning, Community & Economic Development, as lead agency, has determined that this project will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). We have reviewed the attached Environmental Checklist, narrative, critical areas report, JARPA, and site plan.

The optional DNS process in WAC 197-11-355 is being used. **This may be your only opportunity to comment on the environmental impacts of the proposed project.** Agencies, tribes, and the public are encouraged to review and comment on the proposed project and its probable environmental impacts. This proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared. A copy of the subsequent SEPA threshold determination for the proposal may be obtained upon request.

Public Comment Period: The Notice of Application was published on February 28, 2024. Written comments must be submitted to the contact person listed below by **5:00 PM on March 15, 2024**.

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

Document Availability: Application documents may also be reviewed at <https://ci-anacortes-wa.smartgovcommunity.com/PublicNotice/PublicNoticeSearch>.

For Project Information: Sara Williams, Associate Environmental Planner; Phone: (360) 588-8376

Email: saraw@cityofanacortes.org; City of Anacortes, P.O. Box 547, Anacortes, WA 98221

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



NOTICE OF PUBLIC HEARING

Project Name: Bottner Residential Float

Project Location: Flounder Bay, 2310 Dover Drive, Anacortes (P60047)

Application File #: SDP-2024-0002

Applicant/Owner: Bottner, Carrie and Darin

Applicant's Representative: Waterfront Construction Inc., 205 NE Northlake Way, Suite 230, Seattle, WA 98105 / Christy Dopp / (206) 586-5559 / christy@waterfrontconstruction.com

PROJECT DESCRIPTION

The applicant is seeking approval of a Shoreline Substantial Development Permit (SDP) for the installation of a new 8' x 30' fully grated float, 3'-7" x 36' fully grated replacement ramp, and a 20± sq. ft. fixed pier. Two (2) existing piles will be removed and replaced with three 10-inch steel piles to secure the new aluminum framed float with high-density foam filled pontoons.

Hearing Body: City of Anacortes Planning Commission

Hearing Date: October 30, 2024 @ 6 PM

Hearing Location: City Council Chambers, 904 6th St, Anacortes, WA 98221 and via Zoom video conferencing.

Hearing Details: An open-record decision hearing conducted in accordance with the rules of procedure adopted by the Planning Commission will be held for this application. The Planning Commission agenda packet including the staff report will be issued approximately 5-days before the hearing. See City website at: anacorteswa.gov/700 to access the hearing documents and virtual meeting attendance instructions. Members of the public who require special assistance to participate in, or access, the public hearing may contact the City Clerk at 360-299-1960 24-hours before the hearing to make special arrangements.

SEPA threshold determination: An Optional Determination of Non-Significance (ODNS) was issued on October 9th for this project under WAC 197-11-355.

Application is Available at: <https://ci-anacortes-wa.smartgovcommunity.com/Public/Home>

Appeals: Any party of record has standing to appeal a Type 3 Planning Commission Decision provided the appeal is timely received. Parties of record have 14 calendar days after written notice of the decision is issued to submit to the City Clerk's Office an appeal meeting the filing requirements of AMC 19.20.180. Appeals of Type 3 Planning Commission Decisions are heard by City Council. Upon conclusion of a closed-record appeal hearing City Council's decision becomes final and further appeals shall be made to the State Shorelines Hearings Board and the Department of Ecology.



CITY OF ANACORTES
PLANNING, COMMUNITY & ECONOMIC
DEVELOPMENT DEPARTMENT

STATE ENVIRONMENTAL POLICY ACT

Optional Determination of Non-Significance (ODNS)

Date of Issuance:	October 9, 2024	Project File No.:	SDP-2024-0002
Lead Agency:	City of Anacortes – Planning, Community & Economic Development Department		
SEPA Responsible Official:	John Coleman, Director of Planning, Community & Economic Development		
Support Staff/Contact:	Grace Pollard, Senior Planner gracep@anacorteswa.gov – 360.299.1984		
Applicant's Proponent	Christy Dopp, Permit Coordinator, Waterfront Construction, Inc. christy@waterfrontconstruction.com (206) 586-5559		
Owner	Darine and Carrie Bottner		
Site Address	2310 Dover Drive, Anacortes, WA 98221		
Application Date	January 12, 2024		
Proposal Description	Installation of a new 8' x 30' fully grated residential float with a 3.583' x 36' fully grated replacement ramp, and an ~20 sq. ft. fully grated replacement access pier. Two (2) existing piles will be removed and replaced with three (3) 10" steel piles to secure new aluminum framed float with high density foam filled pontoons.		

The City of Anacortes Department of Planning, Community & Economic Development, as lead agency, has determined that this project will not have a probable significant adverse impact on the environment. Pursuant to WAC 197-11-350(3), the proposal has been clarified, changed, and conditioned to include necessary mitigation measures to avoid, minimize or compensate for probable significant impacts. An environmental impact statement (EIS) is not required under RCW 43.21C.030. The necessary mitigation measures are listed below, the Environmental Checklist is attached and is available at:

ci-anacortes-wa.smartgovcommunity.com/PublicNotice/PublicNoticeHome



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



360.299.1984
pced@anacorteswa.gov

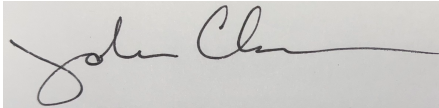


anacorteswa.gov/161
anacorteswa.gov

This determination is based on the following findings and conclusions:

The proposal will comply with Anacortes Municipal Code and Anacortes Shoreline Master Program policies and regulations including but not limited to mitigation requirements to ensure No Net Loss. The applicant will be required to obtain all necessary State agency permits prior to any site construction commencing and best management practices (BMPs) shall be implemented during both demolition and construction activities. Furthermore, any conditions of final approval of the Shoreline Substantial Development Permit will be strictly upheld including the amount and timing of any off-site mitigation in-lieu of purchases.

This ODNs is issued under WAC 197-11-355; the lead agency will not act on this proposal for fourteen (14) days from the issuance date below.



10-09-2024

John Coleman, PCED Director / SEPA Responsible Official

Date

SEPA Appeal Procedure

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



Planning Commission Agenda Bill

Meeting Date: October 30, 2024

Agenda Item: 5.a.

Subject: 2025 Comprehensive Plan Update - Potential Future Land Use Map amendments - applicant presentations

Staff Contact: LIBBY GRAGE, John Coleman

Approved for Submittal to Commission by

Libby Grage

Action Type

Discussion

Summary Statement: As part of the 2025 Comprehensive Plan update process, the City is studying potential changes to the Comprehensive Plan's Future Land Use Map (FLUM). The potential changes include property-owner amendment requests docketed by the Anacortes City Council in Resolution 3161, and those suggested by the City staff/ consultants. At tonight's meeting, the property owners/applicants will present their amendment requests and be available to answer questions from the Planning Commission. Staff will also be prepared to explain the amendments suggested by the City staff/ consultants in more detail.

Background: The Comprehensive Plan's Land Use Element divides the City into 15 different land use designations as shown on the Future Land Use Map (FLUM) and described within Table LU-1. The FLUM is a visual depiction of the long-term vision of how and where the City will grow and change to accommodate expected population and job growth. The FLUM designates the general distribution and extent of proposed uses of land, including housing, industry, recreation, open space, general aviation airports, public utilities and facilities, and other land uses.

Each future land use designation includes one or more implementing zoning designations. The Zoning Map depicts the zoning designations for all areas of the city. The FLUM is different from the Anacortes Zoning Map in that the FLUM is about what is planned in the future, and the Zoning Map is about what is allowed today. Zoning designations are more specific than the future land use designations shown in the FLUM, and zoning designations come with a set of rules (within the City's Zoning Code /development regulations) that clarify what uses are allowed (e.g., residences, businesses, etc.) and how buildings may be developed or changed (e.g., maximum heights, required setbacks, etc.). The Comprehensive Plan is not intended to include detailed land use regulations. Instead, decisions about the Comprehensive Plan provide guidance for decisions about zoning and development regulations.

Previous Action: [July 15, 2024](#) - City Council special work session to hear presentations from FLUM amendment (and other) petitioners.

[July 22, 2024](#) - City Council adoption of [Resolution 3161](#) establishing a docket for the 2025 Comprehensive Plan Update (including FLUM amendment requests).

[September 25, 2024](#) - Initial introduction of FLUM amendment requests to Planning Commission.

Competing Viewpoints Considered: A public hearing is scheduled for November 13, 2024 at 6:00 PM. Written comments may be submitted any time to compplan@anacorteswa.gov.

Recommended Motion: None - presentations and discussion only

Alternative Actions: N/A

Attachments (listed in order presented):

1. Resolution 3161 Establishing the docket for the 2025 Comp Plan Update
2. Potential Future Land Use Map (FLUM) Amendments (with detailed site maps)
3. LEG-2024-11: Signal Hill UGA Expansion petition
4. LEG-2024-12: Fidalgo Pool & Rec District petition
5. LEG-2024-13: Port of Anacortes - Rockwell petition
6. LEG-2024-14: Port Of Anacortes Cap Sante Marina petition
7. LEG-2024-15: Port of Anacortes MarineTerminal petition
8. 2021 Docket - Skillings petition
9. 2016 Adopted Future Land Use Map
10. Offical Zoning Map

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;

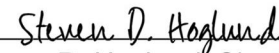
Now, therefore it is hereby resolved by the Anacortes City Council that the 2025 Docket of Comprehensive Plan and Development Regulation Amendments is hereby adopted and attached as Attachment A.

PASSED and **APPROVED** on this 5th day of August 2024.

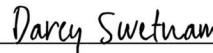
CITY OF ANACORTES

By 
Matt Miller, Mayor

ATTEST:


Steven D. 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.
Comp Plan		
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” - 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” - 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” - 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” - 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” - 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 - 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. - 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 - 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 stepback requirement for buildings exceeding the maximum base height in the CBD and MMU zones - 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 stepback 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 - 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 - 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 - 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 - 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 - 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" - 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 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” - 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” - 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” - Port of Anacortes	Amend the Future Land Use Map designation of a parcel (P55355) located just west of the terminus of 2 nd 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 nd 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 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* but exclude multifamily workforce housing
B-6b	Revise Bonus Incentives in the MMU zone, east of Q Ave. - 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 - 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 - 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 - 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 - 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 - 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 - 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 - 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 - 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 - 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 - Ian Munce	Re-adopt the PUD ordinance that was repealed in 2016.	Exclude
B-12	ADUs in low density zones in critical areas - 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 - 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 - 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 - 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 - 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 - 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

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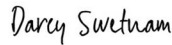
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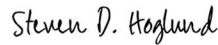
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Mayor

Anacortes, WA

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Required hardware and software

Operating Systems:	Windows® 2000, Windows® XP, Windows Vista®; Mac OS® X
Browsers:	Final release versions of Internet Explorer® 6.0 or above (Windows only); Mozilla Firefox 2.0 or above (Windows and Mac); Safari™ 3.0 or above (Mac only)

PDF Reader:	Acrobat® or similar software may be required to view and print PDF files
Screen Resolution:	800 x 600 minimum
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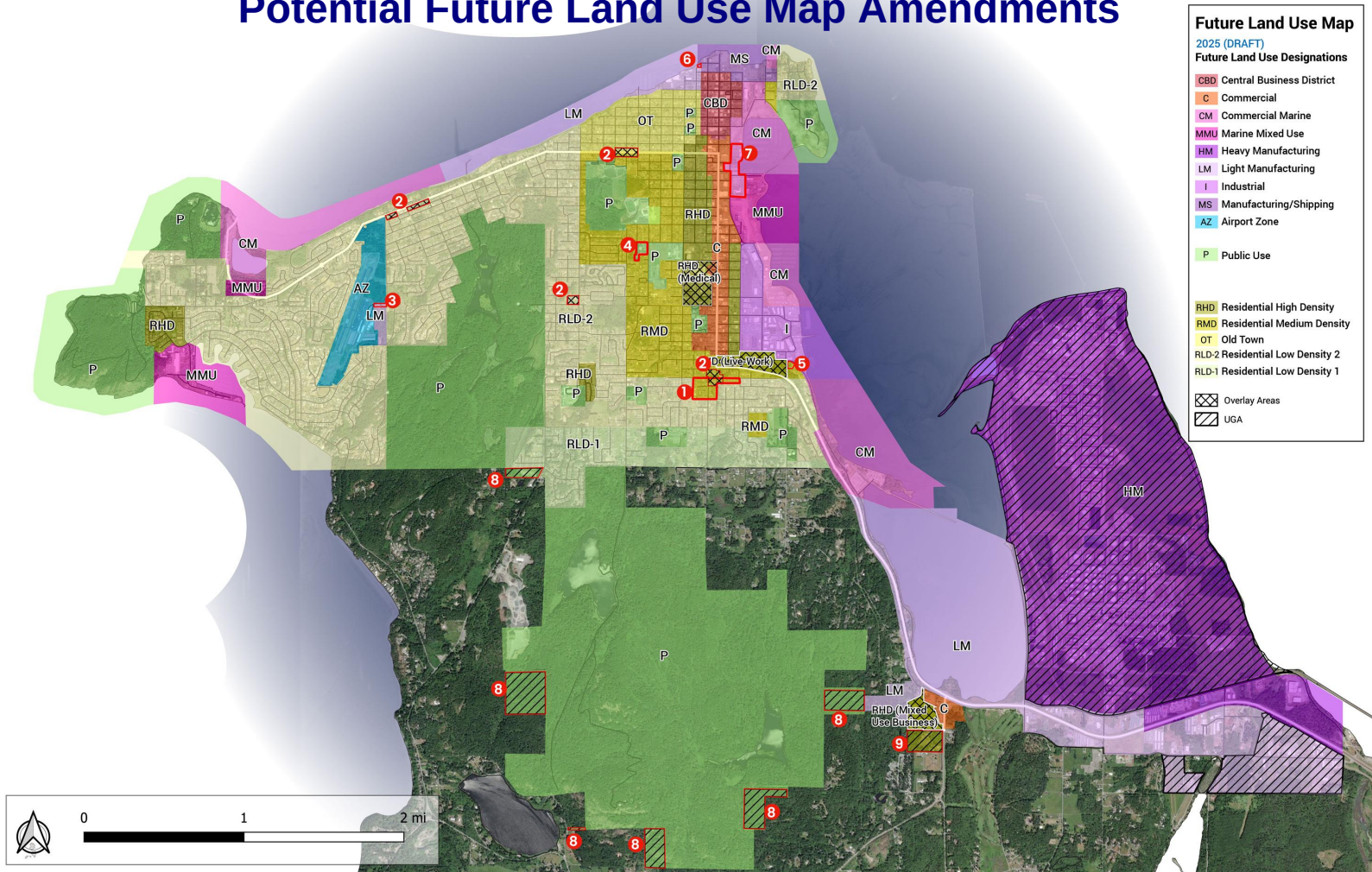
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Comprehensive Plan

Potential Future Land Use Map Amendments



1. Change from RLD-2 to RMD
2. Option 1 - neighborhood commercial overlay areas
Option 2 - update use chart to allow more commercial uses
3. Parcel change from AZ to LM
4. Several parcels change from RMD to P

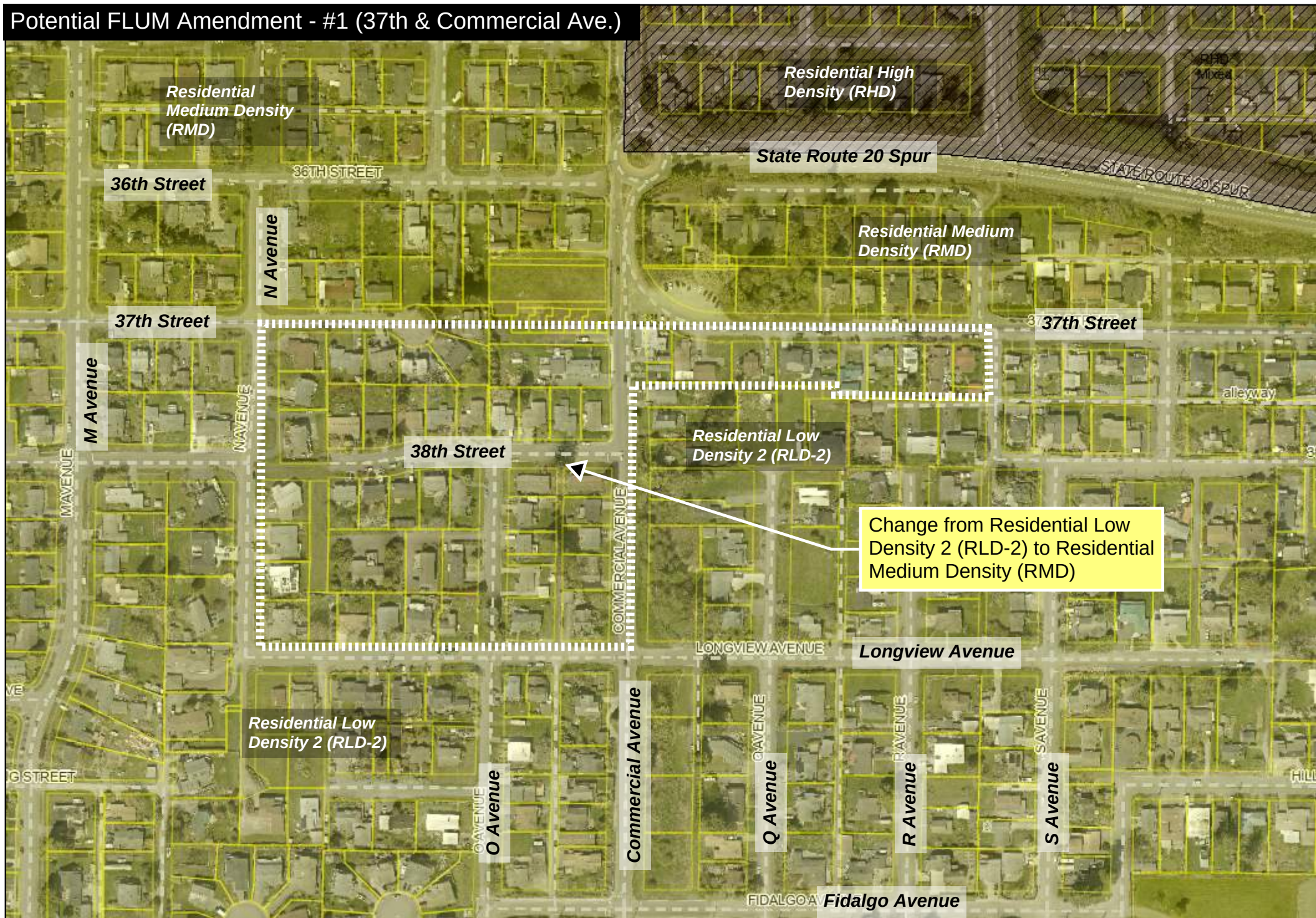
5. Several parcels change from I to RMD
6. Parcel change from LM to MS
7. Several parcels change from C and MMU, to CM
8. Add all unincorporated ACFL parcels to the UGA
9. Expand UGA to include Signal Hill properties

Descriptions of Potential Future Land Use Map (FLUM) Amendments

The following numbered descriptions correspond to the numbers on the map on the previous page.

1. Change from Residential Low Density-2 (RLD-2) to Residential Medium Density (RMD) to create more housing options in a high opportunity area of the City. This change also supports H-1.7 (*provide for development of multifamily housing in areas close to shopping, employment, services and public transportation*) and Item #LEG-2024-08 (*provide more opportunities through zoning for more local services to be accessible within walking distance of residences*), as a neighborhood grocery store is in the center of the area, as well as a couple of vacant or partially used sites
2. These potential changes are intended to provide options for implementing current land use policy LU-6.5 – “Allow some compatible nonresidential uses in residential zones, such as appropriately scaled schools, neighborhood-scaled grocery stores, religious facilities, home occupations, parks, open spaces, and other uses that provide places for people to gather, senior centers and day care centers.”
 - Option 1 – would add features to the Future Land Use Map (FLUM). Similar to other overlays symbolized on the current FLUM, additional “neighborhood commercial” overlays would be placed on the FLUM indicating areas with special allowances for small commercial uses. Uses that are currently allowed on these properties would continue to be allowed.
 - Option 2 – does not add any additional overlays to the FLUM and instead updates the allowed use chart in the zoning code to allow for more neighborhood-scale commercial uses.
3. Port of Anacortes - Requested land use designation change for 3 parcels near the airport from Aeronautical Zone (AZ) to Light Manufacturing (LM). (Res. 3161, LEG-2024-13).
4. Fidalgo Pool & Recreation District - Requested land use designation change for multiple parcels near the Fidalgo Pool from Residential Medium Density (RMD) to Public (P). (Res. 3161, LEG-2024-12).
5. Tom Skillings - Requested land use designation change of a portion of a parcel from Industrial to Residential Medium Density (RMD). (Res. 3161, 2021 Docket).
6. Port of Anacortes - Requested land use designation change of one parcel west of the terminus of 2nd St. from Light Manufacturing (LM) to Manufacturing and Shipping (MS). (Res. 3161, LEG-2024-15).
7. Port of Anacortes - Requested land use designation change of multiple parcels associated with the Cap Sante Marina from Commercial (C) and Marine Mixed Use (MMU) to Commercial Marine (CM). (Res. 3161, LEG-2024-14).
8. Add all unincorporated Anacortes Community Forest Land (ACFL) parcels to the UGA. (Res. 3161, LEG-2024-05).
9. Expand the UGA to include Signal Hill properties. (Res. 3161, LEG-2024-11).

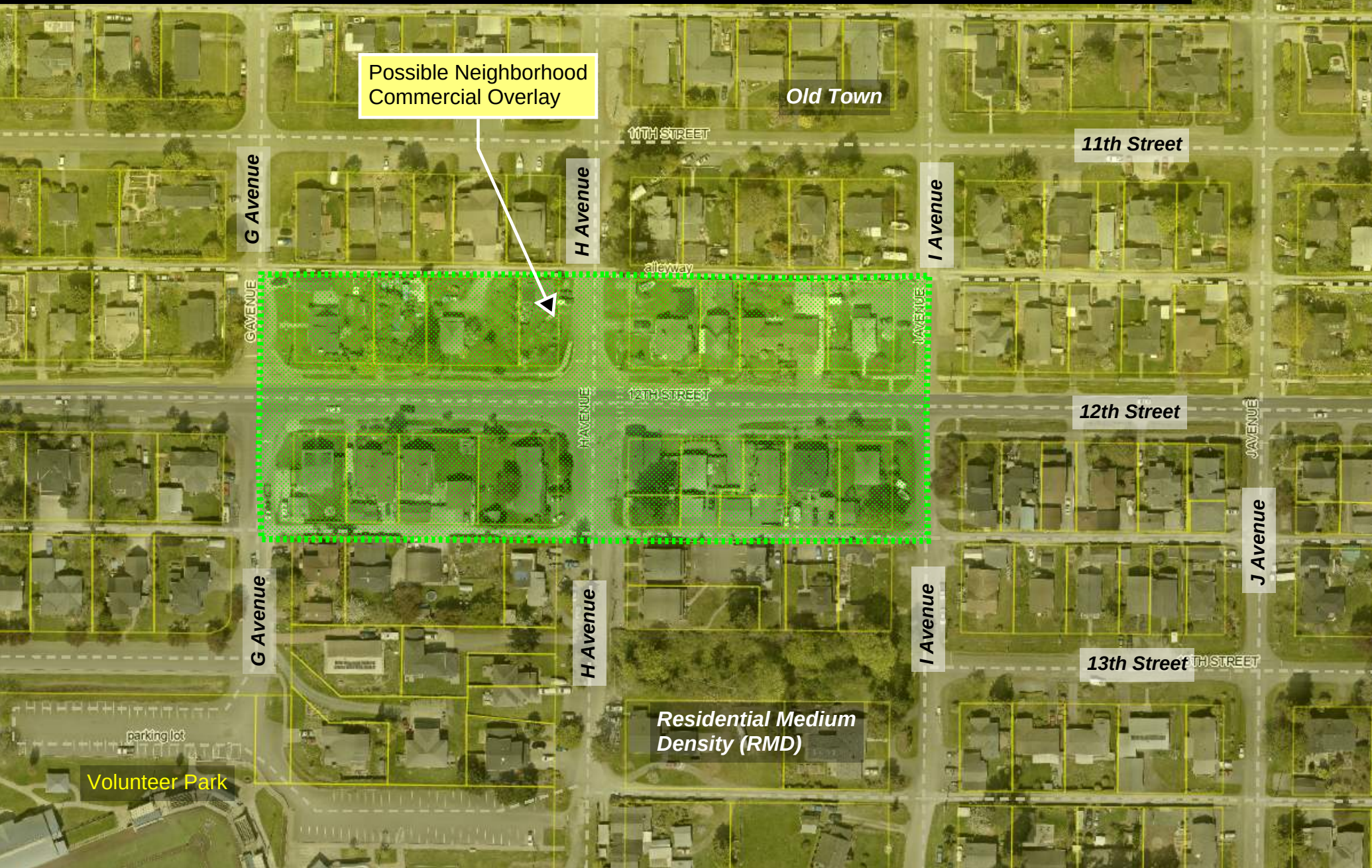
Potential FLUM Amendment - #1 (37th & Commercial Ave.)



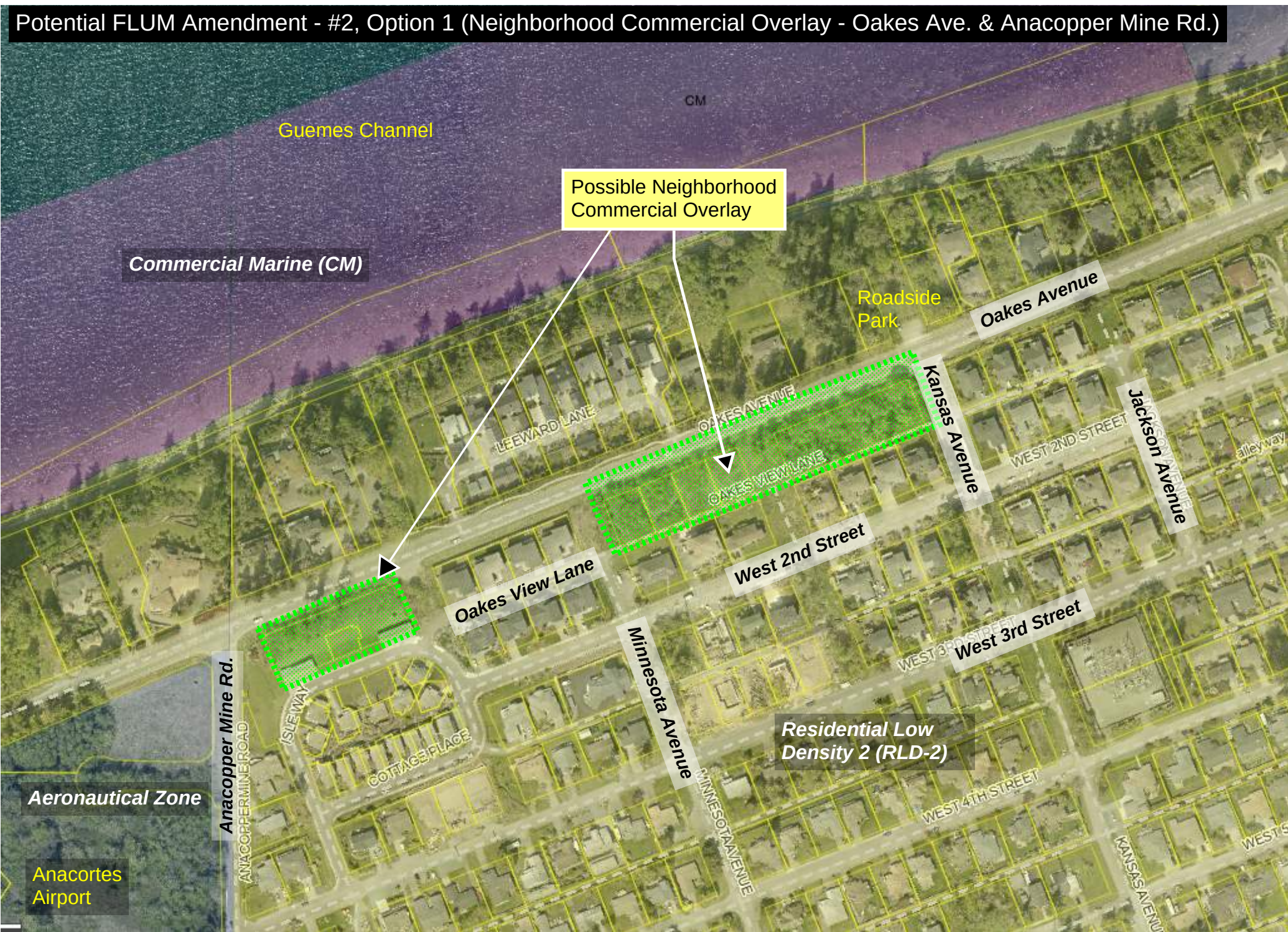
Potential FLUM Amendment - #2, Option 1 (Neighborhood Commercial Overlay - 37th St. & Commercial Ave.)



Potential FLUM Amendment - #2, Option 1 (Neighborhood Commercial Overlay - 12th Street & H Ave.)



Potential FLUM Amendment - #2, Option 1 (Neighborhood Commercial Overlay - Oakes Ave. & Anacopper Mine Rd.)



Potential FLUM Amendment - #2, Option 1 (Neighborhood Commercial Overlay - D Ave. & 28th St.)



Potential FLUM Amendment - #3 POA Airport



Potential FLUM Amendment - #4: Fidalgo Pool



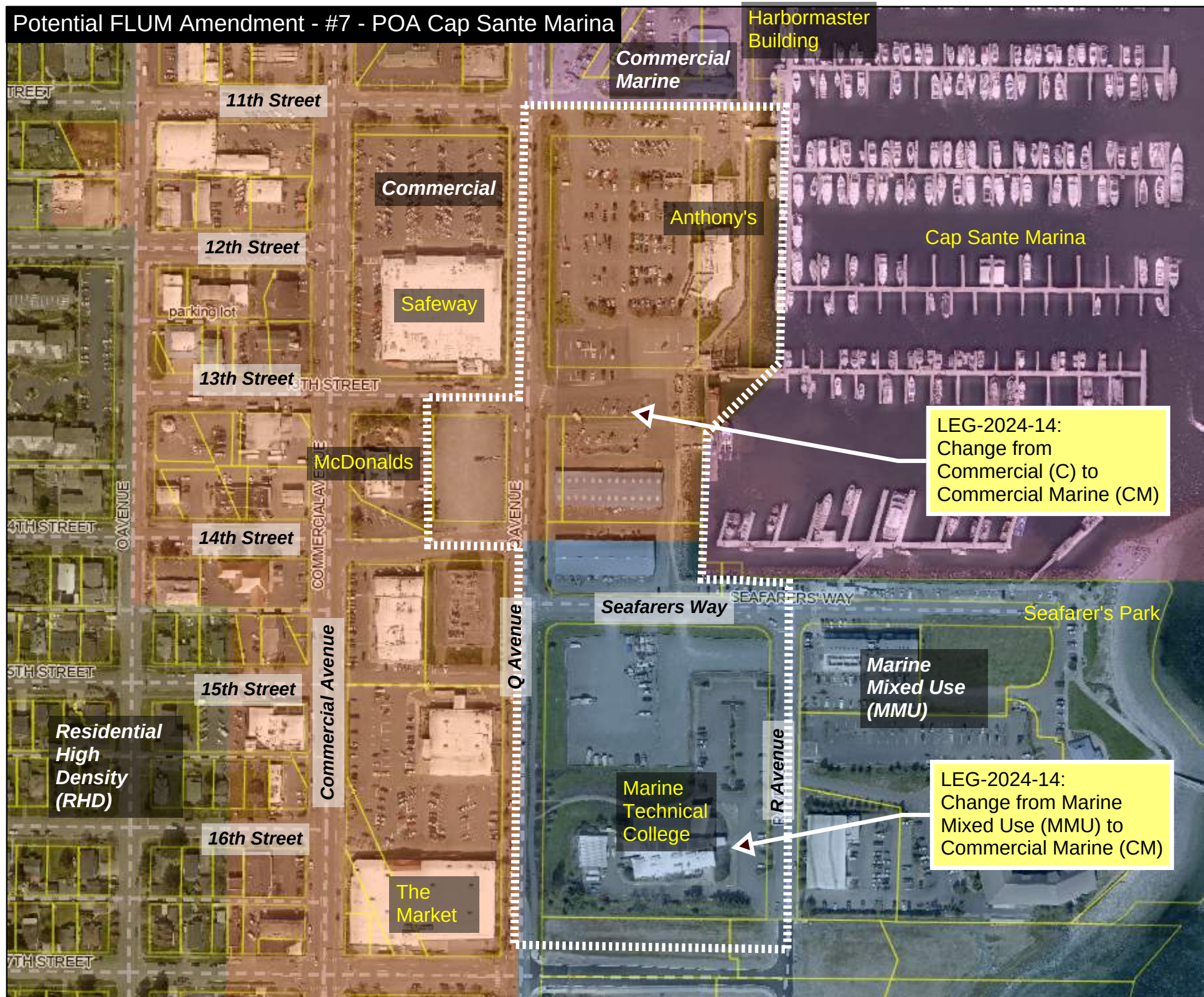
Potential FLUM Amendment - #5 - Skillings



Potential FLUM Amendment - #6 - POA Marine Terminal



Potential FLUM Amendment - #7 - POA Cap Sante Marina



Potential FLUM Amendment - #8 - City of Anacortes ACFL UGA Expansion Request



Potential FLUM Amendment - #9 - Signal Hill UGA expansion request





PLANNING, COMMUNITY, & ECONOMIC DEVELOPMENT DEPARTMENT

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

Office Location: 904 6th Street, Anacortes WA 98821

Phone: (360) 299-1984



COMPREHENSIVE PLAN / DEVELOPMENT REGULATION AMENDMENT PETITION

APPLICANT CHECKLIST		OFFICE USE ONLY
	Petition Application Submittal Checklist See AMC Ch. 19.16 Legislative Actions for complete requirements.	
☒	Application form (attached)	
☒	Petition narrative (attached)	
☒	SEPA Checklist, including Part D for Non-Project Actions	
☒	Map identifying the property included in the proposed amendment (if applicable) showing parcels and streets located within and adjacent to the site	
For Submittals: Digital copy of the application and all submitted materials (flash drive or to pced@cityofanacortes.org .)		Application Fee See the Land Use Application Fee Schedule (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 with questions about this application form or process.

APPLICATION INFORMATION

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

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.

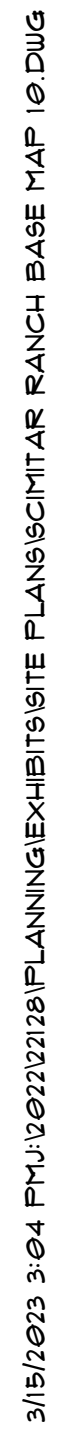
1. The Residential High Density (R4) zone proposed for these parcels is consistent with Future Land Use Map seen in Figure LU-1 of the Comprehensive Plan as it is directly adjacent to land with this designation. Furthermore, designating this land as R4 would allow for a mix of multifamily and single 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.

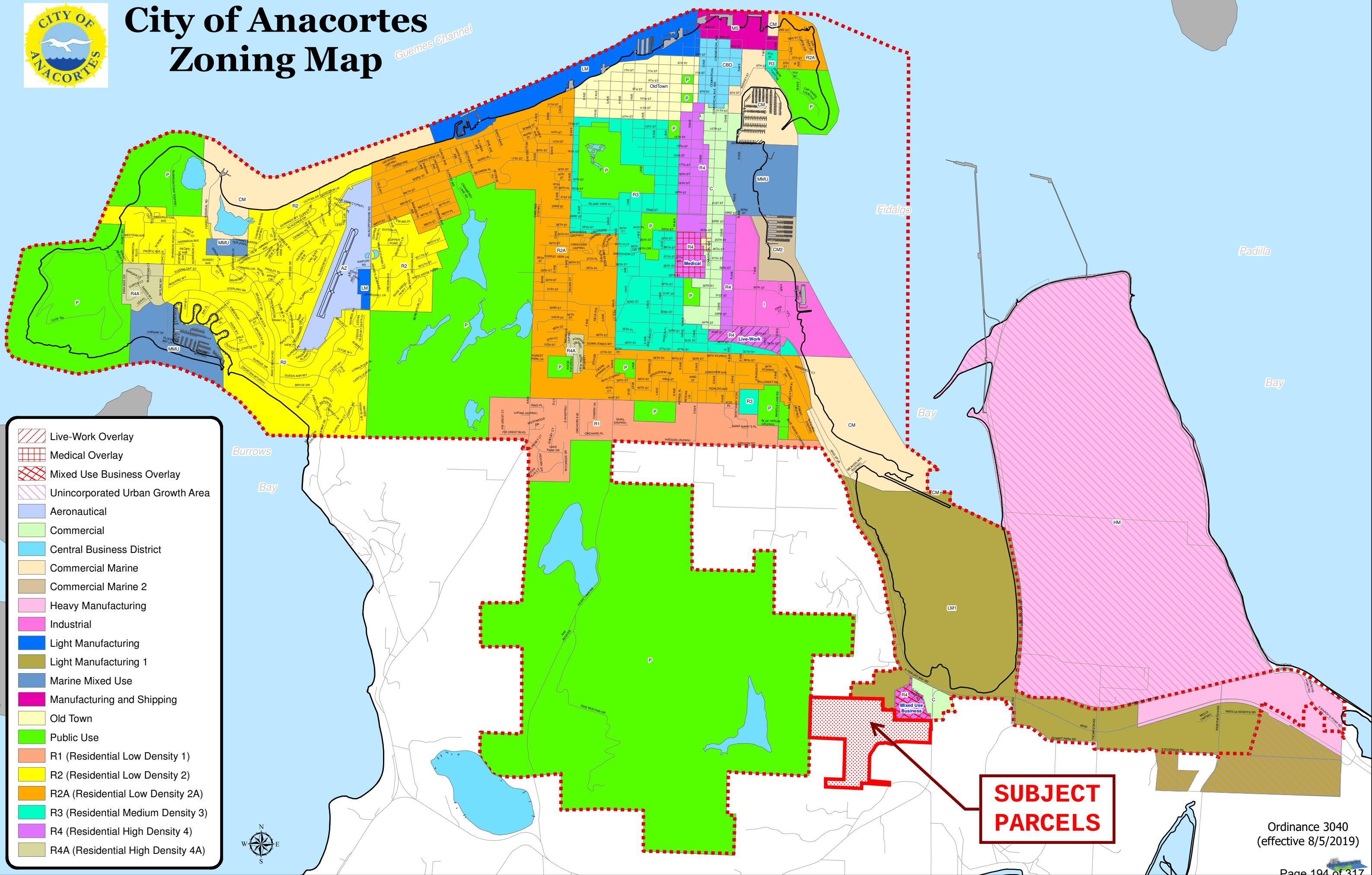
P20153	0.09	None	Vacant	THAT PORTION OF THE NE 1/4 OF THE NW 1/4 OF SECTION 8, TOWNSHIP 34 NORTH, RANGE 2 EAST, W.M., LYING NORTH OF THE NORTH LINE THEREOF AND LYING NORTH OF THE NORTH LINE OF THE AS BUILT AND EXISTING MILLER COUNTY ROAD ACCORDING TO AUDITOR'S FILE NO. 200612280082, PARCEL H, DESCRIBED 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.
Total:	132.17			





City of Anacortes Zoning Map

Guemes Channel

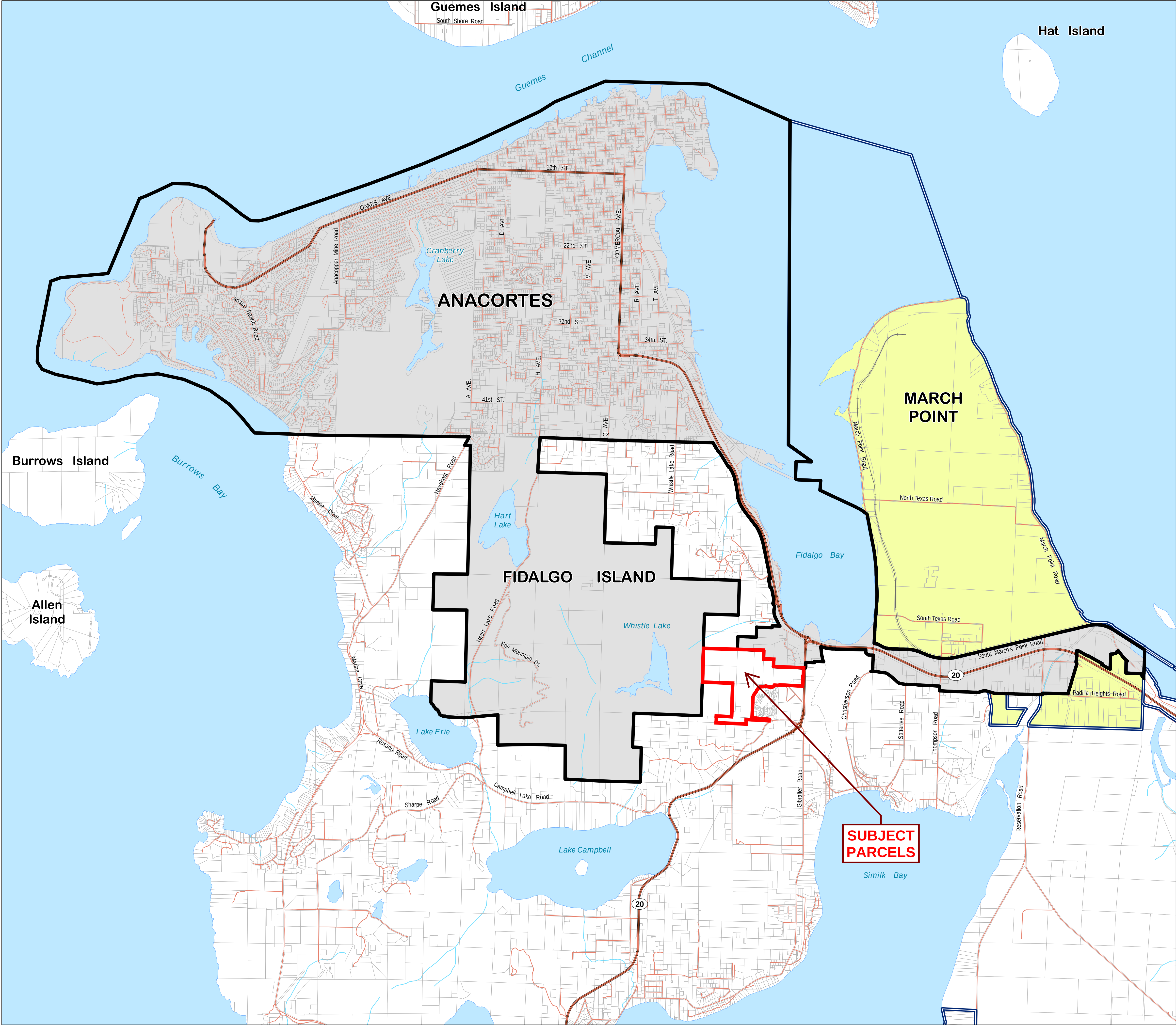


- Live-Work Overlay
- Medical Overlay
- Mixed Use Business Overlay
- Unincorporated Urban Growth Area
- Aeronautical
- Commercial
- Central Business District
- Commercial Marine
- Commercial Marine 2
- Heavy Manufacturing
- Industrial
- Light Manufacturing
- Light Manufacturing 1
- Marine Mixed Use
- Manufacturing and Shipping
- Old Town
- Public Use
- R1 (Residential Low Density 1)
- R2 (Residential Low Density 2)
- R2A (Residential Low Density 2A)
- R3 (Residential Medium Density 3)
- R4 (Residential High Density 4)
- R4A (Residential High Density 4A)



**SUBJECT
PARCELS**

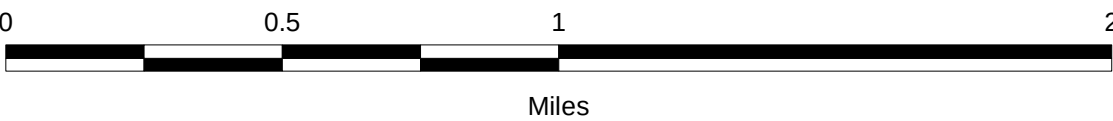
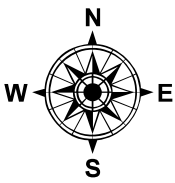
Ordinance 3040
(effective 8/5/2019)



LEGEND

-  Urban Growth Area Boundary
-  [A-UD] Anacortes UGA Urban Development District
-  Incorporated Areas

For current up to date parcel information the maps available in the Skagit County Assessor office or on the web at www.skagitcounty.net should be consulted.



October 29, 2018
Map Print Date July 22, 2020



Map Produced By Skagit County GIS

City of Anacortes

URBAN GROWTH AREA REGULATIONS



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 195th 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.

MEMO

Date: 7/17/2024

To: Libby Grage

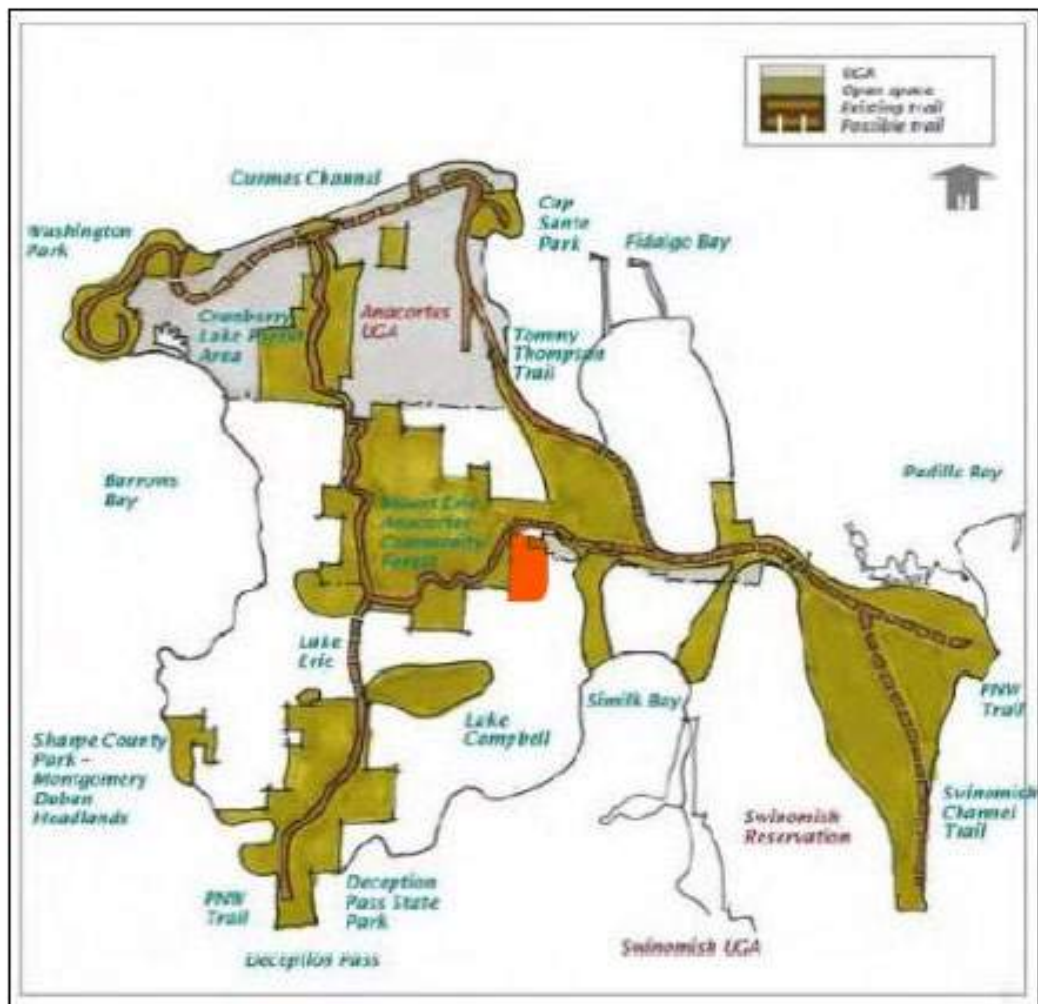
From: Lafe Hermansen, Core Design, Inc.

RE: Council Presentation Follow Up

During the council presentations on Monday July 15th, 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.

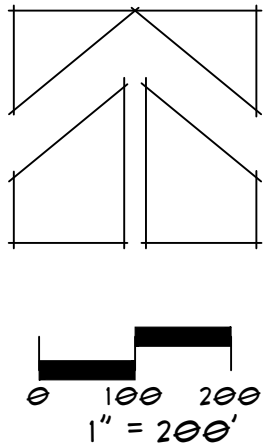
8/1/2022 251 PM 12/02/22 219 PLANNING EXHIBITS SITE PLANS SCIMITAR RANCH SITE PLAN 1.DWG



DATE	AUG 1, 2022
SHEET	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

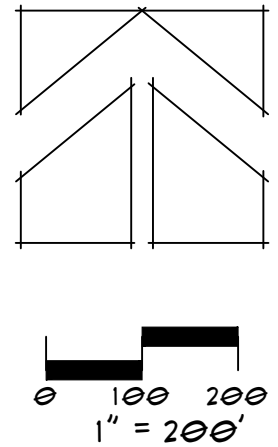
- WETLAND BOUNDARY
- WETLAND BUFFER - 110'
- WETLAND BUFFER - 225'
- STREAM
- STREAM BUFFER - 50'
- STREAM BUFFER - 150'

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

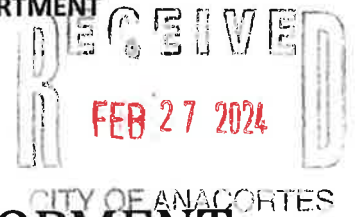
SHEET	OF	PROJECT NUMBER
1	1	2728



SCIMITAR RANCH
POTENTIAL OWNERSHIP



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



COMPREHENSIVE PLAN / DEVELOPMENT REGULATION AMENDMENT PETITION

APPLICANT CHECKLIST		OFFICE USE ONLY
	Petition Application Submittal Checklist See AMC Ch. 19.16 Legislative Actions for complete requirements.	
☒	Application form (attached)	
☒	Petition narrative (attached)	
☐	SEPA Checklist, including Part D for Non-Project Actions	
☒	Map identifying the property included in the proposed amendment (if applicable) showing parcels and streets located within and adjacent to the site	
For Submittals: Digital copy of the application and all submitted materials (flash drive or to pced@cityofanacortes.org .)		Application Fee See the Land Use Application Fee Schedule (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 with questions about this application form or process.

APPLICATION INFORMATION

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

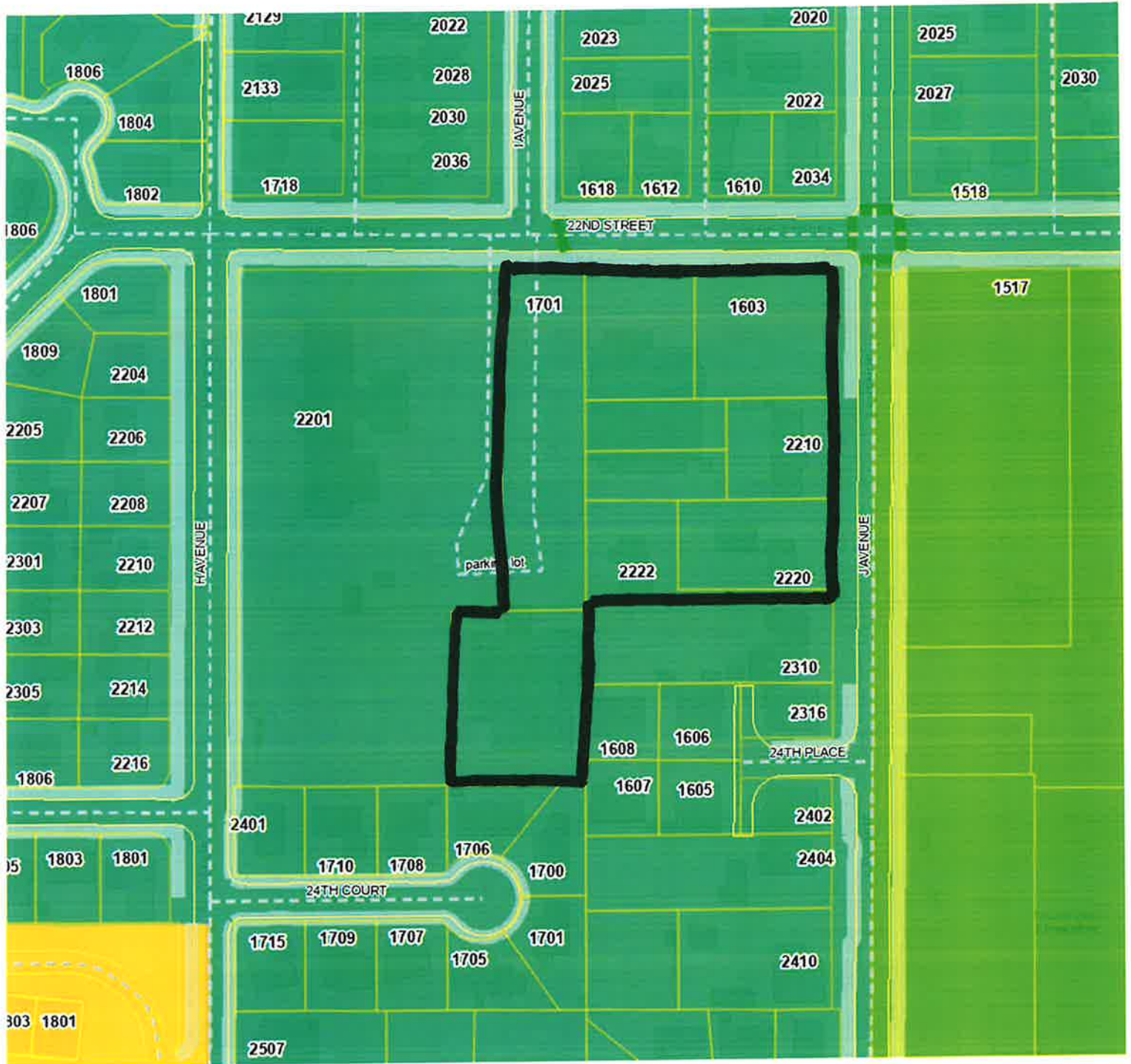
E. For map amendments only: Description of how the map amendment complies with:

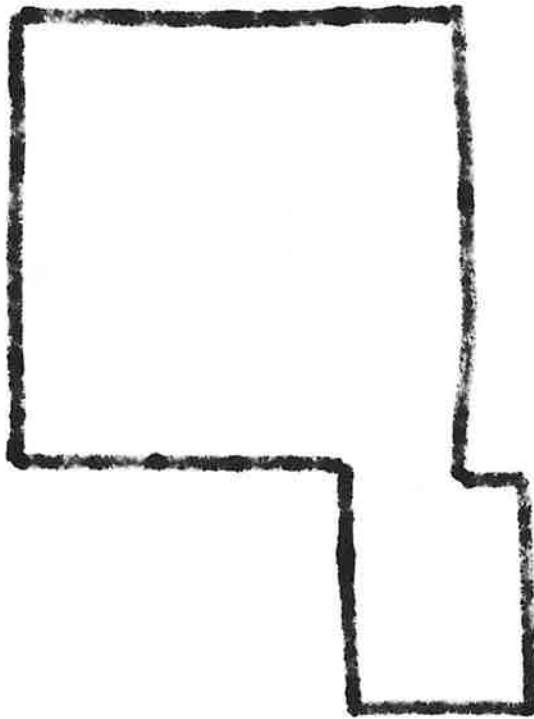
1. The land use designation criteria in the comprehensive plan; and
2. Approval criteria for map amendments and rezones.

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 DEPARTMENT

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

Office Location: 904 6th Street, Anacortes WA 98221

Phone: (360) 299-1984



PCED Received

Date: March 29, 2024

Document received by the Planning, Community & Economic Development Department

COMPREHENSIVE PLAN / DEVELOPMENT REGULATION AMENDMENT PETITION

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

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

APPLICATION INFORMATION

TYPE OF AMENDMENT REQUESTED		
☐ Comprehensive Plan Policies	☒ Comprehensive Plan Land Use Map	☐ 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: ☐ 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:

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.



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PLANNING, COMMUNITY, & ECONOMIC DEVELOPMENT DEPARTMENT

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

Office Location: 904 6th Street, Anacortes WA 98821

Phone: (360) 299-1984

**PCED Received**
Date: March 29, 2024
Document received by the Planning, Community
& Economic Development Department

COMPREHENSIVE PLAN / DEVELOPMENT REGULATION AMENDMENT PETITION

APPLICANT CHECKLIST	Petition Application Submittal Checklist See AMC Ch. 19.16 Legislative Actions for complete requirements.	OFFICE USE ONLY
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☒	Map identifying the property included in the proposed amendment (if applicable) showing parcels and streets located within and adjacent to the site	
For Submittals: Digital copy of the application and all submitted materials (flash drive or to pced@cityofanacortes.org .)		Application Fee See the Land Use Application Fee Schedule (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 with questions about this application form or process.

APPLICATION INFORMATION

TYPE OF AMENDMENT REQUESTED		
☐ Comprehensive Plan Policies	☒ Comprehensive Plan Land Use Map	☐ 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: ☐ 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:

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 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 thier 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.

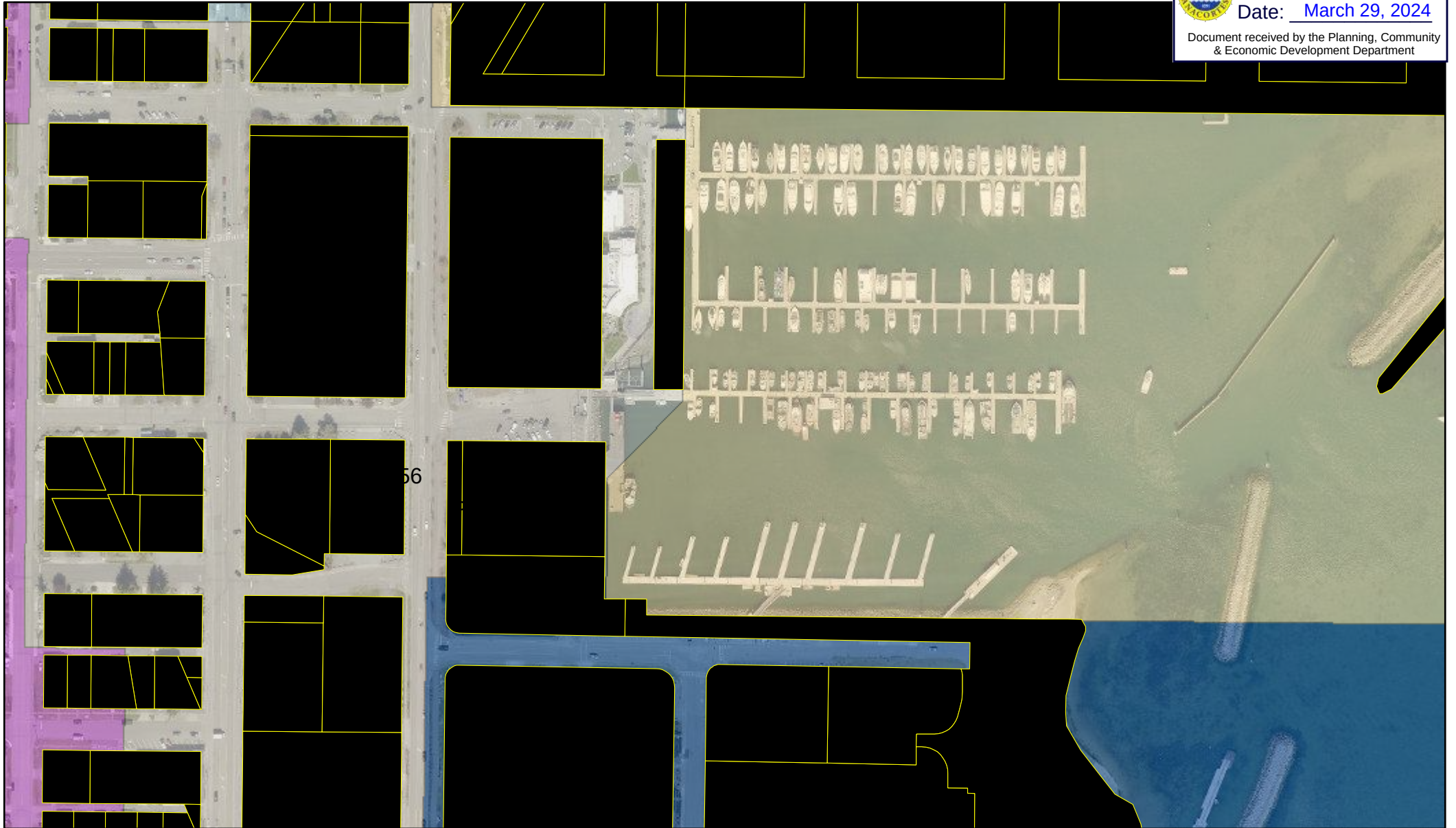
No immediate anticipated changes from the current and future zoning. However, in the future having the zoning across the marina the same will be beneficial for both planning and implementation. Portions of the marina uplands are zoned commercial which does not allow for piers, docks, and wharves; this 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.



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7/17/2024
Anacortes City Council
City of Anacortes

Supplemental Information in
Response to Council Request
PCED Received 7/17/24

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 activities 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.

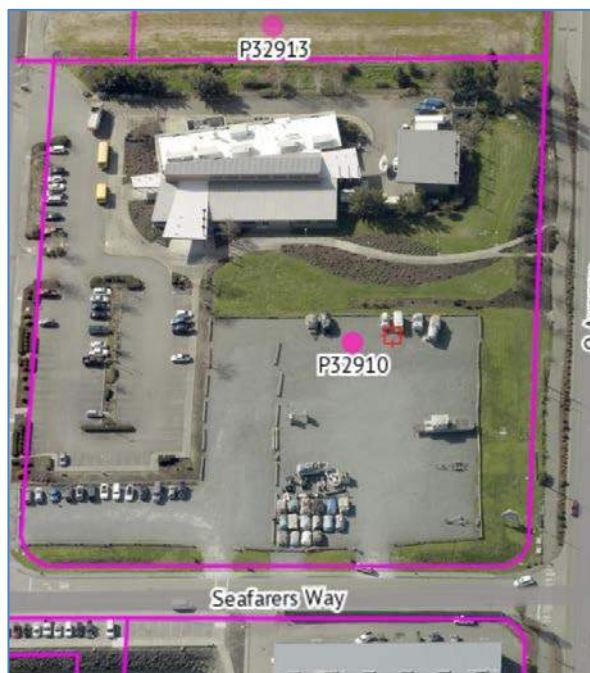


Figure 1: P32910 Subject Parcel as Viewed from the north

- 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>
Water-Oriented Industrial Uses, 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). 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.

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.



PLANNING, COMMUNITY, & ECONOMIC DEVELOPMENT DEPARTMENT

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

Office Location: 904 6th Street, Anacortes WA 98821

Phone: (360) 299-1984



COMPREHENSIVE PLAN / DEVELOPMENT REGULATION AMENDMENT PETITION

APPLICANT CHECKLIST	Petition Application Submittal Checklist See AMC Ch. 19.16 Legislative Actions for complete requirements.	OFFICE USE ONLY
☒	Application form (attached)	
☒	Petition narrative (attached)	
☐	SEPA Checklist, including Part D for Non-Project Actions	
☒	Map identifying the property included in the proposed amendment (if applicable) showing parcels and streets located within and adjacent to the site	
For Submittals: Digital copy of the application and all submitted materials (flash drive or to pced@cityofanacortes.org .)		Application Fee See the Land Use Application Fee Schedule (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 with questions about this application form or process.

APPLICATION INFORMATION

TYPE OF AMENDMENT REQUESTED		
☐ Comprehensive Plan Policies	☒ Comprehensive Plan Land Use Map	☐ Development Regulations
AMENDMENT REQUEST INFO		
AMENDMENT NAME/TITLE: Marine Terminal Zoning Harmonization Scheme		
APPLICANT INFORMATION		
NAME: Port of Anacortes	MAILING ADDRESS: 100 Commercial Ave, Anacortes, WA 98221	
PHONE: 360-293-3134	EMAIL ADDRESS: 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): 100 O Avenue, Anacortes, WA 98221		
PARCEL NUMBER(S) (if applicable): P55355	SECTION, TOWNSHIP, & RANGE 13 35 01	
LEGAL DESCRIPTION: LOTS 7 TO 10, BLOCK 66, MAP OF THE CITY OF ANACORTES, ACCORDING TO THE PLAT THEREOF RECORDED	PRESENT LAND USE DESIGNATION: Split between LM and MS	
PROPERTY OWNER INFORMATION: ☐ Multiple owners attached		
PROPERTY OWNER NAME: Port of Anacortes	MAILING ADDRESS: 100 Commercial Ave	
EMAIL ADDRESS: kevin.anderson@portofanacortes	PHONE #: 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:

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.

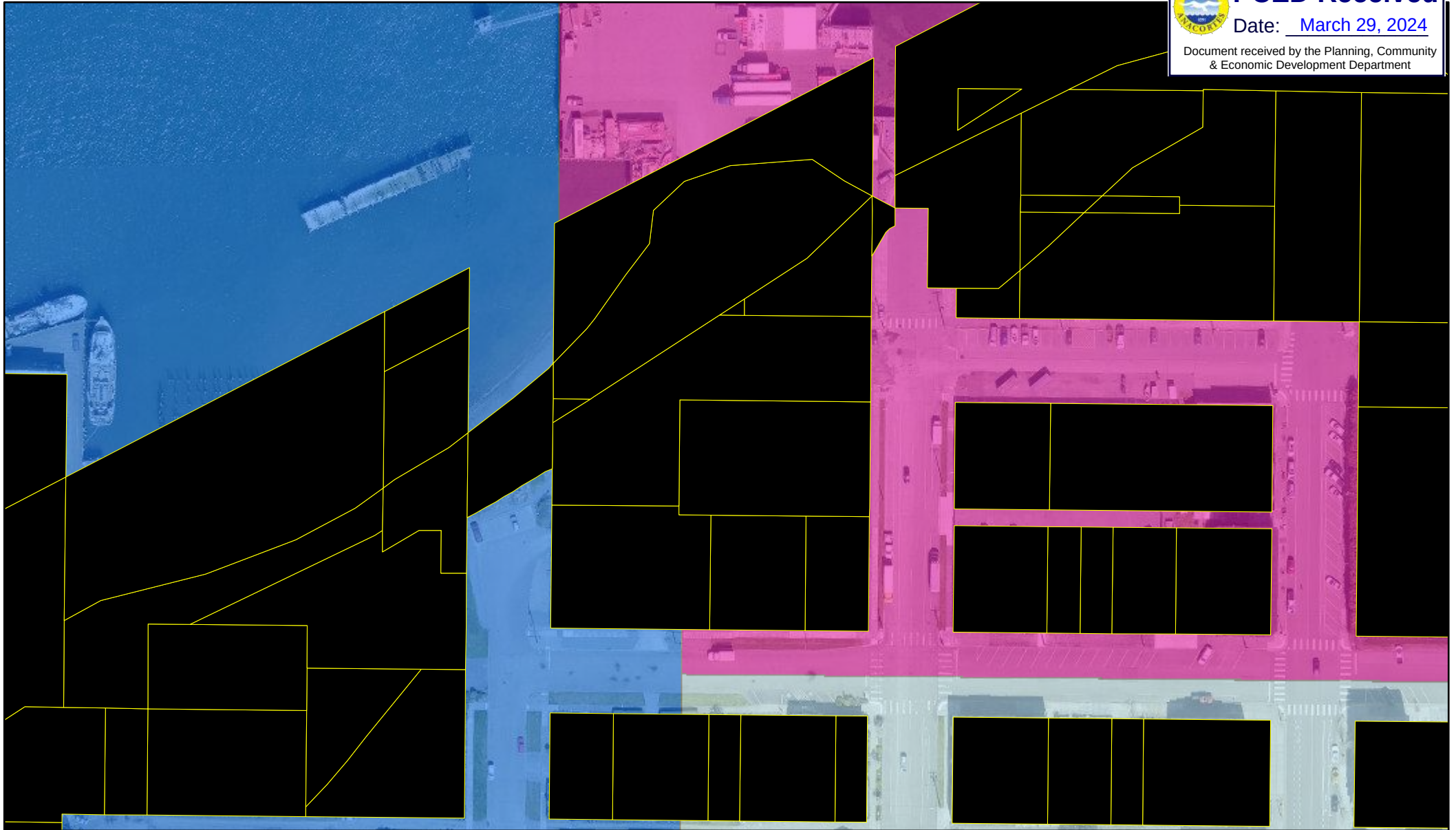
Currently, parcel P55355 is split between two zoning designations. The parcel is part of a larger site referred to as "Quiet Cove"; the site is composed of several parcels (P55354, P55355, P55358, and P355359). The site is used as a single lot for practical purposes. Having a consistent designation across 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.



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PLANNING, COMMUNITY, & ECONOMIC DEVELOPMENT DEPARTMENT

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

Office Location: 904 6th Street, Anacortes WA 98821

Phone: (360) 299-1984

City of Anacortes

Received by PCED

Date: March 31, 2020

COMPREHENSIVE PLAN / DEVELOPMENT REGULATION AMENDMENT PETITION

SUBMITTAL REQUIREMENTS

Applicant Checklist	Submittal Requirement Checklist See AMC Ch. 19.16 Legislative Actions for complete requirements.	Office Use Only
✗	Application form (attached)	
✗	Petition narrative (attached)	
✗	SEPA Checklist , including Part D for Non-Project Actions	
✗	Map identifying the property included in the proposed amendment (if applicable) showing parcels and streets located within and adjacent to the site	
Required Number of Copies and Plan Size 3 paper copies of each item above Digital copy of the application and all submitted materials (flash drive or to pced@cityofanacortes.org)		Application Fee See the Land Use Application Fee Schedule (There is no fee for policy/text amendment petitions)

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APPLICATION INFORMATION

TYPE OF AMENDMENT REQUESTED		
☐ Comprehensive Plan Policies	☒ Comprehensive Plan Land Use Map	☐ Development Regulations
AMENDMENT REQUEST INFO		
AMENDMENT NAME/TITLE:		
Comprehensive Plan Map Amendment		
APPLICANT INFORMATION		
NAME:		MAILING ADDRESS:
Tom and Laura Skillings		8737 Fernwood St. NE, Olympia, 98516
PHONE:		EMAIL ADDRESS:
(360) 789-7550		tskillings@skillings.com
NAME OF DESIGNATED CONTACT IF APPLICANT IS A GROUP:		
Tom Skillings		
MAP AMENDMENT REQUESTS ONLY		
(only complete this portion if you are requesting a Comprehensive Plan Land Use Map amendment)		
SITE ADDRESS (if applicable):		
3506 Fidalgo Bay Road		
PARCEL NUMBER(S) (if applicable):		SECTION, TOWNSHIP, & RANGE
P33062 ; P33058; & P33059;		Sec 30, T 35, R 2E
LEGAL DESCRIPTION:		PRESENT LAND USE DESIGNATION:
See attached BLA application		(P33062 R-3); (P33058 "I"); (P33059 "I" and R-3)
PROPERTY OWNER INFORMATION: ☐ Multiple owners attached		
PROPERTY OWNER NAME:		MAILING ADDRESS:
Tom and Laura Skillings		8737 Fernwood St. NE, Olympia, 98516
EMAIL ADDRESS:		PHONE #:
tskillings@skillings.com		(360) 789-7550
OWNER'S AUTHORIZED AGENT/CONTACT:		
PROPERTY OWNER NAME:		MAILING ADDRESS:
Tom and Laura Skillings		8737 Fernwood St. NE, Olympia, 98516
EMAIL ADDRESS:		PHONE #:
tskillings@skillings.com		(360) 789-7550

Property Owner(s)

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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:



March 31, 2020

Printed Name:

Tom Skillings

PETITION NARRATIVE

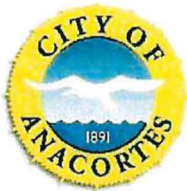
For all types of amendment requests: Please fill in each space with the requested information, or note “see attached” and attach more pages to this form.
A. Detailed statement of what is proposed to be changed and why.
See attachment to the Master Land Use Permit Application
B. Statement of anticipated impacts to be caused by the change, including geographic area affected and issues presented.
See attachment to the Master Land Use Permit Application
C. Demonstration of why the proposal is needed.
See attachment to the Master Land Use Permit Application

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

See attachment to the Master Land Use Permit 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.

See attachment to the Master Land Use Permit Application for both 1 and 2



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

City of Anacortes
Received by PCED
Date: March 31, 2020

Master Land Use Permit Application

TYPE OF APPLICATION (check all that apply):

- | | | |
|---|---|--|
| ☐ Administrative Interpretation | ☐ Floodplain Development Permit | ☐ Short Subdivision (Preliminary) |
| ☐ Annexation Request | ☐ Home Occupation Permit | ☐ Site Plan Review – Type 1 |
| ☐ Binding Site Plan (Preliminary) | ☐ Long Subdivision (Preliminary) | ☐ Site Plan Review – Type 2 |
| ☒ Boundary Line Adjustment (BLA) | ☐ Lot Certification | ☐ Stormwater Management Manual Adjustments & Exceptions |
| ☒ Comprehensive Plan/ Map Amendment Request | ☐ Minor Permit Revision | ☐ Variance (Level 1) |
| ☐ Conditional Use Permit (CUP) per AMC 19.36 | ☐ Plat Amendment /Modification | ☐ Variance (Level 2) |
| ☐ Conditional/Special Use Permit (CUP) per AMC 17.70 | ☐ SEPA Environmental Review | ☐ Wireless Conditional Use Permit (WCUP) |
| ☐ Cottage Housing Development | ☐ Shoreline Conditional Use Permit | ☐ Wireless Service Facility (WSF) Permit |
| ☐ Development Agreement | ☐ Shoreline Exemption | ☐ Zoning Code/ Map Amendment Request (Rezone) |
| ☐ Essential Public Facility | ☐ Shoreline Substantial Development Permit | |
| | ☐ Shoreline Variance | |

PROJECT & SITE INFORMATION:

SITE ADDRESS: 3506 FIDALGO BAY ROAD	PROJECT NAME: SKILLINGS - BLA
PARCEL NUMBER(S): P33062 P33059 P33058	SECTION, TOWNSHIP, & RANGE SEC 30, T35, R2E
LOT SQUARE FOOTAGE & ACREAGE: 82,777 SQ FT 1.90 AC	PROJECT VALUATION: N/A
LEGAL DESCRIPTION: SEE MAP	PRESENT ZONING: P33059 - I P33062 - R3; P33058 - I & R3
PRESENT USE OF PROPERTY: P33058 + 59 P33062 Residential / Vacant	CUT & FILL (CY) PROPOSED: N/A
PRE-APPLICATION CONFERENCE HELD?: ☐ Yes, the City file # is _____ ☒ No	WATER SOURCE: ☒ City of Anacortes ☐ Private Well ☐ Community Well
SEWAGE DISPOSAL: ☒ City of Anacortes ☐ Septic	ROAD ACCESS: ☒ City Road ☐ State Highway ☐ Private Road

CRITICAL AREAS OR BUFFERS ON SITE OR WITHIN 300 FEET: ☐ Yes / Type _____ ☒ No	WATER BODIES WITHIN 200 FEET: ☐ Yes / Name: _____ ☒ No
FLOODPLAIN: Flood Zone: <u>ZONE X</u> FIRM Panel # <u>53031700824</u> Date of Panel: <u>9/17/2003</u>	
LOT COVERAGE AREA CALCULATIONS: Existing Square Footage: <u>See MAP</u> Proposed Square Footage: <u>See MAP</u>	
IMPERVIOUS SURFACE AREA CALCULATIONS: Existing Impervious Square Footage: _____ New Impervious Surface: _____	
DESCRIPTION OF SUBJECT PROPOSAL: ☒ Additional pages attached	
PROPOSED WORK: <u>Adjust property lines of abutting parcels that my wife and I own. The zoning of abutting parcels are not the same. will require a comprehensive plan land use map amendment.</u> <u>See Attached</u>	
PROPERTY OWNER INFORMATION: ☐ Multiple owners attached	
NAME: <u>TOM + LAURA SKILLINGS</u>	MAILING ADDRESS: <u>8737 FERNWOOD ST. NE</u>
CITY, STATE, ZIP: <u>OLYMPIA, WA. 98516</u>	PHONE #: <u>360 789-7550</u>
FAX #:	EMAIL ADDRESS: <u>TSKILLINGS@SKILLINGS.COM</u>
APPLICANT INFORMATION: ☒ Same as property owner	
NAME:	MAILING ADDRESS:
CITY, STATE, ZIP:	PHONE #:
FAX #:	EMAIL ADDRESS:
CONTACT PERSON: ☒ Same as property owner ☐ Same as applicant	
NAME:	MAILING ADDRESS:
CITY, STATE, ZIP:	PHONE #:
FAX #:	EMAIL ADDRESS:

ACKNOWLEDGEMENTS & SIGNATURE

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

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

Signature required on next page.

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

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

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

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

Signature: Thomas E. Skillings Date: 3/28/2020

Printed Name: Thomas E. Skillings

STATE OF WASHINGTON)
) ss.
COUNTY OF ~~SKAGIT~~ THURSTON

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

Given under my hand and official seal this 30th day of March, 2020



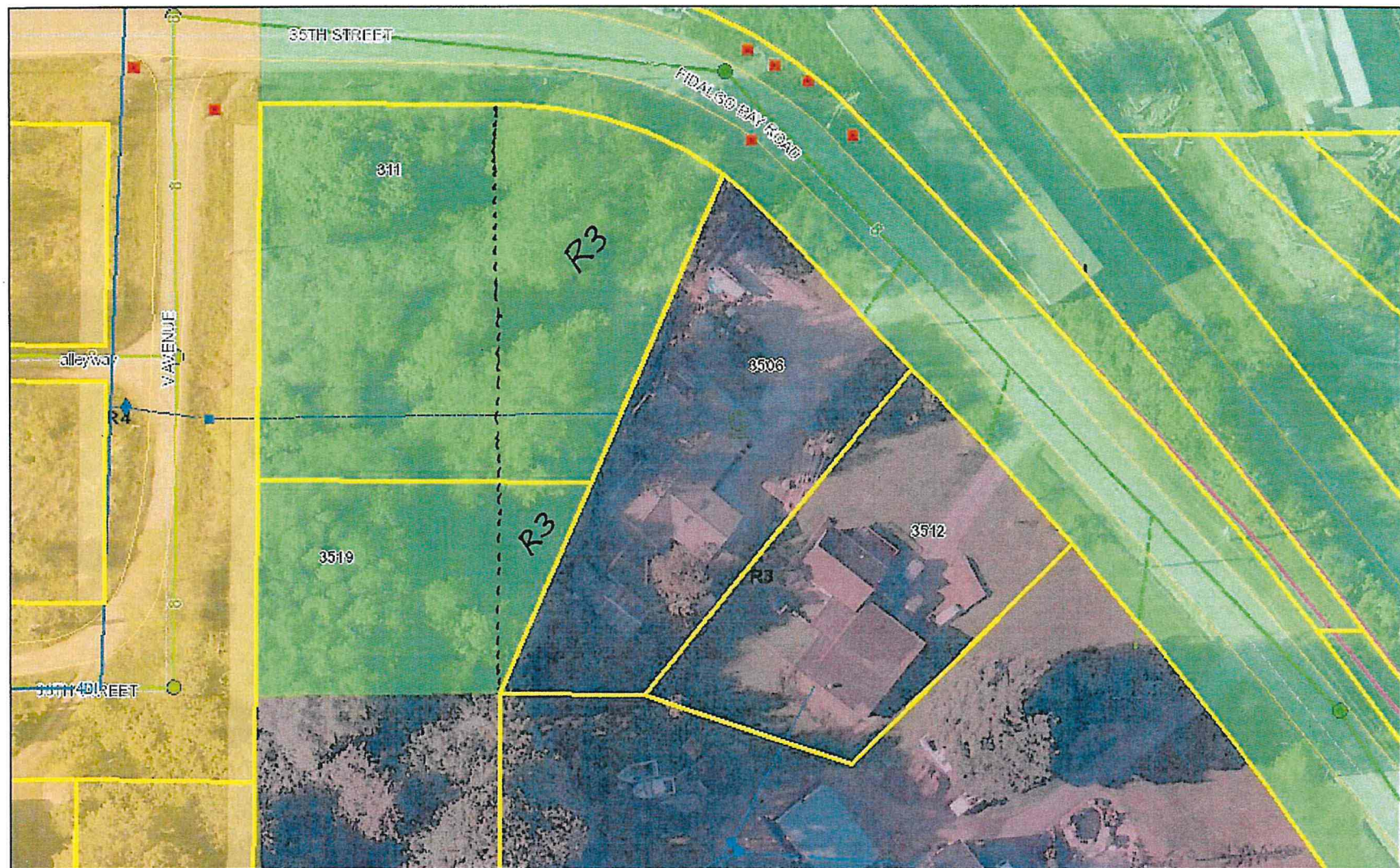
Gloria B. Walkley
Notary Public

Residing at Olympia

My appointment expires 6-21-23

Anacortes Everything Map-Planning/Building

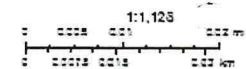
EXHIBIT # 1



March 13, 2020



City of Anacortes



County_Parcel Yellow
 Cathodic
 Hydrants

Blow Offs
 Meters
 Rectifiers
 Valves
 Drains
 Laterals
 Mains
 Abandoned
 Street Segments

County Streets
 Addresses
 Signs

City of Anacortes
 Received by PCED
 Date: March 31, 2020

Additional information for Master Land Use Permit Application for a Boundary Line Adjustment, (BLA) and a Comprehensive Plan/Map Amendment Request.

Pursuant to 19.16.040, Petitions:

A. Types of Petitions. A petition is one or more of the following types:

2. An amendment to the comprehensive plan land use map (which require a simultaneous rezone).

We are not requesting a rezone. The proposed Boundary Line Adjustment will move a lot line of an R-3 zoned lot over a portion of a lot zoned Industrial, "I". This map amendment would move the zoning to coincide with the new property line. It does not change the existing underlying zoning of any of the lots.

D Contents of the Petition:

1, A description of what is being proposed:

My wife and I own the impacted parcels that are subject to this request. We have recently built a new home at 3506 Fidalgo Bay Road, Parcel No. P33062. The existing zoning for our lot is Residential Medium Density (R-3). (see attached "Anacortes Everything Map-Planning/Building" Exhibit #1).

We also own parcel 311 35th Street, Parcel No. P33059. The existing zoning is Industrial (I); and parcel 3519 V Avenue, Parcel No P33058. The existing zoning of this lot is split, part of the lot is zoned Industrial and the remainder is zoned Residential Medium Density R-3.

We would like to make a boundary line adjustment to provide additional area for our residential where we have built our new home. As you can see from the attached survey map and Exhibit #1, the new west boundary line would run parallel to the V Avenue right of way. We are requesting the R-3 zone be extended to the new property line as shown on Exhibit #1.

We do not have any planned or proposed development as a result of this proposed map amendment. Moving the west boundary line away from our new home provides us more space and side-yard setback round our home. We built our new how in the same location as the old house. The side yard setback to the industrial lot next door is in too close proximity to our residential home.

2, A statement of anticipated impacts caused by the change:

The zoning boundary change will not impact future usability of any of the parcels. The remaining area on the industrial zoned lot is still adequate. As mentioned, we have no land use action proposed as a result of this zone boundary change. The sole purpose of this change in the zone boundary request is in response to moving the lot line between a R-3 zoned lot and a Industrial zoned lot. This zone boundary change does not impact any other lots or geographic areas. No issues are anticipated as a result of this zoning boundary modification.

Tom and Laura Skillings
3506 Fidalgo Bay Road

Request for Comp Plan Map Amendment
March 30, 2020

3, A demonstration of why the proposal is needed:

We are requesting a Boundary Line Adjustment. The adjacent lots have different zoning. The zone boundary needs to be changed and the comprehensive zoning map needs to be changed so the new lot line becomes the new zone boundary. (See Exhibit 1)

4, A statement of how is the proposed plan/map amendment consistent with the comprehensive plan's goals and visions.

Pursuant to the requested Boundary Line Adjustment, this proposed map amendment would move the existing R-3 zone boundary to coincide with the newly adjusted lot line between the lot designated as Residential R-3 and the lot designated as Industrial "I". The proposed revised boundary would be consistent with the existing Comprehensive Plan because it does not change the respective lot's zoning designation. The parcel No. P33062 would remain R-3 and the parcels No. P33058 and P33059 would maintain their existing zoning. (see exhibit #1) The map change would move the zoning boundary to coincide with the new lot line. Therefore, the proposed change would remain consistent with the existing Comprehensive Plan's vision and goals.

E. A petition for a ... amendment of the Comprehensive Plan map must also include a detailed description of how the map amendment complies with:

1, The land use designation criteria in the comprehensive plan

This request for a map amendment does not change the underlying zoning. The parcel is currently zoned industrial, only the lot boundary is being changed when the requested BLA is approved. Therefore, the requested map amendment, (moving the zone boundary line to coincide with the new lot line, fits the criteria listed below for the existing industrial lot and the R-3 designated zone are still consistent with the City's Comprehensive Plan.

Industrial (I).

1. This designation provides for manufacturing and closely related uses in areas with existing industrial uses or other areas with suitable land and transportation access that are buffered from residential and other uses that are likely to complain about industrial activities.

2. Use of this zone is appropriate for areas designated industrial in the comprehensive plan.

2, Approval criteria for map amendments and rezones.

19.16.080 This section of the code states in part, the proposed map amendments must meet the following for consideration:

e. Consistency of the proposal with the comprehensive plan;

This map amendment is consistent with the comprehensive plan. After the map amendment, the existing lots will have the same exact zoning as currently designated on the

Comprehensive Plan zoning map. Only the boundary line will move to match the property line adjustment pursuant to the proposed BLA.

f. For proposed comprehensive plan map changes, whether the proposal is justified by changed or changing conditions, whether the proposal would create an isolated land use designation unrelated to adjacent designations (a spot zone), and whether the proposal will be compatible with neighboring properties and not adversely affect the value of those properties.

This proposed map amendment does not create a new zone designation for the existing lot. It does not create an isolated land use designation or spot zone. It is consistent with the existing Comprehensive plan.

Respectfully Submitted

Tom and Laura Skillings
Tskillings@skillings.com
(360) 789-7550



SEPA ENVIRONMENTAL CHECKLIST- PART D – FOR NON-PROJECT ACTIONS

City of Anacortes

Received by PCED

Date: March 31, 2020

Use of checklist for nonproject proposals: [\[help\]](#)

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.

D. Supplemental sheet for nonproject actions [\[help\]](#)

(IT IS NOT NECESSARY to use this sheet 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 proposal is a Boundary Line Adjustment only. No land use action is proposed, no construction is proposed and therefore there will not be an increase in the discharge to water, or emissions to the air, or release of toxic discharges, or increased noise.

Proposed measures to avoid or reduce such increases are:

N/A No project is proposed

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

No land use change is proposed as part of this request and therefore there will not be any effect on plants, fish or marine life

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

None: No land use action is proposed as part of the BLA application and resultant Comp Plan Map amendment

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

N/A No project is proposed

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

N/A No project is proposed

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?

N/A No project is proposed

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

N/A, no project is proposed

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?

N/A No project is proposed

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

N/A No project is proposed

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

N/A No project is proposed

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.

None that we are aware of.



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: [\[help\]](#)

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.

Use of checklist for nonproject proposals: [\[help\]](#)

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

A. BACKGROUND [\[help\]](#)

1. Name of proposed project, if applicable: [\[help\]](#) The project is a Boundary Line Adjustment, (BLA) to adjust the
The project is a Boundary Line Adjustment, (BLA) to adjust the boundary line between the lots that we own, resulting in requirement of a Comprehensive Plan Map Amendment.
2. Name of applicant: [\[help\]](#) Tom and Laura Skillings
3. Address and phone number of applicant and contact person: [\[help\]](#)
8737 Fernwood St. NE, Olympia, 98516
(360) 789-7550
4. Date checklist prepared: [\[help\]](#)
March 31, 2020
5. Agency requesting checklist: [\[help\]](#)
City of Anacortes
6. Proposed timing or schedule (including phasing, if applicable): [\[help\]](#)
As soon as the City will approve the BLA and the map amendment. There is no other action proposed.
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. [\[help\]](#)
None at this time
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. [\[help\]](#)
None that we are aware of.
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. [\[help\]](#)
None
10. List any government approvals or permits that will be needed for your proposal, if known. [\[help\]](#)
Approval of the BLA
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.) [\[help\]](#)
We are proposing an adjustment of the property line between our residential lot and our abutting lots that are Industrial. No other land use action is proposed at this time.
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. [\[help\]](#)

The impacted lots include 3506 Fidalgo Bay Road, Parcel P33062; 311 35th Street, Parcel P33059 and 3519 V Avenue, Parcel 33058, all situated in Section 30, T 35, R 2E
See associated Master Land Use Permit Application for the BLA

B. ENVIRONMENTAL ELEMENTS [\[help\]](#)

1. Earth

a. General description of the site [\[help\]](#)

(circle one): Flat, rolling, hilly, steep slopes, mountainous,

other The site grade varies from nearly flat adjacent to 35th increasing to approximately 10% grade to the south.

b. What is the steepest slope on the site (approximate percent slope)? [\[help\]](#)

The steepest slope is approximately 10%

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. [\[help\]](#)

The soils vary from organic clayey sand to black loam

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. [\[help\]](#)

No

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. [\[help\]](#)

No land use change is proposed as part of this request.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. [\[help\]](#)

No land use change is proposed as part of this request.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? [\[help\]](#)

No land use change is proposed as part of this request.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: [\[help\]](#)

No land use change is proposed as part of this request.

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. [\[help\]](#)

No land use change is proposed as part of this request.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. [\[help\]](#)

None

- c. Proposed measures to reduce or control emissions or other impacts to air, if any: [\[help\]](#)

None

3. Water

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

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

None

- 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. [\[help\]](#)

No land use change is proposed as part of this request.

- 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. [\[help\]](#)

No land use change is proposed as part of this request.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. [\[help\]](#)

No

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. [\[help\]](#)

No

- 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. [\[help\]](#)

No

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 general description, purpose, and approximate quantities if known. [\[help\]](#)

No

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

No land use change is proposed as part of this request.

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. [\[help\]](#)

No land use change is proposed as part of this request.

- 2) Could waste materials enter ground or surface waters? If so, generally describe. [\[help\]](#)

No

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

No

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

No land use change is proposed as part of this request.

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

- a. Check the types of vegetation found on the site: [\[help\]](#)

☒ 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? [\[help\]](#)

No land use change is proposed as part of this request.

- c. List threatened and endangered species known to be on or near the site. [\[help\]](#)

None that we are aware of.

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: [\[help\]](#)

No land use change is proposed as part of this request.

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

None that we are aware of.

5. Animals

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include: [\[help\]](#)

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

mammals: deer, bear, elk, beaver, other:

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

Eagle, songbirds, heron

- b. List any threatened and endangered species known to be on or near the site. [\[help\]](#)

None that we are aware of.

- c. Is the site part of a migration route? If so, explain. [\[help\]](#)

Not that we are aware of

- d. Proposed measures to preserve or enhance wildlife, if any: [\[help\]](#)

No land use change is proposed as part of this request.

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

None that we are aware of.

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. [\[help\]](#)

No land use change is proposed as part of this request.

- b. Would your project affect the potential use of solar energy by adjacent properties?

If so, generally describe. [\[help\]](#)

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: [\[help\]](#)

N/A

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 as a result of this proposal? If so, describe. [\[help\]](#)

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

None that we are aware of.

- 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.

None that we are aware of.

- 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.

None that we are aware of.

- 4) Describe special emergency services that might be required.

N/A

- 5) Proposed measures to reduce or control environmental health hazards, if any:

No land use change is proposed as part of this request.

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? [\[help\]](#)

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. [\[help\]](#)

No land use change is proposed as part of this request.

- 3) Proposed measures to reduce or control noise impacts, if any: [\[help\]](#)

N/A

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. [\[help\]](#)

Currently vacant land 3506 is our residential home, the other lots are vacant. No impact to adjacent lots

- b. Has the project site been used as working farmlands or working forest lands? If so, describe.
How much agricultural or forest land of long-term commercial significance will be converted

to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? [\[help\]](#)

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:

No

- c. Describe any structures on the site. [\[help\]](#)

No land use change is proposed as part of this request.

- d. Will any structures be demolished? If so, what? [\[help\]](#)

No

- e. What is the current zoning classification of the site? [\[help\]](#)

P33062 R-3; P33058 "I"; P33059 "I" and R-3

- f. What is the current comprehensive plan designation of the site? [\[help\]](#)

P33062 R-3; P33058 "I"; P33059 "I" and R-3

- g. If applicable, what is the current shoreline master program designation of the site? [\[help\]](#)

Not sure its applicable

- h. Has any part of the site been classified as a critical area by the city or county? If so, specify. [\[help\]](#) Potentially steep slope

- i. Approximately how many people would reside or work in the completed project? [\[help\]](#)

N/A

- j. Approximately how many people would the completed project displace? [\[help\]](#)

N/A

- k. Proposed measures to avoid or reduce displacement impacts, if any: [\[help\]](#)

N/A

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: [\[help\]](#)

The proposal does not change any designation. It only moves the boundary a few feet per the BLA

- m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:

N/A

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. [\[help\]](#)

N/A

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. [\[help\]](#)

None N/A

- c. Proposed measures to reduce or control housing impacts, if any: [\[help\]](#)

No land use change is proposed as part of this request.

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? [\[help\]](#)

N/A

- b. What views in the immediate vicinity would be altered or obstructed? [\[help\]](#)

No views will be altered.

- c. Proposed measures to reduce or control aesthetic impacts, if any: [\[help\]](#)

No land use change is proposed as part of this request.

11. Light and glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? [\[help\]](#)

None, no project

- b. Could light or glare from the finished project be a safety hazard or interfere with views? [\[help\]](#)

N/A

- c. What existing off-site sources of light or glare may affect your proposal? [\[help\]](#)

N/A

- d. Proposed measures to reduce or control light and glare impacts, if any: [\[help\]](#)

N/A

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity? [\[help\]](#)

Tommy Thompson Trail, access to Fidalgo Bay

- b. Would the proposed project displace any existing recreational uses? If so, describe. [\[help\]](#)

No

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: [\[help\]](#)

N/A, no project is proposed

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 located on or near the site? If so, specifically describe. [\[help\]](#)

No

- 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. [\[help\]](#)

None

- 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. [\[help\]](#)

N/A, no project is proposed

- 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

- 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. [\[help\]](#)
No land use change is proposed as part of this request. No new access to Fidualgo Bay Road or to 35th Street, or to V Avenue

- 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? [\[help\]](#)

N/A

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? [\[help\]](#)

N/A No project is proposed

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

No

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. [\[help\]](#) No

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? [\[help\]](#) N/A
N/A No project is proposed
- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. N/A
No
- h. Proposed measures to reduce or control transportation impacts, if any: [\[help\]](#) No
N/A, no project is proposed

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. [\[help\]](#)
No
- b. Proposed measures to reduce or control direct impacts on public services, if any. [\[help\]](#)
N/A

16. Utilities

- a. Circle utilities currently available at the site: [\[help\]](#)
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. [\[help\]](#)
None

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

I certify (or declare) under penalty of perjury under laws of the State of Washington that 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 a decision.

Signature: 

Name of signee Thomas E. Skillings

Position and Agency/Organization Property owner

Date Submitted: March 31, 2020

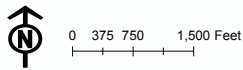
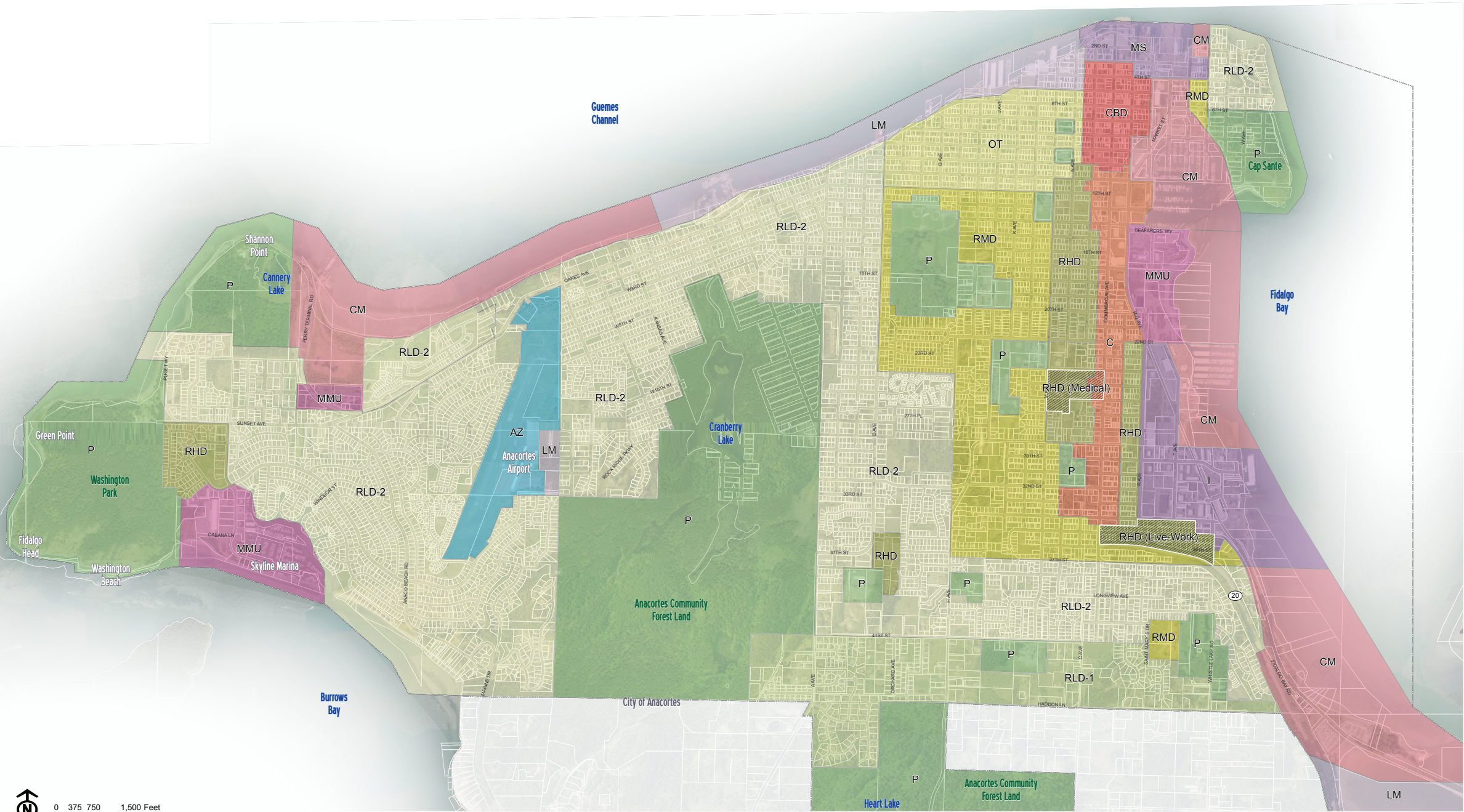
Future Land Use Map

Land Use Designation

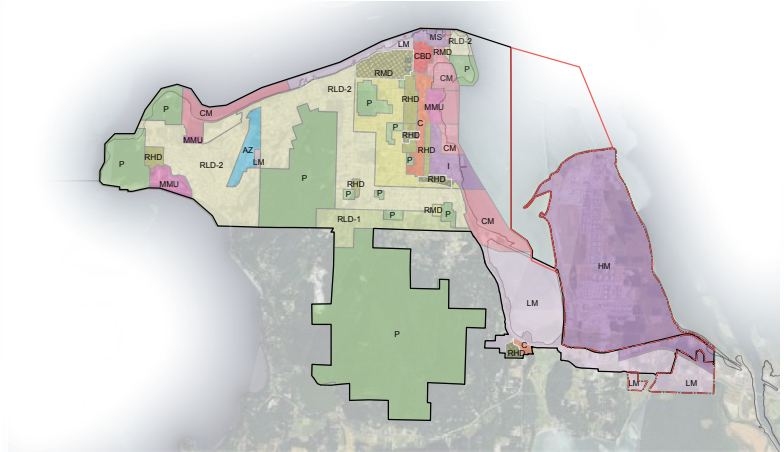
- CBD Central Business District
- C Commercial
- CM Commercial Marine
- MMU Marine Mixed Use
- AZ Airport Zone
- HM Heavy Manufacturing
- I Industrial
- LM Light Manufacturing
- MS Manufacturing/Shipping

- P Public Use

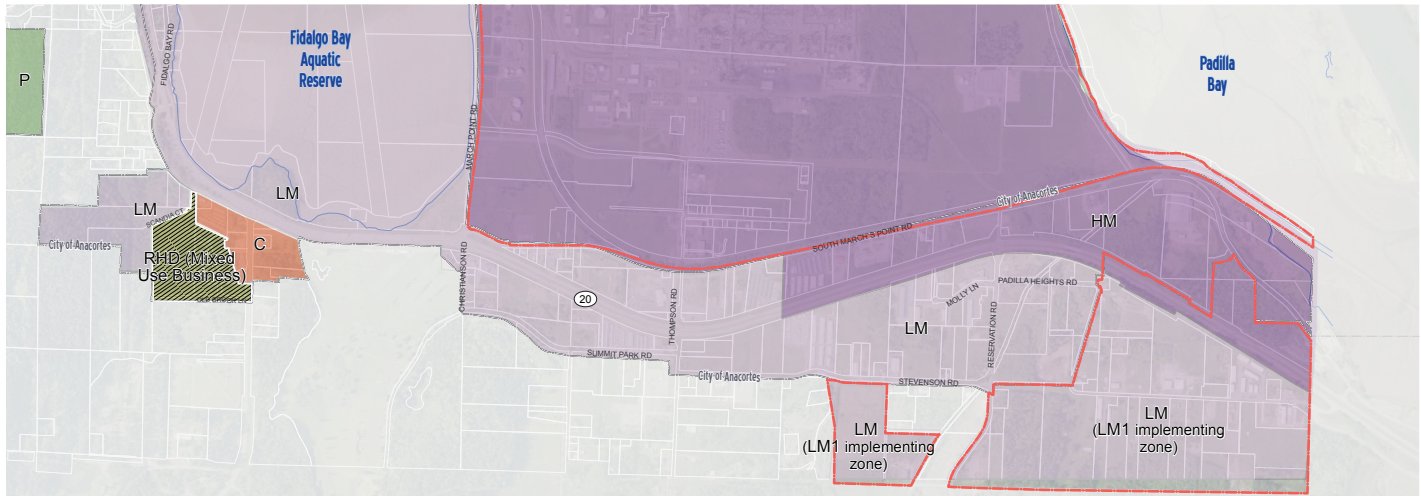
- RHD Residential High Density
- RMD Residential Medium Density
- OT Old Town
- RLD-2 Residential Low Density 2
- RLD-1 Residential Low Density 1
- Overlay Area
- City Limit
- UGA



- City Limit
- UGA

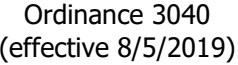


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Planning Commission Agenda Bill

Meeting Date: October 30, 2024

Agenda Item: 5.b.

Subject: Countywide Planning Policies (CPPs) - 2025 Comprehensive Plan Update

Staff Contact: John Coleman

Approved for Submittal to Commission by

Libby Grage
John Coleman

Action Type

Motion

Summary Statement:

Background: As part of the Periodic GMA Comprehensive Plan update process, each jurisdiction must work in collaboration with the other jurisdictions in the county to plan for the next 20 years of regional growth and develop policies for how that growth should be managed. That work is largely done with assistance from the Skagit Council of Governments (SCOG), a voluntary organization of Skagit County governments whose purpose is to foster a cooperative effort in resolving problems, policies and plans that are common to the membership and region. Under SCOG, the county jurisdictions have created a mechanism to perform required Growth Management Act (GMA) related planning.

One of those GMA planning requirements is for Skagit County, and the cities within the county, to establish a process for coordinating regional planning work and to collaboratively develop, and administer, countywide planning policies (CPPs). These mandatory CPPs are intended to ensure consistency between the plans adopted by the counties and the plans adopted by the cities within them, and to ensure adequate coordination on important regional issues such as forecasting and allocating projected growth, making UGA sizing decisions, and coordinating regional transportation improvements. Counties, cities, and state agencies must adhere to adopted countywide planning policies (RCW 36.70A.210).

In Skagit County, the process for conducting regional planning work, including the development of CPPs, is outlined in an interlocal agreement (the GMA Framework Agreement) adopted by the County and each of the cities. The GMA Framework Agreement was adopted in 2002 and describes the required steps for developing and adopting regional growth forecasts, CPP amendments, and making other regional planning decisions. Under the GMA Framework Agreement, CPP amendments and regional growth forecasts are developed by the Skagit Council of Governments GMA Technical Advisory Committee (GMATAC). The GMATAC consists of the Planning Directors from each city and the County. GMATAC recommendations are then sent to the Skagit Council of Governments GMA Steering Committee (GMASC) for review and

approval. The GMASC consists of the mayors from each city and the County Commissioners.

The GMTAC recommended that the GMASC approve several revisions to the CPPs, including the final Skagit County 2045 Allocations of Population, Housing and Employment (2045 Allocations). The CPPs were amended to address recent changes to the GMA, to incorporate up-to-date forecasts for population, housing, and employment growth, and to allocate urban growth among the region's cities. The Planning Commission reviewed the *initial* 2045 Allocations on February 28, 2024, then, at their October 2, 2024 meeting, the PC reviewed the *final* 2045 Allocations. The complete CPPs, including the final 2045 Allocations (attached), are now presented to the Planning Commission for review. The attached CPPs show several modifications in underline and strikethrough, indicating amendments to the 2016 CPPs. The document also has the final 2045 Allocations embedded within it.

The GMA Framework Agreement specifies that CPP amendments (and other major policy decisions) should be forwarded to the legislative bodies of each jurisdiction to provide an opportunity for public comment and to solicit input from the legislative bodies. At this meeting, staff requests that the PC review the GMASC recommendations, then make a recommendation to the City Council.

Staff recommendation:

The Planning Commission make a motion to recommend that the City Council pass a resolution supporting the SCOG GMA Steering Committee's recommended CPPs, including the Final 2045 Allocations.

Previous Action:

Competing Viewpoints Considered:

Recommended Motion: Make a motion to recommend that the City Council pass a resolution supporting the SCOG GMA Steering Committee's recommended CPPs, including the Final 2045 Allocations.

Alternative Actions: Make a motion to recommend that the City Council pass a resolution supporting the SCOG GMA Steering Committee's recommended CPPs, including the Final 2045 Allocations with specified modifications.

Attachments (listed in order presented):

1. Skagit CPPs w Final 2045 Allocation
2. Comment-20241027-Munce

Skagit County

Countywide Planning Policies

January 2024 Proposed Revisions to include
Housing (HB1220) and Climate (HB 1181) 2024

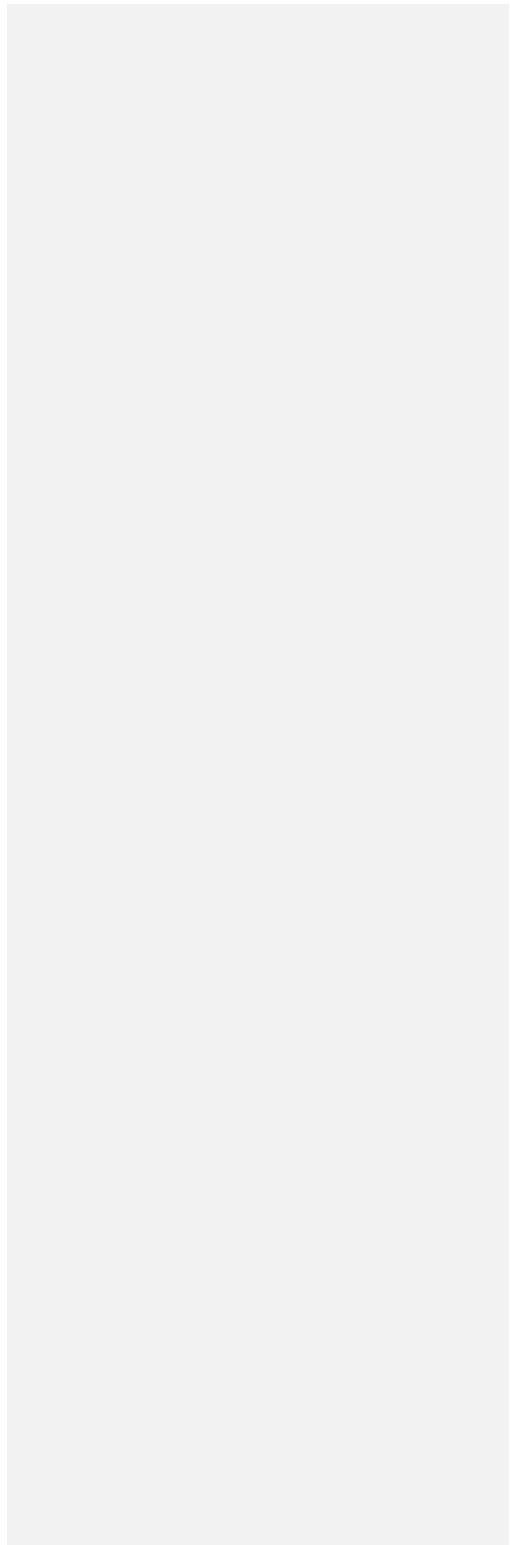
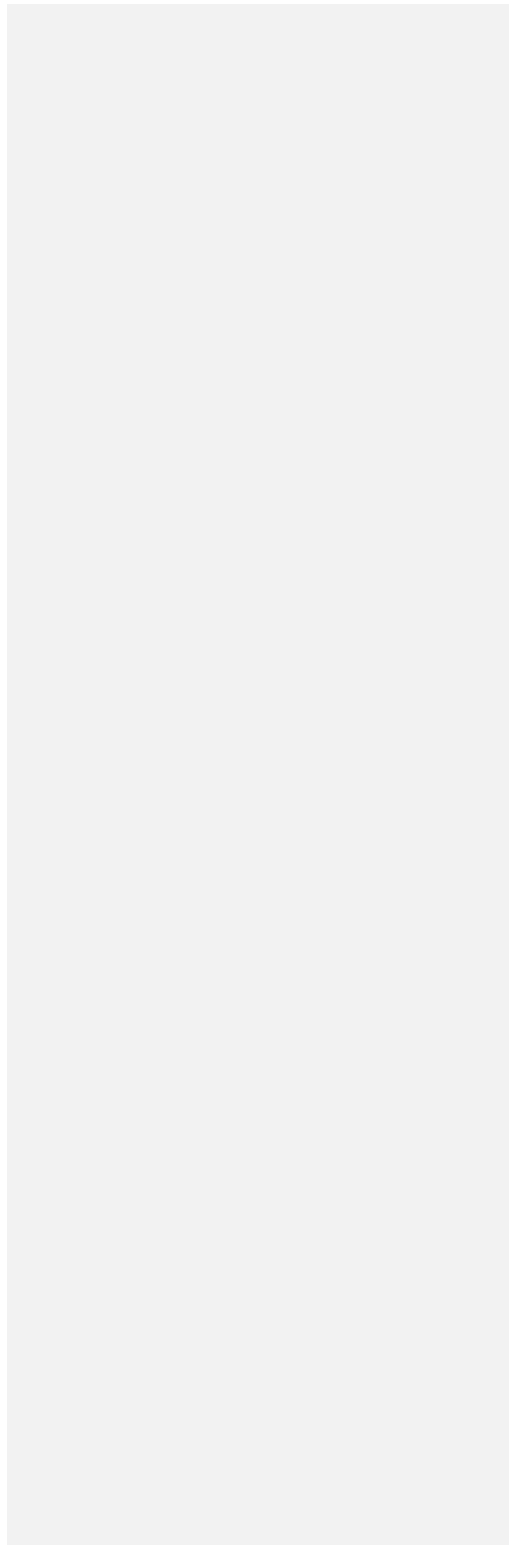


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GMA Goal 14 added (2023) Section 14: Climate Change and Resiliency. Ensure that comprehensive plans, development regulations, and regional policies, plans and strategies under RCW 36.70A.201 and Chapter RCW 47.80 adapt to and mitigate the effects of a changing climate, support reductions in greenhouse gas emissions and per capita vehicle miles traveled; prepare for climate impact scenarios; foster resiliency to climate impacts and natural hazards; protect and enhance environmental, economic, and human health and safety; and advance environmental justice.

The greenhouse gas emissions reduction sub- element and resiliency element is mandatory for the jurisdictions specified in **RCW 36.70A.95**



Skagit County Countywide Planning Policies

The Role of the Skagit County Countywide Planning Policies and the Comprehensive Plans

- i Pursuant to RCW 36.70A.210, these Skagit County Countywide Planning Policies (“Countywide Planning Policies” or “CPPs”) establish a countywide framework for developing county, city and town comprehensive plans (collectively “Comprehensive Plans”).
- ii Except as otherwise provided for by law, Skagit County, municipalities, and state agencies are subject to the Countywide Planning Policies. The Skagit County Comprehensive Plan, and the comprehensive plans of the cities and towns within Skagit County shall be consistent with these policies.
- iii The 2002 Framework Agreement – executed by Skagit County and every city and town within the county – guides the process for adoption and amendment of Countywide Planning Policies.
- iv The Board of County Commissioners adopt and amend Countywide Planning Policies in cooperation with the cities and towns, consistent with RCW 36.70A.210 and the 2002 Framework Agreement.
- v All Elements of Comprehensive Plans, including maps and procedures, shall comply with these policies. Amendments to the other components of Comprehensive Plans shall conform to these policies.
- vi As required by RCW 36.70A.120, activities and capital budgeting decisions made by Skagit County, and all cities and towns located within the county, shall be made in conformity with the locally adopted comprehensive plan.
- vii The Skagit County Comprehensive Plan adopts by reference the following functional plans: Shoreline, Drainage, Floodplain, Schools, Special Districts, Parks and Recreation, Transportation, Watershed, the Coordinated Water System Plan and any other functional plans adopted by Skagit County. Each referenced plan shall be coordinated with, and consistent with, the Skagit County Comprehensive Plan.
- viii All disputes over the proper interpretation of other functional plans and all implementing regulations, including zoning maps and zoning regulations, shall be resolved in favor of the interpretation which most clearly achieves Countywide Planning Policies.
- ix Local governments shall pursue methods of collecting and displaying statistics, maps and other information necessary for government.

Countywide Planning Policies, [January 20242021Proposed Revisions to include Housing \(HB 1220\) and Climate \(HB 1181\)](#) 1

- x Upon adoption of Comprehensive Plans, sub-area plans will be considered to address homogeneous natural features and communities.

1. Urban Growth
Encourage urban development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

- 1.1 Urban growth shall be allowed only within cities and towns, their designated Urban Growth Areas (“UGAs”) and within any non-municipal urban growth areas already characterized by urban growth, identified in the Skagit County Comprehensive Plan with a Capital Facilities Plan meeting urban standards. Population and employment land allocations for each UGA shall be consistent with the allocations shown in Appendix A.
- 1.2 Cities and towns and their urban growth areas, and non-municipal urban growth areas designated pursuant to CPP 1.1, shall include areas and densities sufficient to accommodate as a target 80% of the county’s 20-year population projection.
- 1.3 Urban growth areas shall provide for urban densities of mixed uses and shall direct development of neighborhoods which provide adequate and accessible urban governmental services concurrent with development. The Growth Management Act (“GMA”) defines urban governmental services as those governmental services historically and typically delivered by cities, including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with nonurban areas.
- 1.4 Urban growth areas shall include greenbelts, [greenspace](#) ~~and~~ open space, and encourage the preservation of wildlife habitat areas [and healthy urban community forests](#).
- 1.5 Cities and towns shall encourage development, including greenbelt and open space areas, on existing vacant land and in-fill properties before expanding beyond their present corporate city limits towards urban growth boundaries.
- 1.6 Annexations beyond urban growth areas are prohibited.
- 1.7 The baseline for 20-year countywide population forecasts shall be the official Growth Management Act Population Projections from the State of Washington’s Office of Financial Management. The Growth Management Act Technical Advisory Committee (“Planners Committee”) shall recommend the process for allocating forecasted population and employment, which shall be cooperatively reviewed by the Growth Management Act Steering Committee (“GMASC”), consistent with the 2002 Framework Agreement. Final growth allocations will be ratified by each government’s legislative body. The growth allocation process shall use the procedures in Appendix B, which calls for the following steps:
 - a. Initial Growth Allocations;
 - b. Reconciliation;
 - c. Long Term Monitoring; and

Countywide Planning Policies, [January 20242021Proposed Revisions to include Housing \(HB 1220\) and Climate \(HB 1181\)](#) 3

HB 1220 added new housing allocations, now included in **RCW 36.70A.070** Comprehensive Plans-Mandatory Element

d. Allocation Adjustment.

1.8 Skagit County, the cities and towns shall use consistent development and housing land capacity analysis methods as approved by the GMASC to determine the capacity of Urban Growth Areas to accommodate population and employment growth and housing produced in the different AMI categories provided by the Department of Commerce. Jurisdictions will supply a capacity amount of undeveloped buildable urban land needed; inventory done as part of their periodic updates, to the Skagit Council of Governments. The inventory of the undeveloped buildable urban land supply is to be maintained by Skagit County in a Regional Geographic Information Systems database.

1.9 Skagit County, the cities and towns will establish a common method to monitor urban development and housing development to evaluate the rate of growth and maintain an inventory of the amount of buildable land remaining and the amount of housing produced in the different AMI categories provided by the Department of Commerce. The Planners Committee shall develop a monitoring process, prepare annual monitoring reports and present the reports to the Growth Management Act Steering Committee annually.

1.10 All growth outside the urban growth boundary shall be rural in nature as defined in the Rural Element, not requiring urban governmental services, except in those limited circumstances shown to be necessary to the satisfaction of both Skagit County and the affected city/town to protect basic public health, safety and the environment, and when such services are financially supportable at rural densities and do not permit urban development

1.11 Prior to altering urban growth areas, or as part of a periodic update, a climate impact analysis shall be completed. The climate impact analysis shall evaluate the greenhouse gas (GHG) and vehicle miles traveled (VMT) impacts associated with the proposed change and consider climate vulnerability and resilience scenarios created by the change. The analysis shall also consider the GHG and VMT impacts associated with other feasible alternatives for accommodating projected growth. Preference shall be given to alternatives that reduce per capita VMT and GHG emissions and changes that increase climate resilience and protect vulnerable populations and overburdened communities.

1.10 .

1.8 Added housing capacity analysis to the existing land capacity analysis. Removed GMASC requirements for methodology approval. Removed Skagit County GIS requirement to store data. SCOG will collect land and housing capacity reports.

1.9 Department of Commerce AMI categories for different types of housing will be used for reconciliation and monitoring reports

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2. Reduce Sprawl

Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

- 2.1 Contiguous and orderly development and provision of urban services to such development within urban growth boundaries shall be required.
- 2.2 Development within the urban growth area shall be coordinated and phased through inter-agency agreements.
- 2.3 Rural development shall be allowed in areas outside of the urban growth boundaries having limited resource production values (e.g. agriculture, timber, mineral) and having access to public services. Rural development shall have access through suitable county roads, have limited impact on agricultural, timber, mineral lands, critical areas, shorelands, historic landscapes or cultural resources and must address their drainage and ground water impacts.
- 2.4 Rural commercial and industrial development shall be consistent with that permitted by the Growth Management Act, specifically including RCW 36.70A.070(5)(d) and related provisions and the 1997 ESB 6094 amendments thereto. This development shall not be urban in scale or character or require the extension of urban services outside of urban growth areas, except where necessary to address an existing public health, safety or environmental problem.
- 2.5 Rural commercial and industrial development shall be of a scale and nature consistent and compatible with rural character and rural services, or as otherwise allowed under RCW 36.70A.070(5)(d), and may include commercial services to serve the rural population, natural resource-related industries, small scale businesses and cottage industries that provide job opportunities for rural residents, and recreation, tourism and resort development that relies on the natural environment unique to the rural area.
- 2.6 Priority consideration will be given to siting of new rural commercial and industrial uses in areas of existing development, including existing Rural Villages and existing Rural Centers, followed by already developed sites in the rural area, and only lastly to wholly undeveloped sites in the rural area.
- 2.7 Master planned sites designated for industrial and large-scale commercial uses shall be clustered, landscaped, and buffered to alleviate adverse impacts to surrounding areas.
- 2.8 Commercial areas should be aggregated in cluster form, be pedestrian oriented, provide adequate parking and be designed to accommodate public transit.

- 2.9 Urban commercial and urban industrial development, except development directly dependent on local agriculture, forestry, mining, aquatic and resource operations, and major industrial development which meets the criteria contained in RCW 36.70A.365, should be restricted to urban or urban growth areas where adequate transportation networks and appropriate utility services are available.

The process to consider siting of specific major industrial developments outside of urban growth areas shall follow the process included in the 2002 Framework Agreement for adoption of Countywide Planning Policies. Major industrial developments shall mean a master planned location for specific manufacturing, industrial, or commercial business that:

1. Requires a parcel of land so large that no suitable parcels are available within an urban growth area; or
2. Is a natural resource-based industry requiring a location near agricultural land, forest land, or mineral resource land upon which it is dependent. The major industrial development shall not be for the purpose of retail commercial development or multi-tenant office park.

A major industrial development may be approved outside an urban growth area if the following criteria are met:

1. New infrastructure is provided for and/or applicable impact fees are paid;
2. Transit-oriented site planning and traffic demand management programs are implemented;
3. Buffers are provided between the major industrial development and adjacent non-urban areas;
4. Environmental protection including air and water quality has been addressed and provided for;
5. Development regulations are established to ensure that urban growth will not occur in adjacent non-urban areas;
6. Provision is made to mitigate adverse impacts on designated agricultural lands, forest lands, and mineral resource lands;
8. The plan for the major industrial development is consistent with Skagit County's development regulations established for the protection of critical areas; and

9. An inventory of developable land has been conducted and Skagit County has determined and entered findings that land suitable to site the major industrial development is unavailable within the urban growth area. Priority shall be given to applications for sites that are adjacent to or in close proximity to the urban growth areas.

Final approval of an application for a major industrial development shall be considered an adopted amendment to the Skagit County Comprehensive Plan adopted pursuant to RCW 36.70A.070 designating the major industrial development site on the land use map as an urban growth area. Final approval of the application shall not be considered an amendment to the Skagit County Comprehensive Plan for the purposes of RCW 36.70A.130(2) and may be considered at any time.

- 2.10 Establishment or expansion of local improvement districts and special purpose taxing districts, except flood control, diking districts and other districts formed for the purpose of protecting water quality, in designated commercial forest resource lands shall be discouraged.

3. Transportation

Encourage efficient multimodal transportation systems that will reduce greenhouse gas emissions and per capita vehicle miles traveled and are based on regional priorities and coordinated with county and city comprehensive plans.

- 3.1 Multi-purpose Multimodal transportation routes and facilities shall be designed to accommodate present and future traffic volumes.
- 3.2 Primary arterial access points shall be designed to ensure maximum safety while minimizing traffic flow disruptions.
- 3.3 The development of new transportation routes and improvements to existing routes shall be consistent with VMT and GHG reduction targets and shall minimize adverse social, economic and environmental impacts and costs, especially those impacts to vulnerable populations and overburdened communities.
- 3.4 Transportation elements of Comprehensive Plans shall be designed to; facilitate the flow of people, goods and services so as to strengthen the local and regional economy; conform with the Land Use Element; be based upon an inventory of the existing Skagit County transportation network and needs; and encourage the conservation of energy and reduction of VMT and GHG with the goal of meeting or exceeding Washington State targets.
- 3.5 Provisions in Comprehensive Plans for the location and improvement of existing and future transportation networks and public transportation shall be made in a manner consistent with the goals, policies and land use map of the locally adopted comprehensive plan.
- 3.6 The development of a recreational transportation network shall be encouraged and coordinated between state and local governments and private enterprises.
- 3.7 Transportation services for seniors and individuals with disabilities shall be provided by public transportation operators to provide for those who, through age and/or disability, are unable to transport themselves.
- 3.8 Multi-modal ~~IL~~-level of service (LOS) standards and safety standards shall be established that coordinate and link with the urban growth and urban areas to coordinate optimize land use and transportation traffic compatibility over the long term. New development shall mitigate multimodal LOS deficiencies transportation impacts concurrently with the development and occupancy of the project. Acceptable mitigation may include active transportation facility improvements, increased or enhanced public transportation service, ride-sharing programs, demand management, or transportation systems management strategies funded by the development.
- 3.9 An all-weather arterial road system shall be coordinated with industrial and commercial areas.

Countywide Planning Policies, ~~January 2024~~2021Proposed Revisions to include Housing (HB 1220) and Climate (HB 1181) 8

The greenhouse gas emissions reduction sub-element and resiliency sub-element is mandatory for the jurisdictions specified in RCW 36.70A.95. The greenhouse gas sub-element of the Comprehensive Plan must identify actions consistent with guidelines published pursuant to RCW 70A.45.120 that will:

(a) Result in reductions in overall GHG emissions generated by transportation land use within the jurisdiction but without increasing GHG elsewhere in the state;

(b) Result in reductions in per capita VMT within the jurisdictions but without increasing VMT in the state.

(c) Prioritize reductions that benefit overburdened communities in order to maximize the co-benefits of reduced air pollution and environmental justice.

WAC 365-196-840 Concurrency - In urban areas, the department recommends counties and cities adopt methodologies that analyze the transportation system from a comprehensive multi-modal perspective authorized by **RCW 36.70A.108**

- 3.10 Cost effectiveness shall be a consideration in transportation expenditure decisions and balanced for both safety and service improvements.
- 3.11 An integrated regional transportation system shall be designed to minimize air pollution, including a reduction of vehicle related greenhouse gas emissions and reduction of vehicle miles travelled by promoting the use of alternative transportation modes, reducing vehicular traffic, maintaining acceptable multimodal levels of service, ~~traffic flow~~, and siting of facilities.
- 3.12 All new and expanded transportation facilities and transportation system improvements shall be sited, constructed and maintained to minimize noise levels and shall not have the effect of increasing per capita VMT or greenhouse gas emissions.
- 3.13 Increase the percentage of trips made using transit by prioritizing transit service hours and capital investments for routes serving urban corridors with high levels of ridership potential where dense concentrations of housing, employment, or services exist or are planned.
- 3.14 Develop a regional network of active transportation facilities and connect major regional cities with a multi-use path system.

3.12

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4. Housing

~~Plan for and accommodate~~ ~~Encourage the availability~~ of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

~~4.1 Allow for an adequate supply of land use options to provide housing for a wide range of incomes, housing types and densities. Comprehensive Plans must include a housing element that plans for and accommodates housing affordable to all economic segments of the population. The housing element must include an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth, including units for low, very low and extremely low-income households, and emergency housing, emergency shelters and permanent supportive housing (PSH).~~

4.2 At a minimum, each jurisdiction shall provide sufficient capacity to accommodate the number and type of units allocated to the jurisdiction through regional allocation process described in Appendix B. Comprehensive plans, development regulations, and funding mechanisms shall also be consistent with the following housing allocation policies:

- a. Housing allocations including PSH, low, very low and extremely low-income households shall be prioritized in, and shall be primarily allocated to, urban areas with good access to transit and services.
- b. Rural areas typically lack access to transit and services, but may have localized or unique housing needs, such as housing for rural resource employees or housing for extended family members. In such areas, accessory dwelling units may be considered.
- c. Consistent with the process described in Appendix B, locations without access to transit or services, including rural areas and towns, may have some of their allocation of low, very low and extremely low-income households, emergency shelters and PSH given by the Department of Commerce methodology or an approved equivalent quantitative method, reallocated to urban areas in cities with more access to services and transit.
- d. The reconciliation process described in Appendix B may be used to reallocate housing numbers if needed, in coordination with land capacity analysis and population and employment allocation reconciliation processes.
- e. Avoid further concentrations of low-income, PSH and emergency shelter housing.
- f. Increase opportunities and capacity for housing that is affordable and close to employment, education, shopping, public services and public transit.

Countywide Planning Policies, January 20242024Proposed Revisions to include Housing (HB 1220) and Climate (HB 1181)

HB 1220 resulted in new required housing allocations as part of RCW **36.70A.070**

Comprehensive Plans Mandatory elements in order to plan for and accommodate housing for different area median incomes (AMI)

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RCW 36.70A.070

Comprehensive Plans Mandatory Elements includes consideration of the role of accessory dwelling units

4.1g. To provide equal access and to equitably meet the needs of Skagit County's vulnerable populations, PSH and emergency shelter capacity will be allocated to urban areas in a geographically balanced fashion and proportionate to each UGA's population.

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4.24.3 Public/private partnerships shall be encouraged to build affordable housing and devise incentives for innovative and environmentally sensitive design to meet the housing needs of people with low and moderate incomes and special needs populations.

4.34.4 Comprehensive Plans should support innovative land use management techniques, including, but not limited to, density bonuses, cluster housing, planned unit developments and the transfer of development rights.

4.44.5 The existing affordable housing stock should be maintained and efforts to rehabilitate older and substandard housing, which are otherwise consistent with comprehensive plan policies, should be encouraged.

4.54.6 The construction of housing that promotes innovative, energy efficient and less expensive building technologies shall be encouraged.

4.64.7 Provisions in Comprehensive Plans for the location of residential development shall be made in a manner consistent with protecting natural resource lands, aquatic resources, and critical areas.

4.8 The County and Cities, and public housing authorities, should participate in multi-jurisdictional affordable housing programs with the goal to increase housing for low-income, PSH and emergency shelters. These programs will be cooperative efforts that include public agencies, non-profits, and other providers of housing. Manufactured home parks shall be allowed only within urban or urban growth areas.

4.9 The County and Cities, in cooperation with housing and human services providers should create an actionable countywide strategy to coordinate the development of public supported housing projects which includes a funding strategy addressing capital and operating.

4.74.10 Regional funding mechanisms and the capital plans of public housing providers should be consistent with the housing allocations established through each jurisdiction's Comprehensive Plan.

4.7 Removal of requirements for mobile home parks only within urban or urban growth areas. This allows for more flexibility in LAMIRDS if services are available.

4.8, 4.9 and 4.10 -ensure that housing elements of jurisdictions are consistent with North Start initiative

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5. Economic Development

Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

- 5.1 The development of environmentally sensitive industries shall be encouraged.
- 5.2 Home occupations that do not significantly change or impact neighborhood character shall be permitted.
- 5.3 Economic diversity should be encouraged in rural communities where special incentives and services can be provided.
- 5.4 Commercial and industrial activities directly related to local natural resource production may be allowed in designated natural resource areas provided they can demonstrate their location and existence as natural resource area dependent businesses.
- 5.5 A diversified economic base shall be encouraged to minimize the vulnerability of the local economy to economic fluctuations.
- 5.6 Commercial, industrial and residential acreage shall be designated to meet future needs without adversely affecting natural resource lands, critical areas, and rural character and life styles.
- 5.7 Tourism, recreation and land preservation shall be promoted provided they do not conflict with the long-term commercial significance of natural resources and critical areas or rural life styles.
- 5.8 Agriculture, forestry, aquatic resources and mineral extraction shall be encouraged both within and outside of designated resource lands.
- 5.9 The primary land use within designated forest resource lands shall be commercial forestry. Residential development shall be strongly discouraged within designated forest resource lands.
- 5.10 Lands within designated agricultural resource areas should remain in large parcels and ownership patterns conducive to commercial agricultural operations and production.

- 5.11 Skagit County shall conserve agriculture, aquaculture, forest and mineral resources for productive use by designating natural resource lands and aquatic resource areas, where the principal and preferred land uses will be long term commercial resource management.
- 5.12 Value added natural resource industries shall be encouraged.
- 5.13 Skagit County shall increase the availability of renewable resources and encourage the maximum attainable recycling of non-renewable resources.
- 5.14 Commercial and industrial activities directly related to or dependent on local aquatic resource areas should be encouraged in shoreline areas provided they are shoreline dependent and/or related.
- 5.15 Comprehensive Plans shall support and encourage economic development and employment to provide opportunities for prosperity.

6. Property Rights

Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.

- 6.1 Proposed regulatory or administrative actions shall not result in an unconstitutional taking of private property.
- 6.2 The rights of property owners operating under current land use regulations shall be preserved unless a clear public health, safety or welfare purpose is served by more restrictive regulation.
- 6.3 Surface water runoff and drainage facilities shall be designed and utilized in a manner which protects against the destruction of private property and the degradation of water quality.

7. Permits

Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

- 7.1 Inter-agency agreements with other agencies to facilitate multi-agency permits shall be pursued to better serve the public.
- 7.2 Upon receipt of a complete application, land use proposals and permits shall be expeditiously reviewed and decisions made in a timely manner.
- 7.3 Variances that would create a policy violation of a jurisdiction's comprehensive plan shall not be permitted.
- 7.4 New implementing codes and amendments shall provide clear regulations to reduce the possibility of multiple interpretations by staff and applicants.
- 7.5 Impact fees shall be imposed through established ordinances, procedures and criteria so that specific developments do not pay arbitrary fees or duplicative fees for the same impact.
- 7.6 Special purpose districts permitted by statute to request impact fees shall to the extent possible utilize similar formulas to calculate costs of new development.

8. Natural Resource Industries

Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.

- 8.1 Identified critical areas, shorelands, aquatic resource areas and natural resource lands shall be protected by restricting conversion. Encroachment by incompatible uses shall be prevented by maintenance of adequate buffering between conflicting activities.
- 8.2 Land uses adjacent to agricultural, forest, or mineral resource lands and designated aquatic resource areas shall not interfere with the continued use of these designated lands for the production of food, agricultural and aquatic based products, or timber, or for the extraction of minerals.
- 8.3 Forest and agricultural lands located within urban growth areas shall not be designated as forest or agricultural land of long-term commercial significance unless a program authorizing transfer or purchase of development rights is established.
- 8.4 Mining sites or portions of mining sites shall be reclaimed when they are abandoned, depleted, or when operations are discontinued for long periods.
- 8.5 Long-term commercially significant natural resource lands and designated aquatic resource areas shall be protected and conserved. Skagit County shall adopt policies and regulations that encourage and facilitate the retention and enhancement of natural resource areas in perpetuity.
- 8.6 When plats, short plats, building permits and development permits are issued for development activities on or adjacent to natural resource lands and aquatic resource areas, notice shall be provided to those seeking permit approvals that certain activities may occur that are not compatible with residences.
- 8.7 Fishery resources, including the county's river systems inclusive of their tributaries, as well as the area's lakes, associated wetlands, and marine waters, shall be protected and enhanced for continued productivity.
- 8.8 Skagit County shall encourage sustainable use of the natural resources of the County, including but not limited to agriculture, forestry, and aquatic resources.
- 8.9 Skagit County shall conserve agricultural, aquatic based, forest and mineral resources for productive use by designating natural resource lands and aquatic resource areas where the principal and preferred land uses will be long-term commercial resource management.

9. Open Space and Recreation

Retain open space and green space, enhance recreational opportunities, conserve, enhance fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

Revised to be consistent with **RCW 36.70A.070** Planning Goals

- 9.1 Open space corridors within and between urban growth areas shall be identified. These areas shall include lands useful for recreation, fish and wildlife habitat, trails, and connection of critical areas.
- 9.2 To preserve open space and create recreational opportunities, innovative regulatory techniques and incentives such as but not limited to, purchase of development rights, transfer of development rights, conservation easements, land trusts and community acquisition of lands for public ownership shall be encouraged.
- 9.3 The use of Open Space Taxation Laws shall be encouraged as a useful method of land use control and resource preservation.
- 9.4 Expansion and enhancement of parks, recreation and scenic areas and viewing points shall be identified, planned for and improved in shorelands, and urban and rural designated areas.
- 9.5 Property owners shall be encouraged to site and design new construction to minimize disruption of visual amenities and solar resources of adjacent property owners, public road ways, parks, lakes, waterways and beaches.
- 9.6 Development of new park and recreational facilities shall adhere to the policies set out in Comprehensive Plans.
- 9.7 The Skagit Wild and Scenic River System (which includes portions of the Sauk, Suiattle, Cascade and Skagit Rivers) is a resource that should be protected, enhanced and utilized for recreation purposes when there are not potential conflicts with the values (fisheries, wildlife, and scenic quality) of the river system.
- 9.8 Incompatible adjacent uses including industrial and commercial areas shall be adequately buffered by means of landscaping, or by maintaining recreation and open space corridors.
- 9.9 A park and recreation system shall be promoted which is integrated with existing and planned land use patterns.
- 9.10 Indoor and outdoor recreation facilities shall be designed to provide a wide range of opportunities allowing for individual needs of those using these facilities.

- 9.11 School districts, public agencies and private entities should work together to develop joint inter-agency agreements to provide facilities that not only meet the demands of the education for our youth, but also provide for public recreation opportunities that reduce the unnecessary duplication of facilities within Skagit County.
- 9.12 In planning new park and recreation facilities, consideration shall be given to natural features, topography, floodplains, relationship to population characteristics, types of facilities, various user group needs and standards of access, including travel time.

10. Environment

Protect [and enhance](#) the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

- 10.1 Natural resource lands, including aquatic resource areas and critical areas shall be classified and designated, and regulations adopted to assure their long-term conservation. Land uses and developments which are incompatible with critical areas shall be prohibited except when impacts from such uses and developments can be mitigated.
- 10.2 Land use decisions shall take into account the immediate and long-range cumulative effects of proposed uses on the environment, both on- and off-site.
- 10.3 Reduce the loss of critical aquatic and terrestrial habitat by minimizing habitat fragmentation.
- 10.4 Wetlands, woodlands, watersheds and aquifers are essential components of the hydrologic system and shall be managed to protect surface and groundwater quality.
- 10.5 Recognize the river systems within Skagit County as pivotal freshwater resources and manage development within the greater watershed in a manner consistent with planning practices that enhance the integrity of the aquatic resource, fish and wildlife habitat, and recreational and aesthetic qualities.
- 10.6 Rural character shall be preserved by regulatory mechanisms through which development can occur with minimal environmental impact.
- 10.7 Development shall be directed away from designated natural resource lands, aquatic resource areas and critical areas.
- 10.8 The conversion of tidelands to uplands by means of diking, drainage and filling shall be prohibited, except when carried out by a public body to implement Comprehensive Plans for flood plain management or to respond to a natural disaster threatening life and property.
- 10.9 Septic systems, disposal of dredge spoils and land excavation, filling and clearing activities shall not have an adverse significant effect on Skagit County waters with respect to public health, fisheries, aquifers, water quality, wetlands, wildlife habitat, natural marine ecology and aquatic based resources.
- 10.10 Usual and accustomed activities on natural resource lands and aquatic resource areas shall be protected from interference when they are conducted in accordance with best management practices and environmental laws.

Revised to be consistent with **RCW 36.70A.070** Planning Goals

- 10.11 When evaluating and conditioning commercial, industrial or residential development, local governments shall consider threatened or endangered wildlife.
- 10.12 Enter into inter-agency agreements with appropriate state and local agencies and Native American Tribes for compliance with watershed protection, including but not limited to, the cumulative effects of construction, logging and non-point pollution in watersheds.
- 10.13 Cooperate with appropriate local, state and Federal agencies, to develop and implement flood hazard reduction programs, consistent with and supportive of the Corps Feasibility Study_ [and consistent with the Climate Chapters of Comprehensive Plans and Hazard Mitigation Plans.](#)
- 10.14 The Skagit River Floodway and the Skagit River Floodplain shall be regulated to protect human life, property and the public health and safety of the citizens of Skagit County; minimize the expenditure of public money; and maintain flood insurance eligibility while avoiding regulations which are unnecessary restrictive or difficult to administer.
- 10.15 Work together to provide ongoing public education about flooding in a coordinated and consistent program, and adopt a flood hazard reduction plan, that works together with the natural and beneficial functions of floodplains.

RCW 36.70A.070 - internal consistency required among components within comprehensive plan

RCW 36.70A.100 consistency required between neighboring jurisdictions

RCW 36.70A.070(6) consistency between State and local

11. Citizen Participation and Coordination

Encourage the involvement of citizens in the planning process, including the participation of vulnerable populations and overburdened communities, and ensure coordination between communities and jurisdictions to reconcile conflicts.

- 11.1 Maintain procedures to provide for the broad dissemination of proposals and alternatives for public inspection; opportunities for written comments; public hearings after effective notice; open discussions; communication programs and information services; consideration of and response to public comments; and the notification of the public for the adoption, implementation and evaluation of locally adopted comprehensive plans.
- 11.2 Continue to encourage public awareness of Comprehensive Plans by providing for public participation opportunities and public education programs that include ways to solicit participation from vulnerable populations and overburdened communities designed to promote a widespread understanding of the Plans' purpose and intent.
- 11.3 For land use proposals, including those within the marine environment, all applicants shall bear the costs for public notification, by mail, and by posting of signs. Affected neighbors and surrounding shoreline owners shall be notified as prescribed by ordinance.
- 11.4 Provide regular and ongoing opportunities for public review and comment throughout the development process of Comprehensive Plans.
- 11.5 Encourage citizen participation throughout the planning process as mandated by Washington state statute and codes for environmental, land use, and development permits.
- 11.6 Utilize broad based Citizen Advisory Committees to participate and assist in the Element development of the Comprehensive Plans, sub-area plans and functional plans.

HB 1181 Requires a climate chapter for jurisdictions specified in RCW **36.70A.095** and is encouraged for all other jurisdictions. A climate change and resiliency sub-element is required for jurisdictions in Skagit County with populations greater than 6,000. This includes new public outreach requirements to include participation from vulnerable populations and overburdened communities.

12. Public Facilities and Services

Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

- 12.1 Public facilities and services shall be integrated and consistent with locally adopted comprehensive plans and implementing regulations.
- 12.2 All communities within a region shall fairly share the burden of regional public facilities. (The GMA defines regional public facilities as streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks, recreational facilities and schools.)
- 12.3 A process shall be developed for identifying and siting essential public facilities. Comprehensive Plans may not preclude the siting of essential public facilities. (The GMA defines essential public facilities as those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities, state and local corrections facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities.)
- 12.4 Lands shall be identified for public purposes, such as: utility corridors, transportation corridors, landfill, sewage treatment facilities, recreation, schools, and other public uses. Skagit County shall work with the state, cities, towns, communities and utility providers to identify areas of shared need for public facilities.
- 12.5 Lands designated for urban growth by Comprehensive Plans shall have an urban level of regional public facilities prior to or concurrent with development.
- 12.6 Development shall be allowed only when and where all public facilities are adequate, and only when and where such development can be adequately served by regional public services without reducing levels of service elsewhere.
- 12.7 Public facilities and services needed to support development shall be available concurrent with the impacts of development.
- 12.8 The financing for system improvements to public facilities to serve new development must provide for a balance between impact fees and other sources of public funds and cannot rely solely on impact fees.

- 12.9 New development shall pay for or provide for its share of new infrastructure through impact fees or as conditions of development through the environmental review process.
- 12.10 Public water supply for new development shall conform to or exceed the Coordinated Water System Plan for public water systems.
- 12.11 Future development of land adjacent to existing and proposed schools and other public facilities shall be compatible with such uses.
- 12.12 Library services within Skagit County should be developed and coordinated to assure the delivery of comprehensive services throughout the county, with Skagit County, cities and towns fairly sharing the burden.
- 12.13 A county-wide recycling program shall be maintained.
- 12.14 Public drainage facilities shall be designed to control both stormwater quantity and quality impacts.
- 12.15 Provide results of the required six-year capital facilities plan, including a financing plan, and ensure consistency with land use designations.
- 12.16 Citizens shall have the opportunity to participate in and comment on proposed capital facilities financing.
- 12.17 The Washington State Boundary Review Board for Skagit County should be disbanded pursuant to RCW 36.93.230 provided that the following tasks are accomplished: (a) that ALL cities and the County have adopted comprehensive plans and development regulations consistent with the requirements of these Countywide Planning Policies and RCW 36.70A, including appropriate urban levels of service for all public facilities and services; (b) that ALL cities and the County have adopted a concurrency ordinance that requires the adopted urban levels of service addressed in (a) above be accomplished in time frames that are consistent with RCW 36.70A.; (c) that special purpose districts that serve UGAs have adopted urban levels of service standards appropriate for their service areas; (d) that ALL cities and the County have an adopted capital facility plan for urban levels of service that indicates sources of revenue and a timeline for meeting such service; and (e) that ALL cities and special purpose districts have in place adopted “interlocal agreements” that discuss arrangements for transfer of assets and obligations that may be affected by transformation of governance or annexation of the service area consistent with the requirements of applicable RCWs.

13. Historic Preservation

Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.

- 13.1 Cooperate with local historic preservation groups to ensure coordination of plans and policies by the Washington state Department of Archeology and Historic Preservation.

14. Climate Change and Resiliency

Ensure that Comprehensive Plans, development regulations, and regional policies, plans, and strategies under RCW 36.70A.210 and 47.80 RCW adapt to and mitigate the effects of a changing climate; support reductions in greenhouse gas emissions and per capita vehicle miles travelled; prepare for climate impacts and natural hazards; protect and enhance environmental, economic, human health and safety; and advance environmental justice.

14.1 VMT reduction targets will meet or exceed Washington State VMT reduction targets and be consistent with Washington State law.

- a. Direct the majority of urban population growth to mixed use transit accessible corridors.
- b. Prioritize transit service in urban corridors with high ridership potential or where dense concentrations of housing, employment, and services exist or are planned, and as a means of providing frequent, reliable, and direct connections between regional centers.
- c. Local and regional plans shall include multimodal level of service standards and measures to ensure growth related transportation system impacts are mitigated through active transportation improvements, increased or enhanced public transportation service, ride sharing programs, demand management, or other appropriate measures that can be shown to reduce VMT.

14.2 GHG reduction targets will be consistent with Washington State reduction targets as part of the State adopted Transportation Carbon Reduction Strategy per RCW 70A2.45.020.

14.3 Comprehensive Plans, capital plans, and the regional transportation plan, will consider the effects of climate change. Effects could include riverine flooding, coastal flooding due to sea level rise, wildfire risk, extreme heat, and impacts to water resources such as reduced instream flows, seawater intrusion, and decreased groundwater availability. Preference will be given to policies, actions and strategies that avoid, minimize or mitigate the impacts of climate change on human health or the natural environment, and that reduce VMT and GHG.

14.4 Comprehensive Plans, capital plans and the regional transportation plan shall include measures that address the impacts of climate change on vulnerable populations and overburdened communities.

HB 1181 requires a climate chapter for jurisdictions specified in RCW 36.70A.095 and is encouraged for all other jurisdictions. The climate change chapter requires a greenhouse gas reduction sub-element and resiliency sub-element. This is required for jurisdictions in Skagit County with populations greater than 6,000.

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GHG and VMT reduction targets align with State carbon reduction strategy per **RCW 70A2.45.020**

Appendix A. Growth Allocations

Table 1: 2036 Initial Growth Allocations				
Urban Growth Areas	2015—2036 Forecast Population Growth	Total 2036 Population	2015—2036 Forecast Employment Growth	Total 2036 Employment
Anacortes	5,895	22,293	2,076	10,480
Burlington	3,808	14,272	3,516	13,412
Mount Vernon	12,434	47,403	4,785	21,288
Sedro-Woolley	4,555	17,069	4,427	9,179
Concrete	320	1,193	109	467
Hamilton	114	427	66	288
La Conner	329	1,226	329	1,420
Lyman	162	605	9	38
Bayview Ridge	72	1,883	1,799	3,455
Swinomish	912	3,416	290	1,247
UGAs Subtotal	28,601	109,787	17,406	61,274
Rural (outside UGAs)	7,150	45,665	1,447	9,343
County Total	35,751	155,452	18,853	70,617

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Table 1 Final 2045 Population Allocations in Skagit County						
Urban Growth Areas		2022	2045 Final	2022-2045 Projected Population Growth		
		Population Estimates	Population Allocations	Amount	Percent of Total Growth	Percent Growth by Area
Anacortes		17,983	22,971	4,988	16.9%	27.7%
Burlington		12,111	16,930	4,819	16.3%	39.8%
Mount Vernon		37,679	46,460	8,781	29.7%	23.3%
Sedro-Woolley		14,096	18,582	4,486	15.2%	31.8%
Concrete		949	1,130	181	0.6%	19.1%
Hamilton		302	302	0	0.0%	0.0%
La Conner		980	1,191	211	0.7%	21.5%
Lyman		425	425	0	0.0%	0.0%
Bayview Ridge		1,694	1,694	0	0.0%	0.0%
Swinomish		2,565	2,764	199	0.7%	7.8%
UGA Subtotal		88,784	112,449	23,665	80.0%	N/A

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Countywide Planning Policies, January 20242024 Proposed Revisions to include Housing (HB 1220) and Climate (HB 1181)

<u>Rural (outside UGAs)</u>	<u>42,465</u>	<u>48,381</u>	<u>5,916</u>	<u>20.0%</u>	<u>13.9%</u>
<u>Grand Total</u>	<u>131,249</u>	<u>160,830</u>	<u>29,581</u>	<u>100.0%</u>	<u>N/A</u>

<u>Table 2. Final Allocations of Net New Housing Needed (2020-2045)</u>								
	<u>Final Allocations of Net New Housing Needed (2020-2045)</u>							
<u>Urban Growth Areas</u>	<u>0-30% AMI*</u>	<u>31-50% AMI</u>	<u>51-80% AMI</u>	<u>81-100% AMI</u>	<u>101-120% AMI</u>	<u>Above 120% AMI</u>	<u>Total</u>	
<u>Anacortes</u>	<u>943</u>	<u>604</u>	<u>422</u>	<u>226</u>	<u>201</u>	<u>546</u>	<u>2,942</u>	
<u>Burlington</u>	<u>911</u>	<u>584</u>	<u>408</u>	<u>218</u>	<u>194</u>	<u>528</u>	<u>2,843</u>	
<u>Mount Vernon</u>	<u>1,659</u>	<u>1,064</u>	<u>743</u>	<u>398</u>	<u>353</u>	<u>963</u>	<u>5,180</u>	
<u>Sedro-Woolley</u>	<u>848</u>	<u>544</u>	<u>380</u>	<u>203</u>	<u>180</u>	<u>491</u>	<u>2,646</u>	
<u>Concrete</u>	<u>35</u>	<u>26</u>	<u>15</u>	<u>8</u>	<u>7</u>	<u>20</u>	<u>107</u>	
<u>Hamilton</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
<u>La Conner</u>	<u>40</u>	<u>25</u>	<u>18</u>	<u>10</u>	<u>8</u>	<u>22</u>	<u>124</u>	
<u>Lyman</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
<u>Bayview Ridge</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
<u>Swinomish</u>	<u>38</u>	<u>24</u>	<u>17</u>	<u>9</u>	<u>8</u>	<u>22</u>	<u>118</u>	
<u>UGA Subtotal</u>	<u>4,474</u>	<u>2,868</u>	<u>2,003</u>	<u>1,072</u>	<u>951</u>	<u>2,592</u>	<u>13,960</u>	
<u>Rural (outside of UGA's)</u>	<u>0</u>	<u>57</u>	<u>501</u>	<u>268</u>	<u>238</u>	<u>2,483</u>	<u>3,490</u>	
<u>Grand Total</u>	<u>4,474</u>	<u>2,868</u>	<u>2,504</u>	<u>1,340</u>	<u>1,189</u>	<u>5,075</u>	<u>17,450</u>	

Notes:

- 1.) Figures may vary from Skagit County Population, Housing and Employment Growth Allocations Methodology findings due to rounding.
 - 2.) UGA is "Urban Growth Area"
 - 3.) AMI is "Area Median Income"
 - 4.) Emergency housing needs are documented in the Skagit County Population, Housing and Employment Growth Allocations Methodology.
 - 5.) Allocations for the Swinomish Urban Growth Area provided for informational purposes only, Skagit County did not conduct a land capacity analysis for this UGA due to jurisdictional challenges on tribal lands.
- *0-30% AMI includes permanent supportive housing and non-permanent supportive housing.

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<u>Table 3: Final 2045 Employment Allocations in Skagit County</u>						
<u>Urban Growth Areas</u>		<u>2022 Employment Estimates</u>	<u>2045 Initial Employment Allocations</u>	<u>2022-2045 Projected Employment Growth</u>		
				<u>Amount</u>	<u>Percent of Total Growth</u>	<u>Percent Growth by Area</u>
<u>Anacortes</u>		9,503	12,648	3,145	15.3%	33.1%
<u>Burlington</u>		11,640	17,410	5,770	28.1%	49.6%
<u>Mount Vernon</u>		18,781	23,559	4,778	23.3%	25.4%
<u>Sedro-Woolley</u>		4,640	7,040	2,400	11.7%	51.7%
<u>Concrete</u>		391	506	115	0.6%	29.4%
<u>Hamilton</u>		466	489	23	0.1%	4.9%
<u>La Conner</u>		1,020	1,905	885	4.3%	86.8%
<u>Lyman</u>		56	76	20	0.1%	35.7%
<u>Bayview Ridge</u>		2,962	4,901	1,939	9.4%	65.5%
<u>Swinomish</u>		1,140	1,579	439	2.1%	38.5%
	<u>UGA Subtotal</u>	50,599	70,113	19,514	95.1%	N/A
<u>Rural (outside of UGA's)</u>		8,972	9,987	1,015	4.9%	11.3%
	Grand Total	59,571	80,100	20,529	100.0%	N/A

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Notes:

- 1.) Percentages may not sum due to rounding.
- 2.) Figures may vary from Skagit County Population, Housing and Employment Growth Allocations Methodology findings due to rounding.
- 3.) UGA is "Urban Growth Area"
- 4.) Allocations for the Swinomish Urban Growth Area provided for informational purposes only. Skagit County did not conduct a land capacity analysis for this UGA due to jurisdictional challenges on tribal lands.

Appendix B. Growth Allocations Procedures

The process of setting and reviewing growth allocations shall be consistent with the 2002 Framework Agreement among Skagit County, the cities and towns as currently adopted or amended.

1. **Initial Growth Allocations:** The Planners Committee will develop initial population and employment, and housing allocations for review and adoption by the GMASC.

- a. The initial population allocations will be based on the most recently published official 20-year population projections for Skagit County from the Office of Financial Management.

- ~~a.b.~~ The initial housing allocations for review and adoption by the GMASC will be based on the Department of Commerce methodology or an approved equivalent quantitative methodology and be consistent with Countywide Planning Policy 4.

Jurisdictions shall use these initial allocations for at least one of the plan alternatives they evaluate for their GMA plan updates and housing plan updates.

2. **Reconciliation for Population and Employment Allocations:** Once the GMA comprehensive plan updates of jurisdictions have identified a preferred growth plan with sufficient detail to determine if the population and employment allocation can be accommodated, the GMASC will review and, if necessary, recommend adjusting the population and employment growth allocations to be included in the CPPs.
 - a. Skagit County, ~~the~~ and cities and towns shall jointly review the preferred growth alternatives proposed in local comprehensive plans for discrepancies with the allocation associated with Skagit County's preferred plan alternative.
 - b. Based on the land supply, permitted densities, capital facilities, urban service capacities and other information associated with the preferred growth alternatives of proposed local comprehensive plans, the Planners Committee shall recommend to the GMASC a reconciled 20-year population and employment allocation.
 - c. The GMASC shall review and recommend to the Board of County Commissioners a reconciled 20-year population and employment allocation. Substantial consideration shall be given to the plan of each jurisdiction, and the recommendation shall be consistent with the GMA and the CPPs.
 - d. The Board of County Commissioners shall consider the recommendation of the GMASC and shall replace the allocations in the CPPs with a reconciled 20-year population and employment allocation.

3. Reconciliation for Housing Allocations: Once the GMA comprehensive plan updates of jurisdictions have identified a preferred growth plan including housing allocations based on Department of Commerce guidelines and methodology, or a Commerce approved alternative quantitative method: the GMASC will review and, if necessary, recommend adjusting the housing allocations to be included in the CCP's.

- a. Skagit County and the cities and towns shall jointly review the preferred housing

Countywide Planning Policies, ~~January 2024~~2021 Proposed Revisions to include Housing (HB 1220) and Climate (HB 1181)

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HB 1220 housing allocations added to growth allocation procedures. Includes using Department of Commerce methodology for housing AMI categories and housing types for the reconciliation processes.

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allocations proposed in local comprehensive plans for discrepancies with the allocations associated with Skagit County's preferred plan alternative and Department of Commerce requirements.

b. This will be based on land capacity, permitted densities, transit availability, urban services provided, locations with good proximity to employment centers, alignment with the countywide strategy for development of public supported housing projects and assurance that low income and emergency shelter housing options are dispersed countywide. And any other information provided with the preferred housing alternatives of local comprehensive plans. The Planners Committee shall recommend to the GMASC a reconciled 20-year housing allocation.

c. The GMASC shall review and recommend to the Board of County Commissioners a reconciled 20-year housing allocation. Substantial consideration shall be given to the plan of each jurisdiction, and the recommendation shall be consistent with the adopted population and employment allocations, the GMA, Department of Commerce requirements and the CCP's.

d. The Board of County Commissioners shall consider the recommendation of the GMASC and shall replace the allocations in the CCP with a reconciled 20-year housing allocation parallel to the reconciliation process done for population and employment allocations.

~~d.e.~~ The reconciliation process for population, employment and housing are all done together as part of the overall reconciliation and will follow the process and procedures in the 2002 framework agreement.

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3.4 Long Term Monitoring: Subsequent to reconciliation, the GMASC shall maintain a long-term monitoring process to review annually ~~the~~ population, and employment and housing growth allocations contained in the CPPs.

- a. Skagit County, the cities and towns shall jointly monitor the following:
 - i. Estimated population and employment growth;
 - ii. Annexations and incorporations; and
 - ~~iii.~~ Residential and non-residential development trends,
 - ~~iii-iv.~~ Estimated housing constructed per area median income (AMI) categories determined by the Department of Commerce requirements for housing allocations.
- b. Results of the monitoring program shall be published in a growth monitoring report developed by the Planners Committee and recommended to the GMASC.
- c. The GMASC shall review and approve the annual report by resolution.

- 4.5. Allocation Adjustment:** The GMASC may consider adjustments to the population and employment growth allocations contained in Appendix A of CPPs in the years between Washington state-required updates. The following steps shall be used:
- a. Based on the results of the long-term monitoring process, the Planners Committee may review and recommend to the GMASC an adjustment to the population and employment allocations.
 - b. The GMASC shall review the Planners Committee recommendation to adjust growth allocations and may recommend to the Board of County Commissioners an adjustment to the population and employment allocations. Adjustments to the growth allocations shall be based on the results of the monitoring program and shall be consistent with the GMA and the CPPs.
 - c. The Board of County Commissioners shall consider the recommendation of the GMASC and may amend the CPPs with adjusted population and employment allocations for cities and towns, UGAs, and rural areas.

Any disputes regarding the roles and responsibilities of the Board of County Commissioners, the GMASC, and individual jurisdictions in reviewing and approving amendments to the Countywide Planning Policies shall be resolved in accordance with the procedures established by the 2002 Framework Agreement.

Libby Grage

From: Ian Munce <ianmunce@gmail.com>
Sent: Sunday, October 27, 2024 1:17 PM
To: Libby Grage
Subject: Comment on Planning Commission's October 30, 2024 Agenda Item 5(b): "FINAL 2045 Population and Employment Allocations."

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

Good day, Libby

Will you please forward the following comment to the Planning Commission and include it in the Comment Section of the 2025 Update webpage. Thank you.

Dear Planning Commissions

I write to urge that you recommend to the City Council that the 2045 Population and Employment Allocations not be moved from an initial allocation status to a **final allocation status** at this time.

The City still has to determine, and 'show their work', as to how the initial allocations will work within the context of the City's established planning and regulatory framework, the new climate goals and policies, and the State Environmental Policy Act. For example, will the sewer plan update currently underway document that the existing sewer plant will be able to handle these allocations without sewer rates being doubled in order to add capacity?

Thank you.

Ian Munce
1711 Quail Drive