



Anacortes City Council
Municipal Building Council Chambers
904 6th Street

July 22, 2019

6:00 p.m.

**** REVISED ** PRELIMINARY AGENDA**

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

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Announcements and Committee Reports**
 - a. Planning Committee
4. **Public Comment**
5. **Consent Agenda (Action)**
 - a. Minutes of July 15, 2019
 - b. Approval of Claims in the amount of: \$264,548.92
 - c. Contract Award: 14th Street Waterline Replacement #19-100-WTR-001
 - d. Contract Modification: Sewer Cost of Service and Rate Design Study #18-099-SEW-001
 - e. Interlocal 232 with NoaNet - Modification 04: Fiber Optics Project
 - f. Contract Award: PSE Lighting Orders for SR20 & Ship Harbor RAB
#19-123-ENG-001/002
 - g. Noise Variance: 2019 Asphalt Overlay – Commercial Avenue - Fidalgo Ave to SR20
6. **Public Hearings**
7. **Other Business**
 - a. Ordinance 3046: Amending AMC Chapter 18.04 State Environmental Policy Act
(Discussion/Possible Action)
 - b. Ordinance 3040: Development Regulations and Zoning Map Amendments
(Discussion/Possible Action)
8. **Adjournment**

Per Resolution 2044, citizens wishing to comment on items not on the agenda may do so under the Public Comment portion of the agenda. Citizens wishing to comment on agenda items indicated with an asterisk () may do so as those items are considered by Council during the course of the meeting. Citizens wishing to speak will please sign in at the back of the Council Chambers prior to the start of the meeting. The Mayor may limit comments to those who have signed in, and may limit the time allotted to each speaker to facilitate the orderly progress of the meeting.*

The City of Anacortes encourages people with disabilities to participate in public meetings.
For assistance with special needs, please contact the City Clerk at 360-299-1960 in advance of the meeting.



Anacortes City Council

Proposed Agenda Items for the Next Eight Weeks Beginning August 5, 2019

Subjects listed below have been tentatively suggested for consideration by the Anacortes City Council on the dates indicated. Items may be added to, removed from or rearranged on this list. Routine business such as approval of minutes and vouchers are not included. The complete Preliminary Agenda for each meeting is published at 3:00 on the Wednesday prior to the meeting. Published Agendas are subject to change and may be updated following the posting period. For additional information on agenda topics, please contact the City Clerk's office at 360-299-1960 to be directed to the sponsoring staff member.

August 5, 2019

- Resolution 2051: Sole Source Declaration for WWTP Pump Station Aluminum Hatch Covers (Consent)
- Street Fair Application: Anacortes Community Energy Fair (Consent)
- Update on Combined Sewer Overflow (CSO) Reduction Study (Discussion)

August 12, 2019

August 19, 2019

- Closed Record Decision Hearing, Calwest Inc., Ferry Terminal Road Conditional Use Permit to permit construction of 9-duplexes & preliminary approval of 9-lot short plat (Discussion/Possible Action)
- Municipal Fiber Network Update (Discussion)

August 26, 2019

- Sewer Rate Structure Update by FCS Group (Discussion)

September 3, 2019

September 9, 2019

September 16, 2019

September 23, 2019

Upcoming City Council Committee Meetings

The public is welcome to attend City Council Committee Meetings.

- Planning, Monday, Jul 22, 2019, 5:00 PM, Main Conference Room, City Hall
- Finance, Wednesday, Jul 24, 2019, 5:00 PM, Main Conference Room, City Hall
- Public Works, Monday, Aug 5, 2019, 5:00 PM, Main Conference Room, City Hall
- Public Works, Monday, Aug 5, 2019, 5:00 PM, Main Conference Room, City Hall
- Public Safety, Tuesday, Aug 6, 2019, 10:00 AM, Mayor's Office, City Hall
- Port/City Liaison, Tuesday, Aug 6, 2019, 8:30 AM, City Hall
- Planning, Monday, Aug 12, 2019, 5:00 PM, Main Conference Room, City Hall

July 22, 2019
6:00 p.m.

[illegible]

Continue on back of sheet as needed

City Council Minutes – July 15, 2019

Mayor Laurie Gere called to order the Anacortes City Council meeting of July 15, 2019 at 6:00 p.m. Councilmembers Eric Johnson, Anthony Young, Ryan Walters, Brad Adams, Carolyn Moulton, Bruce McDougall and Matt Miller were present. The assembly joined in the Pledge of Allegiance.

Announcements and Committee Reports

Skagit County Law & Justice Council: Mr. Miller reported from the LJC meeting on July 10, 2019 at which topics discussed included updated North Sound Behavioral Health Administrative Services referral materials, retrofitting the bunks in the new Skagit County jail, jail staffing, and District Court's introduction of a Community Services Court model for non-violent misdemeanors.

Public Works Committee: Ms. Moulton reported from the committee meeting earlier in the evening at which discussion continued regarding the CSO reduction study.

Mr. McDougall reported that he recently toured Uber's autonomous vehicle depot in Pittsburgh and described it as an example of evolving technology that will affect employment patterns, city planning, and building design.

Ms. Moulton reported from the Community Action of Skagit County meeting earlier in the day. She said the group is exploring creating affordable housing through public/private partnerships and is surveying efforts by different jurisdictions in an effort to avoid duplication of effort.

Public Comment

No one present wished to address the Council on any topic not already on the agenda.

Consent Agenda

Mr. Young removed Item 5b, Approval of Claims, from the Consent Agenda. Mr. Adams moved, seconded by Mr. Miller, to approve the following Consent Agenda items. The motion carried unanimously by voice vote.

- a. Minutes of July 8, 2019
- c. Interlocal Agreement 283 with Skagit County: Expense Reimbursement for Crisis Intervention Team International Conference

The following vouchers/checks were approved for payment:

EFT numbers: 93877 through 93915 and 93947 through 93948, total \$254,338.49

Check numbers: 93876 and 93916 through 93946, total \$305,060.99

Wire transfer numbers: 252756 through 252820, total \$2,703.15

- b. Approval of Claims in the amount of: \$566,165.03

Mr. Young commended some staff for making local purchases when possible and urged other staff to follow suit. He moved, seconded by Mr. Johnson, to approve Consent Agenda Item 5b. The motion carried unanimously by voice vote.

OTHER BUSINESS

Municipal Fiber Update

Municipal Broadband Business Manager Jim Lemberg updated Council on the status of the municipal fiber network, referring to his slide presentation included in the packet materials for the meeting. The update refined

the format for future updates based on Council feedback at the June 24, 2019 meeting. Councilmembers questioned Mr. Lemberg about the timeline for taking customer orders and urged focus on that goal. No revisions were requested to the report format.

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

Ordinance 3040: Development Regulations and Zoning Map Amendments

Planning Manager Libby Grage recapped the status of the amendment process over the past several months. Ms. Grage and Mr. Bob Bengford of Makers invited Council discussion of one last group of public comments and requested feedback on draft Ordinance 3040 to adopt the amendments. Ms. Grage's slides were added to the packet materials for the meeting.

Ms. Grage and Mr. Bengford walked through the staff memo in the packet and requested Council direction on each of the 16 outstanding proposed changes.

- Item 1, 19.12.020, regarding “floor area, net” definition: Council agreed with staff’s recommendation.
- Item 2, Table 19.41.050, regarding retail uses in mixed-use and industrial zones; and 19.44.120 regarding standards for all retail uses: a majority of the Council agreed with staff’s recommendation.
- Item 3, Table 19.41.050, regarding heavy industry uses in the industrial zones: Ms. Grage noted the email from Ms. Moulton that had been circulated to all councilmembers earlier in the day with suggested revisions for this item. The email was added to the packet materials for the meeting. After considerable discussion, Council agreed that staff should update Table 19.41.050 to refer to “Petroleum and ~~crude~~ oil refineries ~~and storage~~”, add a definition to the use that does not limit oil refineries to crude oil refineries, and disallow that use in the MS and I zones. Ms. Grage clarified that this would effectively allow oil *storage* in the MS, I, and HM zones, which Council confirmed was its intent. Council requested more research from staff on an appropriate definition for chemical manufacturing that would achieve its goal of protecting the public from health and environmental hazards and that the use should be disallowed in the MS and I zones until a satisfactory definition was achieved, which could be in the next round of development regulation updates.
- Item 4, Table 19.42.020, regarding form and intensity standards for residential zones: Council agreed with staff’s recommendation.
- Item 5, Table 19.42.020, regarding form and intensity standards for residential zones; and 19.42.150(B) regarding setback modifications: Council agreed with staff’s recommendation. Mr. Johnson requested spelling corrections in the text on Figure 19.43.010(C)(3)(b)(i).
- Item 6, Table 19.42.030, regarding form and intensity standards for mixed use and industrial zones; and 19.42.150(D), regarding setback modifications): Council agreed with staff’s recommendation.
- Item 7, 19.42.030, regarding form and intensity standards for mixed use and industrial zones: Council agreed with staff’s recommendation.
- Item 8, 19.42.050, regarding C and CBD zone base and bonus heights and incentive options: Council agreed with staff’s recommendation.
- Item 9, Table 19.42.070, regarding bonus incentives in the MMU zone east of Q Ave: Council agreed with staff’s recommendation but asked that incentive feature 6 (integrate small units) in Table 19.42.070

be moved forward so it was the first incentive listed, with the remainder of the incentives in the same order following it. Councilmembers suggested several topics for follow on discussion at a later time.

- Item 10, 19.42.140(B)(1), regarding building height calculations, exceptions, and modifications: Council agreed with staff's recommendation.
- Item 11, 19.43.010(H)(3), regarding multifamily uses in the MMU zone (east of Q Avenue): Council agreed with staff's recommendation but asked that 19.43.010(H)(3)(b) be corrected to read "Multifamily ~~family~~ dwellings and other permitted residential uses within single purpose *residential* buildings ..."
- Item 12, 19.47.030(C)(5), regarding accessory dwelling units: Council agreed with staff's recommendation.
- Item 13, 19.64.100, regarding bicycle parking requirements: Council agreed with staff's recommendation.
- Item 14, 19.66, regarding fences, walls and hedges: Council agreed with staff's recommendation.
- Item 15, 19.67.100, regarding monument and noncommercial speech signs: Council agreed with staff's recommendation.
- Item 16, Official zoning map: Council agreed with staff's recommendation.

Ms. Grage indicated that staff would make the changes requested and include a draft Ordinance 3040 in the packet materials for the July 22, 2019 City Council meeting for consideration and possible action. Mr. Walters observed that draft Ordinance 3040 adopted the Planning Commission Findings of Fact by reference and asked that the ordinance highlight where Council was recommending something different than those Findings. Councilmembers also asked staff to correct the effective date of the ordinance to meet publication requirements.

There being no further business, at approximately 8:15 p.m. the Anacortes City Council meeting of July 15, 2019 was adjourned.

The following claims against the City of Anacortes have been preaudited and certified by the Clerk-Treasurer as ready for City Council approval at the July 22, 2019 City Council meeting:
[Download this file in OpenDocument spreadsheet format.](#)

Invoice Doc #	Transaction Date	Invoice #	Vendor Full Name	Description	Total Amount	Approval Queue
253123	5/29/2019	3522	ANACORTES TOWING, LLC	TOWING; APD CASE 19-A03496	\$ 163.05	apd
253280	5/31/2019	9008033998	SOCIETY FOR HUMAN RESOURCE	SIHRM SUBSCRIPTION RENEWAL, 9/1/19 - 8/31/19. VANESSA B.	\$ 209.00	hr
253263	6/4/2019	0000173081	SEWER EQUIPMENT CO OF AMERICA	GUIDE BB HOSE, LEADER HOSES	\$ 751.36	dshop
253260	6/14/2019	0000173320	SEWER EQUIPMENT CO OF AMERICA	ADAPTERS, FITTINGS, HOSES	\$ 269.33	dshop
252869	6/20/2019	1991294466	ARAMARK	APD NYLON MATS CLEANED	\$ 16.31	apd
253049	6/21/2019	8027	ANTEC CORPORATION	ADAPTER AND GASKET	\$ 345.67	dwwtp
253109	6/21/2019	8136 50 291 0005268	WAVE	FIBER LEASE WTP TO CITY HALL 7/1-7/31/19	\$ 326.20	finance
253167	6/24/2019	BINV0007717	GOBLE SAMPSON ASSOCIATES, INC	PUMP AND BASEPLATE	\$ 5,850.49	dwwtp
252239	6/24/2019	S20183910	SUPERIOR SYSTEMS, INC	WWTP INCINERATOR EXHAUST SCRUBBER PLATFORM - CONSTRUCTION	\$ 7,954.66	dwwtp
250850	6/24/2019	65606954	WASTEQUIP MANUFACTURING CO LLC	21 GALLON TOTES	\$ 2,833.76	dshop
252899	6/26/2019	S20183939	SUPERIOR SYSTEMS, INC	WWTP INCINERATOR EXHAUST SCRUBBER PLATFORM - CONSTRUCTION	\$ 2,138.13	dwwtp
252931	6/27/2019	806	CONTINENTAL CARBON GROUP	ACTIVATED CARBON	\$ 1,632.00	dwwtp
253309	6/28/2019	155860	INFOSEND, INC.	JUNE 2019 PROCESSING	\$ 3,483.61	finance
252953	6/28/2019	19-2994	LIFE TEK, INC	FA/CPR/BBP TRIANING	\$ 300.00	dwwtp
253179	6/30/2019	90382381	150-PRAXAIR DISTRIBUTION INC	CYLINDER RENTAL	\$ 190.52	dwwtp
253115	6/30/2019	284	BOYS & GIRLS CLUBS	JUNE - LUNCH PROGRAM SERVICE PROVISION	\$ 420.00	finance
253266	6/30/2019	P01-01/008-19	EDASC	EDASC SERVICES AGREEMENT 2019	\$ 7,500.00	plan
253196	6/30/2019	3092080663	LEXISNEXIS	ON-LINE LEGAL RESEARCH PROGRAM 06/2019	\$ 324.42	legal
253267	6/30/2019	29601	REICHHARDT & EBE ENGINEERING	SHIP HARBOR & SR20 INTERSECTION - 5/26/19-6/19/19	\$ 13,072.47	pw1
253254	6/30/2019	1287	SKAGIT CONSERVATION DISTRICT	NPDES II OUTREACH & EDUCATION - JUNE 2019	\$ 993.79	pw1
252930	6/30/2019	0173	SKAGIT COUNTY SOLID WASTE FUND	JUNE TONNAGE HAULED	\$ 79,629.42	dshop
253275	6/30/2019	601217-0	SKIDMORE PHARMACY INC.	LEOFF1 RETIREE COPAYS	\$ 9.40	hr
253058	7/1/2019	60211	AMERICAN DISTRIBUTING COMPANY	LIGNIN FOR DUST CONTROL	\$ 6,947.02	dshop
252927	7/1/2019	254196	ANACORTES ANIMAL HOSPITAL	BOARD & DISTRAINER; JUNE 2019	\$ 220.00	apd
253285	7/1/2019	1703028	CENTER POINT LARGE PRINT	LARGE PRINT BOOKS	\$ 46.74	publib
252882	7/1/2019	190-1840-00	CITY OF ANACORTES	UTILITY BILL - WWTP JUNE	\$ 4,579.59	dwwtp
252883	7/1/2019	052-0010-00	CITY OF ANACORTES	OPS W/S/G JUNE	\$ 1,233.51	dshop
252895	7/1/2019	300000290043	PUGET SOUND ENERGY INC	STREET LIGHTS: 05/02 - 05/31/19	\$ 16,890.28	dshop

Invoice Doc #	Transaction Date	Invoice #	Vendor Full Name	Description	Total Amount	Approval Queue
252868	7/2/2019	013110144	GALLS, LLC.	UNIFORM PANTS; OFC WILSON	\$ 80.38	apd
252744	7/2/2019	30285	MIKE HAWKINGS TRUCKING	GARBAGE TRUCK TRANSPORT	\$ 1,380.00	dshop
252748	7/2/2019	P11553-09	SONSRAY MACHINERY, LLC	FLASHER UNIT VEH #404	\$ 103.03	dshop
252790	7/3/2019	812-4174	GCR TIRES & SERVICES	TIRES- SHOP STOCK	\$ 1,100.93	dshop
252989	7/3/2019	1170345	SKAGIT PUBLISHING LLC	PUBLISH AA-1716865 AA-1917429	\$ 178.64	finance
252957	7/5/2019	1-583104	DIAMOND RENTALS, INC.	IDLER PULLEY- VEH #706	\$ 145.23	dshop
252912	7/5/2019	12047	NORTHWEST CLEAN AIR AGENCY	AIR OPERATING PERMIT PROGRAM FEE	\$ 12,731.24	dwwtp
253290	7/5/2019	BMS85098	OVERHEAD DOOR CO	FIRE STATION 3 GARAGE DOOR REPAIR	\$ 1,487.52	pwfac
252867	7/5/2019	2907	SKAGIT COUNTY SHERIFF'S OFFICE	NW MINI CHAIN; 2ND QTR 2019	\$ 6,312.35	apd
252866	7/8/2019	07/08/2019	FIDALGO CLEANING	APD CLEANING & SUPPLIES	\$ 700.00	apd
253276	7/8/2019	1255576864	GRAY, MATTHEW	DENTAL SERVICES, LEOFF1 RETIREE	\$ 300.00	hr
252956	7/8/2019	773935	NAPA	U-JOINT #510	\$ 22.44	dshop
252951	7/8/2019	001-439410	PISTON SERVICE OF ANACORTES	FITTING- STREET DEPT	\$ 1.87	dshop
252952	7/8/2019	001-439408	PISTON SERVICE OF ANACORTES	FITTING- VEH #850	\$ 3.60	dshop
253262	7/8/2019	001-439394	PISTON SERVICE OF ANACORTES	SLURRY SEAL PROJECT ITEMS	\$ 79.35	pw1
253124	7/8/2019	220015523313	PUGET SOUND ENERGY INC	CAR CHARGING STATION 6/6-7/5/19	\$ 48.49	dshop
253125	7/8/2019	200015995380	PUGET SOUND ENERGY INC	APD 6/6-7/5/19	\$ 1,370.44	apd
253126	7/8/2019	220013286525	PUGET SOUND ENERGY INC	HEART OF ANACORTES 6/6-7/5/19	\$ 27.26	plan
253252	7/9/2019	473701	BEE SAFE EDUCATION & TRAINING	CHILD & BABYSITTING CLASS INSTRUCTION	\$ 740.00	parks1
253111	7/9/2019	INV1983799	COPIERS NORTHWEST	CANON/IRC5560I FINANCE/OPS/WWTP 6/8-7/7/19	\$ 350.17	finance
253116	7/9/2019	19-24063	EDGE ANALYTICAL, INC	FLUORIDE ANALYSIS	\$ 26.00	dwwtp
253121	7/9/2019	013148614	GALLS, LLC.	UNIFORM SHIRT; OFC WILSON	\$ 59.76	apd
253202	7/9/2019	013157092	GALLS, LLC.	UNIFORM - WA BADGE PATCHES	\$ 179.36	apd
252962	7/9/2019	812-4233	GCR TIRES & SERVICES	DISMOUNT & MOUNT- VEH #610	\$ 223.70	dshop
253206	7/9/2019	10166806	MASELLA, BONNIE	REFUND CANCELLED CAMPING RESERVATION	\$ 27.00	parks1
252958	7/9/2019	MV215959	MOTOR TRUCKS, INC	TENSIONER- #610A	\$ 308.53	dshop
252954	7/9/2019	001-439486	PISTON SERVICE OF ANACORTES	U-JOINT- VEH #510	\$ 24.86	dshop
253172	7/9/2019	220013297076	PUGET SOUND ENERGY INC	1100 STATE ROUTE 20 6/7-7/8/19	\$ 18.09	plan
253175	7/9/2019	220013297498	PUGET SOUND ENERGY INC	CASINO DRIVE UNDER TWIN BRIDGES - 6/7-7/8/19	\$ 74.07	wdist
253180	7/9/2019	9263414	RYAN HERCO PRODUCTS CORP	ROTAMETER WITH VALVE	\$ 260.81	dwwtp
252990	7/9/2019	331 0470115	UNIFIRST CORPORATION	WATER DEPT LAUNDRY	\$ 59.39	wdist
253205	7/9/2019	114-8772976	UNITED SITE SERVICES, INC	4TH OF JULY PARADE TOILET	\$ 82.73	parks1
253177	7/10/2019	8493 30 017 0490698	COMCAST	CITY HALL INTERNET CONNECTION 7/20-8/19/19	\$ 186.15	finance
253178	7/10/2019	8498 30 030 0111230	COMCAST	WTP 14489 RIVER BEND RD. - 7/19-8/18/19	\$ 232.86	finance
253119	7/10/2019	19-25010	EDGE ANALYTICAL, INC	TCR ANALYSIS BOOSTERS	\$ 165.00	dwwtp

Invoice Doc #	Transaction Date	Invoice #	Vendor Full Name	Description	Total Amount	Approval Queue
252961	7/10/2019	812-4234	GCR TIRES & SERVICES	TIRES- SHOP STOCK	\$ 2,308.96	dshop
253279	7/10/2019	1255576864	GRAY, MATTHEW	DENTAL SERVICES, DOS: 7/10/19, LEOFF1 RETIREE	\$ 100.00	hr
252960	7/10/2019	001-439578	PISTON SERVICE OF ANACORTES	HYDRAULIC HOSES- VEH #513	\$ 119.35	dshop
253253	7/10/2019	963358	RAINBOW ENTERPRISES	HEART LAKE VAULT PUMPING	\$ 434.80	parks1
252955	7/10/2019	July 2019	SKAGIT LAW GROUP PLLC	PROSECUTING ATTORNEY SERVICES JULY 2019	\$ 6,120.00	legal
253307	7/10/2019	1171481	SKAGIT PUBLISHING LLC	PUBLISH AA-1919959 AA-1919965	\$ 235.48	finance
253057	7/11/2019	ContractAHS	AHS GIRLS SOCCER BOOSTER CLUB	PAYMENT FOR PROVIDING YTH SOCCER CAMP	\$ 4,308.00	pkrec
253128	7/11/2019	ContractSABA	ANACORTES GIRL'S BASKETBALL, (SABA)	PAYMENT FOR INSTRUCTING SEAHAWK BASKETBALL CAMP	\$ 1,291.00	pkrec
253122	7/11/2019	1991324203	ARAMARK	APD NYLON MATS CLEANED	\$ 16.31	apd
253174	7/11/2019	1991324212	ARAMARK	OPS: MAT CLEANING 7/11/19	\$ 41.63	dshop
253053	7/11/2019	073-0390-03	BRUNSON, ALICIA & SCOTT	Overpayment on closed account	\$ 56.33	finance
253051	7/11/2019	080-4430-02	COHEN, JESSE	Overpayment on closed account	\$ 123.75	finance
253176	7/11/2019	8498 30 017 0464628	COMCAST	WA PARK INTERNET 7/21-8/20/19	\$ 106.15	finance
253118	7/11/2019	19-25145	EDGE ANALYTICAL, INC	BACT ANALYSIS FINISHED	\$ 15.00	dwtpt
253168	7/11/2019	WAANA117294	FASTENAL COMPANY	SLEDGE HAMMER	\$ 183.19	dwtpt
253054	7/11/2019	144-6000-00	LANG, VINCE	Overpayment on closed account	\$ 38.70	finance
253278	7/11/2019	41600321862	LES SCHWAB TIRE CENTERS	REPLACED BAD TIRE- VEH #425	\$ 236.87	dshop
253055	7/11/2019	050-0100-01	LORIO, ADAM & DALLAS	Overpayment on closed account	\$ 124.84	finance
253120	7/11/2019	ReimbMiles	MILES, HEIKO	REIMB MILEAGE FOR TRAVEL TO PFM	\$ 32.80	finance
253052	7/11/2019	080-3320-03	MILLER, PAUL	Overpayment on closed account	\$ 179.34	finance
253270	7/11/2019	PettyCashYerby	PETTY CASH FUND	PETTY CASH REIMBURSEMENT	\$ 10.00	museum
253277	7/11/2019	001-439785	PISTON SERVICE OF ANACORTES	AIR FILTER- VEH #220	\$ 110.46	dshop
253200	7/11/2019	300000305007	PUGET SOUND ENERGY INC	SKYLINE ST LIGHTS 6/1/19 - 7/1/19	\$ 417.51	dshop
253272	7/11/2019	300000290035	PUGET SOUND ENERGY INC	MUSEUM 6/6-7/5/19	\$ 169.31	museum
253187	7/11/2019	0239852-IN	REISNER DISTRIBUTOR INC	LUBE OIL- SHOP STOCK	\$ 1,379.23	dshop
253207	7/11/2019	190941	T-SHIRTS BY DESIGN	WRESTLING CAMP T-SHIRTS	\$ 228.27	parks1
253171	7/11/2019	114651	WALTON BEVERAGE COMPANY, INC	WWTP BREAKROOM SUPPLIES	\$ 70.00	dwtpt
253173	7/11/2019	114654	WALTON BEVERAGE COMPANY, INC	OPS BREAK ROOM SUPPLIES	\$ 52.50	dshop
253050	7/11/2019	071-5320-00	WEBER, SHIRLEY	Overpayment on closed account	\$ 103.50	finance
253271	7/12/2019	00540-MAR19	CAMPBELL LAW FIRM	PUB DEF CONFL	\$ 340.00	court
253310	7/12/2019	00549-APR19	CAMPBELL LAW FIRM	PUB DEF CONFL	\$ 119.00	court
253311	7/12/2019	00533-APR19	CAMPBELL LAW FIRM	PUB DEF CONFL	\$ 110.50	court
253312	7/12/2019	00408-APR19	CAMPBELL LAW FIRM	PUB DEF CONFL	\$ 34.00	court
253314	7/12/2019	00548-APR19	CAMPBELL LAW FIRM	PUB DEF CONFL	\$ 110.50	court
253315	7/12/2019	00540-APR19	CAMPBELL LAW FIRM	PUB DEF CONFL	\$ 391.00	court

Invoice Doc #	Transaction Date	Invoice #	Vendor Full Name	Description	Total Amount	Approval Queue
253127	7/12/2019	cpls	DEPARTMENT OF LICENSING	CPLS TO D.O.L.; JUNE 2019	\$ 450.00	apd
253198	7/12/2019	19-25747	EDGE ANALYTICAL, INC	CHROMOGENIC SUBSTRATE TEST- FIBER	\$ 15.00	wdist
253199	7/12/2019	19-25452	EDGE ANALYTICAL, INC	CHROMOGENIC SUBSTRATE TEST- FIBER	\$ 15.00	wdist
253186	7/12/2019	37089	JERRY SMITH CHEVROLET	VALVE COVER- VEH #018	\$ 305.60	dshop
253182	7/12/2019	001-439951	PISTON SERVICE OF ANACORTES	INTAKE CLEANER- VEH #018A	\$ 18.46	dshop
253183	7/12/2019	001-439911	PISTON SERVICE OF ANACORTES	SPARK PLUG- VEH #018	\$ 37.57	dshop
253184	7/12/2019	001-439917	PISTON SERVICE OF ANACORTES	FUEL PUMP ASSEMBLY- #139A	\$ 331.52	dshop
253185	7/13/2019	00005W5A83289	UNITED PARCEL SERVICE, INC	UPS SHIPPING CHARGES; WEEK END 7-13-19	\$ 20.47	apd
253201	7/15/2019	1991327974	ARAMARK	LAUNDRY SERVICES FOR WWTP	\$ 73.32	dwwtp
253197	7/15/2019	K813973	CORE & MAIN LP	REP CLAMP- WATER DEPT	\$ 2,826.20	wdist
253259	7/15/2019	RefundKrapas	KRAPAS, DOUG	REFUND CANCELLED CAMPING NIGHTS -	\$ 105.00	parks1
253181	7/15/2019	001-440084	PISTON SERVICE OF ANACORTES	FUSES- #210A	\$ 16.74	dshop
253204	7/15/2019	10169540	SILLITO, BERNICE	REFUND CANCELLED CAMPING RESERVATION	\$ 39.00	parks1
253258	7/16/2019	2-553331-25	DIAMOND RENTALS, INC.	TOILET RENTAL S AT CEMETERY, COMMUNITY	\$ 449.00	parks1
253264	7/16/2019	NWACDM 2019	NWACDM	2019 ANNUAL CONFERENCE & MEMBER DUES	\$ 275.00	plan
253287	7/16/2019	Recurring	OCLC, INC	CATALOGING, ILL, FIRSTSEARCH/WORLDCAT DISCOVERY	\$ 357.86	publib
253256	7/16/2019	300000300008	PUGET SOUND ENERGY INC	ENERGY BILLING	\$ 41,698.03	dwwtp
253269	7/16/2019	18-173-FAC-0011	THE PLUMBING GUYS, INC	RETAINAGE RELEASE	\$ 9,336.00	pw1
253203	7/16/2019	331 0471218	UNIFIRST CORPORATION	WATER DEPT LAUNDRY	\$ 59.39	wdist
253288	7/16/2019	291000003-001-0001	WASHINGTON DEPARTMENT OF	RENEW CITY BUSINESS LICENSE	\$ 51.00	finance
252911	7/26/2019	18-122-SEW-0021	SUPERIOR SYSTEMS, INC	RETAINAGE RELEASE	\$ 928.50	pw1

Total **\$264,548.92**



City Council Contract Agenda Bill

Meeting Date: 7/22/2019 **Agenda Item:** 5c

Subject: Contract Award - 14th Street Waterline Replacement #19-100-WTR-001

Staff Contact: Fred Buckenmeyer

Approved for Submittal to Council by:
Darcy Swetnam, City Attorney

Action Type: Contract Award

Summary Statement: City staff seeks City Council consent to award a contract in the amount of \$126,921.92 to Larry Brown Construction, Inc. to perform the 14th Street Waterline Replacement project. The work provided for this project will include all materials, equipment, labor and related items necessary to install approximately 700 LF of 8" ductile iron water main, install a new hydrant assembly, make tie-ins to the existing water system and install new and renew/reconnect existing water services, and other work, on 14th Street from I to K Avenues.

Background:

1. **History:** The City continues to make ongoing investment in its water system to maintain the integrity of the system and assure the delivery of safe drinking water to the public. This includes the replacement of aging distribution piping before it reaches the point of possible failure. This project was selected not only because of the age of the pipe but also because the pipes in this area of 14th street have had issues in the past. With the completion of this project the water mains will have been upgraded from I Avenue to Commercial Avenue on 14th Street.
2. **Key Terms:**
 - Total contract price of \$126,921.92 which includes \$10,158.42 in sales tax.
 - The Contractor will begin work the working day following the date of the Notice to Proceed and achieve Physical Completion within Sixty (60) calendar days.
3. **Competitive Bidding:** In accordance with competitive bid requirements set forth under RCW 39.04.155 - Small Works Roster Contract Procedures, on June 26, 2019 an [Invitation to Bid](#) was sent to five contractors in the appropriate small works roster category. Two bids were received by the July 16, 2019 deadline and Larry Brown Construction, Inc. was determined to be the lowest responsible bidder. The Engineer's Estimate for this project was \$130,000. Bid results are provided as an attachment hereto.

Previous Council/Committee Action: N/A

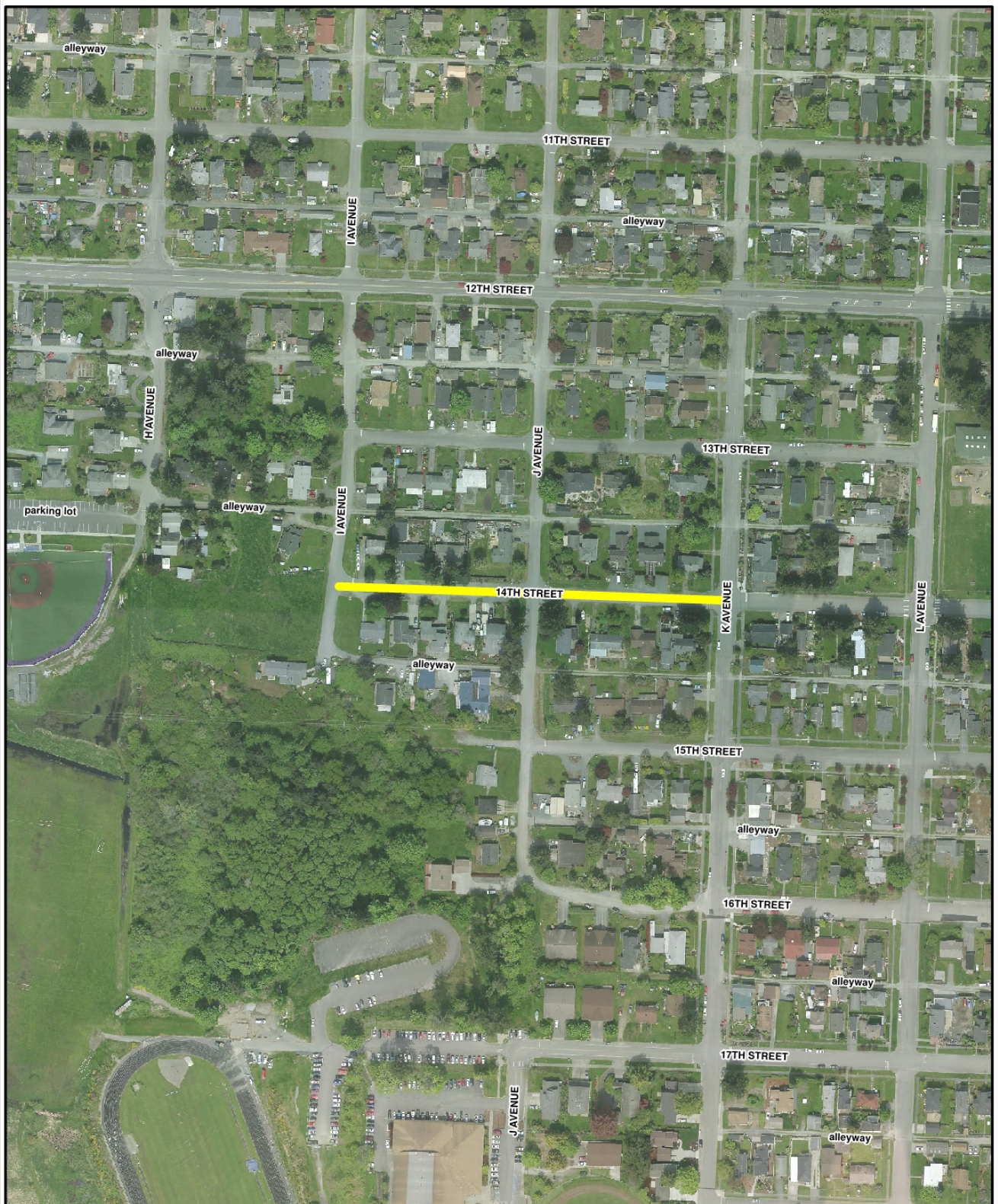
Competing Viewpoints Considered: N/A

Recommended Motion: I move that City Council authorize the Mayor to sign a contract 19-100-WTR-001 with Larry Brown Construction, Inc. in the amount of \$126,921.92 to perform the 14th Street Waterline Replacement project.

Alternative Actions: Cancel the project; rebid the project

Attachments: Area Map, Bid Tabulation, Contract 19-100-WTR-001

Contractor	Larry Brown Construction, Inc.
Contract Amount	\$126,921.92
Earmarked Funds	\$833,000.00
BARS #	401.000.594.34.63
Budget Amendment Required?	No
Start Date	Notice to Proceed
End Date	60 calendar days



0 100 200 Feet

**2019 14th Street Waterline Replacement
19-100-WTR I Ave to K Ave.**



NOTICE TO BIDDERS:
IN ACCORDANCE WITH THE ADVERTISED INVITATION TO BID, BIDDERS ARE DIRECTED TO
WWW.ANACORTESWA.GOV TO ENSURE RECEIPT OF ENTIRE SOLICITATION.

**14TH STREET WATERLINE REPLACEMENT
SMALL WORKS ROSTER BID OPENING DATE: JULY 16TH, 2019**

				LARRY BROWN CONSTRUCTION		C. JOHNSON CONSTRUCTION	
Item No.	Qty	Unit	Description	Unit Price	Amount	Unit Price	Amount
1	1	MC	Minor Changes	\$15,000.00	\$ 15,000.00	\$15,000.00	\$ 15,000.00
2	1	LS	Mobilization	\$11,600.00	\$ 11,600.00	\$11,000.00	\$ 11,000.00
3	1	LS	Temporary Erosion/Water Pollution	\$365.00	\$ 365.00	\$850.00	\$ 850.00
4	1	LS	Temporary Traffic Control	\$815.00	\$ 815.00	\$1,350.00	\$ 1,350.00
5	1	LS	SPCC Plan	\$275.00	\$ 275.00	\$100.00	\$ 100.00
6	1500	LF	Sawcutting Asphalt	\$0.80	\$ 1,200.00	\$1.75	\$ 2,625.00
7	2750	SF	Roadway Excavation W/Haul (Asphalt)	\$0.60	\$ 1,650.00	\$0.50	\$ 1,375.00
8	700	LF	Ductile Iron Pipe for Water Main 8 In. Diam	\$60.65	\$ 42,455.00	\$66.00	\$ 46,200.00
9	1	LS	Connection as Described in Water Note 2	\$4,400.00	\$ 4,400.00	\$3,800.00	\$ 3,800.00
10	1	LS	New Fire Hydrant as Described in Water Note 3	\$9,000.00	\$ 9,000.00	\$8,500.00	\$ 8,500.00
11	1	LS	Connection as Described in Water Note 4	\$4,000.00	\$ 4,000.00	\$2,600.00	\$ 2,600.00
12	3	EA	Reconnect Existing Short Side Water Service Lines as Described in Water Note 5	\$870.00	\$ 2,610.00	\$1,350.00	\$ 4,050.00
13	2	EA	Reconnect Existing Long Side Water Service Lines as Described in Water Note 6	\$895.00	\$ 1,790.00	\$1,575.00	\$ 3,150.00
14	6	EA	Replace Existing Short Side Water Service Lines as Described in Water Note 7	\$1,205.00	\$ 7,230.00	\$1,250.00	\$ 7,500.00
15	4	EA	Replace Existing Long Side Water Service Lines as Described in Water Note 8	\$1,220.00	\$ 4,880.00	\$1,540.00	\$ 6,160.00
16	30	TN	3-INCH HMA CL.1/2-inch PG64-22 (Trench Patching)	\$253.45	\$ 7,603.50	\$390.00	\$ 11,700.00
17	20	SF	Plastic Stop Line	\$31.50	\$ 630.00	\$14.00	\$ 280.00
18	10	TN	Asphalt Patching Material (Cold Mix)	\$115.00	\$ 1,150.00	\$175.00	\$ 1,750.00
19	1	LS	Customer Notification	\$110.00	\$ 110.00	\$300.00	\$ 300.00
				SUBTOTAL	\$ 116,763.50		\$ 128,290.00
				TAX	\$ 10,158.42		\$ 11,161.23
				TOTAL BID	\$ 126,921.92		\$ 139,451.23



CONTRACT 19-100-WTR-001

This Contract is between the City of Anacortes, Washington, a Municipal Corporation (herein after referred to as "City") and Larry Brown Construction, Inc., a private contractor at PO Box 29960, Bellingham, WA 98228 (herein after referred to as "Contractor").

WITNESSETH:

That in consideration of the terms and conditions contained herein and attached and made a part of this agreement, the parties hereto covenant and agree as follows:

I. **WORK.** The Contractor shall do all work and furnish all tools, materials, equipment, and transportation required for the **14th Street Waterline Replacement**, in accordance with and as described in the Small Works Roster Invitation for Bid entitled the same and dated June 26, 2019, Project No. PW-19-100-WTR-001. Incorporated by reference, and made a part hereof, are the Invitation for Bid aforementioned, current Washington State Department of Transportation *Standard Specifications for Road, Bridge, and Municipal Construction M 41-10* and Amendments, except as modified by the Special Provisions included in this Invitation to Bid. Any changes to the work contracted herein shall be subject to contract modification signed by the Parties.

The City hereby promises and agrees with the Contractor to retain and does retain the Contractor to provide the materials and to do and cause to be done the above-described work and to complete and finish the same according to the attached plans and specifications and the terms and conditions herein contained, and hereby contracts to pay for the same according to the attached specifications and the schedule of prices bid and hereto attached, at the time and in the manner and upon the conditions provided for in this contract.

The Contractor for himself/herself, and for his/her heirs, executors, administrators, successors, and assigns, does hereby agree to full performance of all covenants required of the Contractor in the contract.

II. **PRICE.** The Total Contract Price is **One Hundred Twenty-Six Thousand Nine Hundred Twenty-One Dollars and Ninety-Two Cents (\$126,921.92)**. The Contractor's bid schedule is incorporated by reference and attached hereto as Exhibit A.

III. **TIME.** Unless otherwise stated in the Invitation for Bid, all physical construction activities shall be completed **Sixty (60) calendar days** from the first working day following the Notice to Proceed. The Contractor shall supply the materials within the specified period of time after Notice to Proceed has been issued by the City.

IV. **LIQUIDATED DAMAGES.** Under 1-08.9 of the current WSDOT *Standard Specifications for Road, Bridge, and Municipal Construction*, the City is entitled to liquidated damages for each and every calendar day said work remains uncompleted after expiration of the specified time. However, rather than using the Liquidated Damages Formula, the Contractor agrees to pay the City \$500.00 per day for each and every calendar day said work remains uncompleted. All other terms of WSDOT 1-08.9 remain unchanged.

V. **INDEMNIFICATION/HOLD HARMLESS.**

The Contractor shall defend, indemnify and hold the City, its appointed and elective officers, officials, employees and volunteers harmless from any and all claims, injuries, including death at any time resulting there from, damages, losses or suits including attorney fees, to the extent caused by negligent acts, errors or omissions of the Contractor in performance of this Agreement, except for injuries and damages caused by the sole negligence of the City.

Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Contractor and the City, its officers, officials, employees, and volunteers, the Contractor's liability hereunder shall be only to the extent of the Contractor's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Contractor's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this Clause shall survive the expiration or termination of this Agreement.

- VI. **INSURANCE.** The Contractor shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Contractor, their agents, representatives, employees or subcontractors.

Contractor's maintenance of insurance, its scope of coverage and limits as required herein shall not be construed to limit the liability of the Contractor to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.

The Owner and Contractor each binds itself, its partners, successors, assigns, and legal representatives to the other party hereto, in respect of all covenants, agreements, and obligations contained in the Contract Documents.

The parties acknowledge that there has been an opportunity to negotiate the terms and conditions of this Agreement and agree to be bound accordingly;

Owner:

City of Anacortes

Mayor

Date

Contractor:

Larry Brown Construction, Inc.

Signature

Printed Name

Title

Date

BIDDER RESPONSIBILITY STATEMENT

In determining the lowest responsible bidder, the City will consider the following technical experience and financial information.

LARRY BROWN CONSTRUCTION, INC.

Name of Bidder: _____ P.O. BOX 20060

Business Address: _____ BELLINGHAM, WA 98228

Business Phone/Email: _____ Chrislb@msn.com

How many years have you been in business under the present firm name? 28

List contracts for similar work completed by your company within the past three years. Include approximate contract amounts and the name and telephone number of a contact person. A project currently in progress may be listed. Relevant projects will include installing ductile iron water main, renew/replacing existing water services, fire hydrants, making connections to existing water mains. _____

M Ave Water - Jeff Beltramini

Inland Beach Water - 400,000, Dave Buys 360.354.3607

Name, address, and telephone number of bonding and insurance company, and name and telephone number of local contact person: _____

TRAVELERS 1501 4th Ave, Ste 1000

Seattle WA 98101

SSK - Connor Herman 360.354.4488

NOTICE TO BIDDERS:

IN ACCORDANCE WITH THE ADVERTISED INVITATION TO BID, BIDDERS ARE DIRECTED TO WWW.ANACORTESWA.GOV TO ENSURE RECEIPT OF ENTIRE SOLICITATION.

EXHIBIT A

14TH STREET WATERLINE REPLACEMENT
BID PROPOSAL
19-100-WTR-001
PAGE 1 OF 5

TO: City of Anacortes
City Hall
904 Sixth Street
Anacortes, WA 98221

Attention: Eric Shjarback, P.E. – City Engineer

The undersigned, hereinafter called the bidder, declares that the only persons or parties interested in this proposal are those named herein; that this proposal is in all respects fair and without fraud; that it is made without collusion with any official of the City of Anacortes; and that the proposal is made without any connection or collusion with any person making another proposal of this contract. **Moreover, the Bidder declares by signing the signature page of this Proposal that the following statement is true and correct:**

My firm, association or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the project for which this proposal is submitted.

The bidder declares that he/she has carefully examined the contract documents for the construction of the project; that he/she has personally inspected the site; that he/she has satisfied him or herself as to the quantities involved, including materials and equipment and conditions of work involved, including the fact that the description of the quantities of work and materials, as included herein, is brief and is intended only to indicate the general nature of the work and to identify the said quantities with the detailed requirements of the contract documents and that this proposal is made according to the provisions and under the terms of the contract documents, which documents are hereby made a part of this proposal.

The bidder declares that he/she has exercised his/her own judgment regarding the interpretation of subsurface information and has utilized all data, which he/she believes pertinent from the Engineer, Owner and other sources in arriving at his/her conclusions.

The bidder agrees that if this proposal is accepted, he/she will, within ten calendar days after Notification of Award, execute the contract with the City of Anacortes in the form of contract included in the contract documents, and will, prior to the time of execution of the contract, deliver to the City of Anacortes the Performance and Payment Bonds and all Certificates of Insurance required therein and will, to the extent of his/her proposals, furnish all necessary labor, tools, materials, equipment, and services required to do the work in the manner, in the time, and according to the methods as specified in the contract documents and required by the Engineer or other Project Manager designated thereunder.

The bidder further agrees, if awarded the contract, to begin work the working day following the date of the Notice to Proceed and to (a) achieve **Physical Completion within Sixty (60) calendar days**, and (b) achieve **Contract Completion within Ninety (90) calendar days** after the date of the Notice to Proceed.

In the event the bidder is awarded the contract and shall fail to complete the work within the time limit agreed upon as more particularly set forth in the contract documents, liquidated damages shall be paid to the owner per the specifications contained in the contract documents.

The bidder proposes to accept as full payment for the work proposed herein the amount computed under the provisions of the contract documents and based upon the unit price, it being expressly understood that the unit price is independent of the exact quantities involved. Bidder agrees that the unit prices shown represent a true measure of the labor and materials required to perform the work, including all allowances for overhead and profit for each type of work called for in these contract documents. The undersigned bids for complete construction of the following described project:

NOTICE TO BIDDERS:

IN ACCORDANCE WITH THE ADVERTISED INVITATION TO BID, BIDDERS ARE DIRECTED TO WWW.ANACORTESWA.GOV TO ENSURE RECEIPT OF ENTIRE SOLICITATION.

**14TH STREET WATERLINE REPLACEMENT
BID PROPOSAL
19-100-WTR-001
PAGE 2 OF 5**

The work provided for this project will include all materials, equipment, labor and related items necessary to install approximately 700 LF of 8" ductile iron water main, install a new hydrant assembly, make tie-ins to the existing water system and install new and renew/reconnect existing water services, and other work, all in accordance with the attached Contract Plans, these Contract Provisions, and the Standard Specifications.

**BID PROPOSAL
14TH STREET WATERLINE REPLACEMENT
19-100-WTR-001**

ITEM NO.	QTY	UNIT OF MEASURE	ITEM DESCRIPTION	UNIT PRICE (Figures)	TOTAL AMOUNT (Figures)
1	1	LS	MINOR CHANGES 1-04.4(1)	\$15,000.00 Allowance	\$15,000.00
2	1	LS	MOBILIZATION 1-07.15(1)	At \$ <u>11,600</u> Per Lump Sum	\$ <u>11,600</u>
3	1	LS	TEMPORARY EROSION/ WATER POLLUTION CONTROL 8-01.5	At \$ <u>365</u> Per Lump Sum	\$ <u>365</u>
4	1	LS	PROJECT TEMPORARY TRAFFIC CONTROL 1-10.5	At \$ <u>815</u> Per Lump Sum	\$ <u>815</u>
5	1	LS	SPCC PLAN 1-07.15(1)	At \$ <u>275</u> Per Lump Sum	\$ <u>275</u>
6	1500	LF	SAWCUTTING ASPHALT 2-02.5	At \$ <u>0.80</u> Per Linear Foot	\$ <u>1200</u>
7	2750	SF	ROADWAY EXCAVATION W/HAUL (ASPHALT) 2-03.5	At \$ <u>0.60</u> Per Square Foot	\$ <u>1650</u>
8	700	LF	DUCTILE IRON PIPE CL 50 8 IN. DIAM. 7-09.5	At \$ <u>60.65</u> Per Linear Foot	\$ <u>42,455</u>

NOTICE TO BIDDERS:
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WWW.ANACORTESWA.GOV TO ENSURE RECEIPT OF ENTIRE SOLICITATION.

BID PROPOSAL
 14TH STREET WATERLINE REPLACEMENT
 19-100-WTR-001
 (Continued)

ITEM NO.	QTY	UNIT OF MEASURE	ITEM DESCRIPTION	UNIT PRICE (Figures)	TOTAL AMOUNT (Figures)
9	1	LS	CONNECTION AS DESCRIBED WATER NOTE NO. 2	At \$ <u>4400⁻</u> Per Lump Sum	\$ <u>4400⁻</u>
10	1	LS	HYDRANT ASSEMBLY AS DESCRIBED WATER NOTE NO. 3	At \$ <u>9000⁻</u> Per Lump Sum	\$ <u>9000⁻</u>
11	1	LS	CONNECTION AS DESCRIBED WATER NOTE NO.4	At \$ <u>4000⁻</u> Per Lump Sum	\$ <u>4000⁻</u>
12	3	EA	RECONNECT SHORT SIDE WATER SERVICES AS DESCRIBED WATER NOTE NO. 5	At \$ <u>870⁻</u> Per Each	\$ <u>2610⁻</u>
13	2	EA	RECONNECT LONG SIDE WATER SERVICES AS DESCRIBED WATER NOTE NO. 6	At \$ <u>895⁻</u> Per Each	\$ <u>1790⁻</u>
14	6	EA	REPLACE SHORT SIDE WATER SERVICES AS DESCRIBED WATER NOTE NO. 7	At \$ <u>1205⁻</u> Per Each	\$ <u>7230⁻</u>
15	4	EA	REPLACE LONG SIDE WATER SERVICES AS DESCRIBED WATER NOTE NO. 8	At \$ <u>1220⁻</u> Per Each	\$ <u>4880⁻</u>
16	30	TN	3-INCH HMA CL. ½ INCH PG 64-22 (TRENCH PATCHING) 5-04.5	At \$ <u>233⁴⁵</u> Per Ton	\$ <u>7003⁹⁰</u>
17	20	SF	PLASTIC STOP LINE 8-22.5	At \$ <u>31²⁰</u> Per Square Foot	\$ <u>630⁻</u>

NOTICE TO BIDDERS:
 IN ACCORDANCE WITH THE ADVERTISED INVITATION TO BID, BIDDERS ARE DIRECTED TO
WWW.ANACORTESWA.GOV TO ENSURE RECEIPT OF ENTIRE SOLICITATION.

BID PROPOSAL
 14TH STREET WATERLINE REPLACEMENT
 19-100-WTR-001
 (Continued)

18	10	TN	ASPHALT PATCHING MATERIAL (COLD MIX)	At \$ <u>115⁻</u> Per Ton	\$ <u>1150⁻</u>
19	1	LS	CUSTOMER NOTIFICATION	At \$ <u>110⁻</u> Per Lump Sum	\$ <u>110⁻</u>
SUBTOTAL					\$ <u>116,703⁵⁰</u>
SALES TAX (8.7%)					\$ <u>10,158.42</u>
TOTAL BID					\$ <u>126,921.92</u>

*Note Rule WAC 458-20-170 applies. Sales tax is separately priced and added to the base bid price.

ADDENDA: Bidder acknowledges review of all Addenda through No. _____

NOTE: Failure to acknowledge any issued Addenda may render proposal non-responsive and therefore void. It is the sole responsibility of the Bidder to learn of Addendum. Addendums, if any, will be issued no later than 12:00pm on July 10, 2019. Such information may be obtained from the City of Anacortes website: www.anacorteswa.gov/Bids.aspx.

LIMITATION OF DAMAGES

The Bidder:

a) agrees not to bring any Claim against the City or any of its employees, advisers, or representatives for damages in excess of an amount equivalent to the reasonable costs incurred by the Bidder in preparing its Bid for any matter in respect of this ITB, including:

- I. if the City accepts a non-compliant Bid or otherwise breaches (including breach of material terms) the terms of this ITB; or
- II. if the Project is modified, suspended, or cancelled for any reason (including modification of the scope of the Project or modification of this ITB or both) or the City exercises any rights under this ITB; and

b) waives any and all Claims against the City or any of its employees, advisers, or representatives for loss of anticipated profits or loss of opportunity if no agreement is made between the City and the Bidder for any reason, including:

- I. if the City accepts a non-compliant Bid or otherwise breaches (including breach of material terms) the terms of this ITB; or
- II. If the Project is modified, suspended, or cancelled for any reason (including modification of the scope of the Project or modification of this ITB or both) or the City exercises any rights under this ITB.

NOTICE TO BIDDERS:

IN ACCORDANCE WITH THE ADVERTISED INVITATION TO BID, BIDDERS ARE DIRECTED TO WWW.ANACORTESWA.GOV TO ENSURE RECEIPT OF ENTIRE SOLICITATION.

Company Name: LARRY BROWN CONSTRUCTION INC

Email: chr1516@msn.com

Date: 7/16/19

Address of Bidder: PO Box 29960, Bellingham, WA 98228

Telephone No.: 360 966-7206

Labor and Industries Account No.: 800-722.00

AUTHORIZATION

I, Chris Brown, Chris Brown (sign and print name) authorize the above bid and I have the authority to enter into contracts on behalf of the business or other entity I represent.

NOTICE TO BIDDERS:

IN ACCORDANCE WITH THE ADVERTISED INVITATION TO BID, BIDDERS ARE DIRECTED TO WWW.ANACORTESWA.GOV TO ENSURE RECEIPT OF ENTIRE SOLICITATION.



Certification of Compliance with Wage Payment Statutes

The bidder hereby certifies that, within the three-year period immediately preceding the bid solicitation date (6/26/19), that the bidder is not a "willful" violator, as defined in RCW 49.48.082, of any provision of chapters 49.46, 49.48, or 49.52 RCW, as determined by a final and binding citation and notice of assessment issued by the Department of Labor and Industries or through a civil judgment entered by a court of limited or general jurisdiction.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

LARRY BROWN Const. etc.

Bidder

[Signature]

Signature of Authorized Official*

CHRIS BROWN

Printed Name

PRESIDENT

Title

7/16/19

Date

EVERSON

City

WA

State

Check One:

Individual ☐ Partnership ☐ Joint Venture ☐ Corporation ☒

State of Incorporation, or if not a corporation, State where business entity was formed:

WA

If a co-partnership, give firm name under which business is transacted:

** If a corporation, proposal must be executed in the corporate name by the president or vice-president (or any other corporate officer accompanied by evidence of authority to sign). If a co-partnership, proposal must be executed by a partner.*

NOTICE TO BIDDERS:

IN ACCORDANCE WITH THE ADVERTISED INVITATION TO BID, BIDDERS ARE DIRECTED TO WWW.ANACORTESWA.GOV TO ENSURE RECEIPT OF ENTIRE SOLICITATION.



City Council Contract Agenda Bill

Meeting Date: 7/22/2019 **Agenda Item:** 5d

Subject: Contract Modification – Sewer Cost of Service and Rate Design Study

Staff Contact: Fred Buckenmeyer

Approved for Submittal to Council by:
Darcy Swetnam, City Attorney

Action Type: Contract Modification

Summary Statement: City staff seeks Council consent to issue a contract modification to Financial Consulting Solutions Group, Inc. (FCS) in the amount of \$7,755.00, increasing the total contract price to \$77,255.00, to provide for the additional hours worked by the Consultant due to unexpected data challenges.

Background:

1. **Reason for Contract Change:** City staff requests additional budget authorization to cover the estimated cost of work completed, primarily due to unexpected data challenges, related to the Sewer Cost of Service & Rate Design Study. Those challenges are summarized below:
 - **Fixed Assets.** The fixed asset data for the sewer and water general facilities charges (GFC) update task took much more time to process and analyze than was expected. Data for each utility came in multiple files and sometimes multiple tabs in each file – with varying fields and formats. To properly perform the GFC update, the end product had to combine the various files and formats into a single schedule for each utility.
 - **Customer Data.** The customer data for the sewer utility took much more time to process than was originally anticipated. This data was required to perform the cost of service analysis and then was needed to model the rate design alternatives. The first step in this process is to perform a revenue reconciliation analysis which takes the customer data and applies the prevailing base rate and variable rates – comparing that calculated revenue to the amount actually collected in order to ensure we are working with a reasonable representation of the customer data.
 - o The first iteration found that 13 months' worth of data had been included instead of 12 months, which required a separate data download and subsequent analyses. In addition to this main download, other data exports had to be referenced and linked together in order to conduct the revenue reconciliation, including the following: average winter water use for all residential customers, SIC codes for all non SIC-1 customers, and another export to note with non-single family customers were duplex versus triplex accounts.
 - o Additionally, the billing export could not easily identify which customers were water-only customers, which required additional queries from the City in order to isolate customers that had received a sewer charge throughout the year so as not to include customers in the sewer revenue reconciliation that only had water services.
 - **Port of Anacortes.** The Consultant reviewed the interlocal agreement and related documents, and discussed ways to address issue with City staff on a conference call.
2. **History:** As discussed in the 2015 Sewer Comprehensive Plan (Plan), the City's sewer capital reserve is being used to fund capital projects. At the time the Plan was prepared, it was projected that without a rate increase the capital reserve balance would be completely used up by 2021. FCS is under contract with the City to perform a Sewer Utility Revenue Requirement and Cost of Service Study, and review and update the City's existing General Facilities Charges (GFCs).

3. Competitive Bidding: Per RCW 39.80 this engineering consultant was selected from the City's MRSC Architectural, Landscape Architectural, and Engineering Service Roster to provide a proposal for this scope of work, after which a price was negotiated.

Previous Council/Committee Action: City Council awarded the [original contract](#) on [6/25/18](#). [Modification 01](#) was approved on [9/17/18](#). [Modification 02](#) was a no-cost time extension and was fully executed on 12/14/18.

Competing Viewpoints Considered: N/A

Recommended Motion: I move that City Council authorize the Mayor to sign a contract modification with FCS under Contract 18-099-SEW-001, in the amount of \$7,755.00, increasing the total contract price to \$77,255.00.

Alternative Actions: N/A

Attachments: Contract 18-099-SEW-001 Modification 03

Consultant	Financial Consulting Solutions Group, Inc. (FCS)
Original Agreement Amount	\$53,400.00
Current Agreement Amount	\$53,400.00
Modification 1 approved 9/17/18	\$16,100.00
Modification 2 executed 12/14/18	\$0
Change Per this Modification	\$7,755.00
Total After Modification	\$77,255.00
Earmarked Funds	None
BARS #	440.712.535.00.41
Paid on Contract as of 7/12/19	\$62,027.19
Budget Amendment Required?	No
Start Date	Inception
End Date	12/31/19



Contract Number 18-099-SEW-001
MODIFICATION 03

Date July 23, 2019
Page 1 of 1 Pages

Project Title Sewer Cost of Service and Rate Design Study
Prime Contractor Financial Consulting Solutions Group, Inc. (FCS)

BACKGROUND

This modification increases the contract price due to unexpected data challenges which increased the Consultant's hours worked per task. Accordingly, the contract price will increase from \$69,500.00 by \$7,755.00 to \$77,255.00.

Accordingly, the following changes are incorporated under this contract:

Article 2. Price: Delete in its entirety and insert the following:

"The services provided under this Agreement shall be provided on a time-and-materials basis not-to-exceed **Seventy-Seven Thousand Two Hundred Fifty-Five Dollars (\$77,255.00)**. Payment terms are set forth under Article 4 Payment Terms."

Article 4. Payment Terms: Delete in its entirety and insert the following:

"Payment shall be on a time-and-materials basis not to exceed the Price stated under Article 2, Price. Payments shall be made in accordance with attached Exhibit A, Page 4 section entitled "Budget Estimate", Exhibit B, Page 2 section entitled "Budget Estimate", and Exhibit C, which are hereby incorporated into this Agreement by reference.

Other direct costs and Subconsultant costs shall be invoiced at actual costs."

All other terms of the contract remain unchanged.

CITY OF ANACORTES

**FINANCIAL CONSULTING SOLUTIONS
GROUP, INC**

By _____
Laurie Gere, Mayor

By _____
Signature

Date _____

Printed Name _____

Title _____

Date _____

Original Agreement Amount	<u>\$53,400.00</u>	Original Contract Completion Date	<u>12/31/18</u>
Current Agreement Amount	<u>\$69,500.00</u>	Current Contract Completion Date	<u>12/31/19</u>
Change Per this Modification	<u>\$7,755.00</u>	Net Change	<u>0 Days</u>
Total After Modification	<u>\$77,255.00</u>	Contract Completion Date After Change	<u>12/31/19</u>

COA CONTRACT 18-099-SEW-001

EXHIBIT C

City of Anacortes Amendment Request	Consultant Hours			Total Labor Hours	Budget
	Senior Program Manager Wilson \$210	Manager Aaker \$175	Analyst Levine \$130		
Hourly Billing Rates:					
Additional Time Spent on Fixed Assets	1	4	24	29	\$ 4,030
Additional Time Spent on Customer Data	1	6	16	23	\$ 3,340
Port of Anacortes - Review of Documents / Recommendation	1	1		2	\$ 385
Total Amendment Request					\$ 7,755
Existing Contract					\$ 69,500
Total Project Cost					\$ 77,255



City Council Contract Agenda Bill

Meeting Date: 7/22/2018 **Agenda Item:** 5e

Subject: Interlocal #232 Modification 04: Fiber Optics Project

Staff Contact: Fred Buckenmeyer

Approved for Submittal to Council by:
Darcy Swetnam, City Attorney

Action Type: Interlocal Amendment

Summary Statement: City staff seeks Council consent to issue an amendment to IL232 with Northwest Open Access Network (NoaNet) in the amount of \$36,610.00, for a total contract price of \$544,838.00, to include outside plant design and engineering into the scope of work for two pilot areas in the City's Municipal Fiber Network in the Old Town and M Avenue areas. The design and engineering work is to address that portion of the network beginning at the City Library and ending at the multi-port service terminals (MSTs) in each pilot area.

Background:

1. **Reason for Contract Change:** This proposed amendment adds to the Scope of Work that NoaNet will provide Outside Plant (OSP) fiber design and engineering services for deployment of fiber optic cables between the network core at the City Library and MSTs in the Old Town and M Avenue pilot areas for the City's Municipal Fiber Network. The Old Town pilot area is approximately that area lying between O and D Avenues on an east-west axis and 2nd through 11th Streets on a north-south axis. The M Avenue pilot area is approximately that area lying between K and M Avenues on an east-west axis and 24th through 32nd Streets on a north-south axis. This amendment will provide the design and engineering services for the remaining work to complete the project design. As customer orders are received, lateral fiber optic cables will be deployed from the MSTs to the customer premises.
2. **History:** Council previously approved the deployment of fiber optic network infrastructure in three pilot areas: the Central Business District (CBD), the Old Town area and an area along and slightly west of M Avenue. Council previously further approved a similar contract amendment under which NoaNet provided similar services for deployment of fiber optic cables in the Central Business District portion of the project.
3. **Key Terms:**
 - The work performed under this Agreement shall be performed on a time-and-materials (T&M) not-to-exceed basis with a contract increase of \$36,610.00 for a total of \$544,838.00.
4. **Competitive Bidding:** The City entered into an interlocal agreement with NoaNet per the Washington Interlocal Cooperation Act RCW 39.34 which permits public entities to cooperate with one another on the basis of mutual advantage to make the most efficient use of their powers.

Previous Council/Committee Action: The original [interlocal and contract](#) was awarded on [9/19/16](#). [Modification 01](#) was for additional hours for Phase 1 and 2 of the City's fiber optics communication project, as well as additional hours for construction inspectors and was approved on [10/9/17](#). [Modification 02](#) for the OPS fiber design, engineering, and construction management services of Phase 3 was approved on [6/4/18](#). [Modification 03](#) for engineering services for the CBD project was approved on [8/13/18](#). The concept of the fiber based municipal broadband system has been discussed multiple times over the last several years.

Competing Viewpoints Considered: N/A

Recommended Motion: I move that City Council authorize the Mayor to sign Modification 04 to Interlocal Agreement 232 with NoaNet, in the amount of \$36,610.00 increasing the total contract price to \$544,838.00.

Alternative Actions: Not approve the modification, cancel the project

Attachments: Modification 04

Contractor	NoaNet
Original Agreement Amount	\$175,000.00
Modification 1 approved 10/9/17	\$113,293.00
Modification 2 approved 6/4/18	\$198,880.00
Modification 3 approved 8/13/18	\$21,055.00
Current Agreement Amount	\$508,228.00
Change Per this Modification	\$36,610.00
Total After Modification	\$544,838.00
Earmarked Funds (2017, 2018, 2019)	\$4,720,000.00
BARS #s	440.000.594.35.63 401.000.594.34.63 001.260.532.10.41
Paid on Contract as of 7/16/19	\$385,247.40
Budget Amendment Required?	No
Start Date	Inception
End Date	9/22/2021



Interlocal 232 Modification 04

Date July 23, 2019
Page 1 of 1 Page

Project Description	City of Anacortes Fiber Optics Project
Prime Contractor	Northwest Open Access Network ("NOANET")

BACKGROUND

This amendment is to include outside plant design and engineering into the scope of work for two pilot areas for the City's Municipal Fiber Network, the Old Town and M Avenue areas. The design and engineering work is to address that portion of the network beginning at the City Library and ending at the multi-port service terminals in each pilot area. Accordingly, the contract price is increased from \$508,228.00 by \$36,610.00 to \$544,838.00.

Accordingly, the following change is incorporated under this contract:

3. NOANET's OBLIGATIONS, insert the following third paragraph:

"The work as described above is hereby amended per Modification 04. NOANET will provide OSP fiber design and engineering services for the deployment of the fiber optic system in two neighborhood pilot areas: (i) the Old Town pilot area which is generally bounded on the east by O Avenue, on the west by D Avenue, on the north by 3rd Street, and on the south by 11th Street; and (ii) the M Avenue pilot area which is generally bounded on the east by M Avenue, on the west by K Avenue, on the north by 24th Street, and on the south by 32nd Street. The OSP fiber design and engineering services shall address the portion of the passive optical network that begins at the City's Library and extends to multi-port service terminals distributed throughout each pilot area."

4. COMPENSATION, insert the following second paragraph:

"The work performed under this Agreement shall be performed on a time-and-materials (T&M) basis not-to-exceed **Five Hundred Forty-Four Thousand Eight Hundred Thirty-Eight Dollars (\$544,838.00)**. This includes the original contract price of \$175,000. The price of \$113,293.00 for Modification 01. The price of \$198,880.00 for Modification 02 as detailed in Exhibit C. The price of \$21,055.00 for Modification 03 as detailed in Exhibit D, and the price of \$36,610.00 for Modification 04 as detailed in Exhibit E. All Exhibits are attached hereto and incorporated by reference.

All other terms remain unchanged.

The parties acknowledge that there has been an opportunity to negotiate the terms and conditions of this Modification and agree to be bound accordingly.

CITY OF ANACORTES

By _____
Laurie Gere, Mayor

Date _____

NORTHWEST OPEN ACCESS NETWORK

By _____
David Spencer, CEO

Date _____

Original Agreement Amount	\$175,000.00
Current Agreement Amount	\$508,228.00
Change Per this Modification	\$ 36,610.00
Total After Modification	\$544,838.00

COA Interlocal 232

EXHIBIT E

	PM	GIS and ENG	Sr. Mgr	Dir	
Pilot Project 2.0 (11th St)	Hours	Hours	Hours	Hours	Total
Function	\$85	\$105	\$150	\$180	
Project Management	2		1		3
Design, Staking, Pole Data Collection		4	4		8
OSP Plans, Specs, and Bid Management			4		4
Network Design and Engineering		8			8
Network Implementation, Test and Turn Up					0
Construction Management and Close-Out		8	2		10
Total Estimated Hours	2	20	11	0	33
Total Estimated Expense	\$170	\$2,100	\$1,650	\$0	\$3,920

Pilot Project 2.0 (OldTown)	Hours	Hours	Hours	Hours	Total
Function	\$85	\$105	\$150	\$180	
Project Management	4		3	2	9
Design, Staking, Pole Data Collection		48	2		50
OSP Plans, Specs, and Bid Management		5	2		7
Network Design and Engineering		3			3
Network Implementation, Test and Turn Up					0
Construction Management and Close-Out		16	4		20
Total Estimated Hours	4	72	11	2	89
Total Estimated Expense	\$340	\$7,560	\$1,650	\$360	\$9,910

Island View East (M Ave from 24th St to 32nd)	Hours	Hours	Hours	Hours	Total
Function	\$85	\$105	\$150	\$180	
Project Management	4		8	2	14
Design, Staking, Pole Data Collection		120	4		124
OSP Plans, Specs, and Bid Management		16	4		20
Network Design and Engineering		8			8
Network Implementation, Test and Turn Up					0
Construction Management and Close-Out		32	8		40
Total Estimated Hours	4	176	24	2	206
Total Estimated Expense	\$340	\$18,480	\$3,600	\$360	\$22,780



City Council Contract Agenda Bill

Meeting Date: 7/22/2019 **Agenda Item:** 5f

Subject: Contract Award – PSE Lighting Orders for SR20 & Ship Harbor RAB #19-123-ENG-001/002

Staff Contact: Fred Buckenmeyer

Approved for Submittal to Council by:
Darcy Swetnam, City Attorney

Action Type: Contract Award

Summary Statement: City staff seeks City Council approval to execute contract #19-123-ENG-001 in the amount of \$48,953.74 and contract #19-123-ENG-002 in the amount of \$40,946.11 with Puget Sound Energy (PSE) to perform the Custom Street Lighting Orders for the SR 20 & Ship Harbor Roundabout (RAB) Project. The work provides for the installation and change out of street light polls and fixtures that will be required for the future RAB.

Background:

1. **History:** The City currently has Reichhardt & Ebe Engineering, Inc. on contract for the design and engineering of the SR20 & Ship Harbor intersection improvements and has a goal of beginning construction in September 2019. Because of the planned intersection improvements, existing street lights will need to be moved and new lights installed. There is currently an estimated 12 week wait time for the manufacture of street lighting materials so City staff would like to move forward with the execution of these lighting orders before construction begins.
2. **Key Terms:**
 - Contract 19-123-ENG-001 has an installation charge of \$39,374.14 and a monthly charge of \$53.22 with a 15 year term, for a total contract amount of \$48,953.74.
 - Contract 19-123-ENG-002 has an installation charge of \$17,267.11 and a monthly charge of \$78.93 with a 25 year term, for a total contract amount of \$40,946.11.

Previous Council/Committee Action: The City executed a no-cost Master Lighting Services Agreement #[18-063-IDS-001](#) with PSE on 4/2/18, under which these Custom Street Lighting Orders would be issued.

Competing Viewpoints Considered: N/A

Recommended Motion: I move that City Council authorize the Mayor to sign contract #19-123-ENG-001 in the amount of \$48,953.74 and contract #19-123-ENG-002 in the amount of \$40,946.11 with Puget Sound Energy (PSE) to perform the Custom Street Lighting Orders for the SR 20 & Ship Harbor Roundabout (RAB) Project.

Alternative Actions: Not award the contracts and risk significant project delays

Attachments: 19-123-ENG-001, 19-123-ENG-002

Contractor	Puget Sound Energy
Contract Amount	\$89,899.85
Earmarked Funds	\$1,400,000.00
BARS #	105.720.595.30.63 (for installation costs)
Budget Amendment Required?	Yes, move funds from 2020 to 2019 at Mid Biennial Review
Revenue Source?	Grant, Reet, Impact fees

EXHIBIT A**Form of Custom Street Lighting Order**

PROJECT NAME: SR20 & Ship Harbor RAB

Order #: 105089190

LOCATION: SR20 & Ship Harbor Blvd, Anacortes, Wa

CUSTOM STREET LIGHTING ORDER – SCHEDULE 51

This Custom Street Lighting Order (this “Order”), dated June 12, 2019, is made and entered into by and between PUGET SOUND ENERGY, INC. (“PSE”) and City of Anacortes (“Customer”) (each a “Party,” and collectively the “Parties”) under and pursuant to the terms of that certain Master Lighting Services Agreement No. 018, dated 4/2/2018, between the Parties (the “Agreement”). This Order covers certain Lighting and Construction Services authorized by this Order and is, along with the associated Schedule, incorporated into and made a part of the Agreement. Unless specifically defined otherwise herein, terms used in this Order with initial letters capitalized have the meanings given them in the Agreement. The Parties agree as follows:

ASSOCIATED SCHEDULE:

This Order is also entered into between the Parties in accordance with PSE’s Schedule 51, Electric Tariff G, and any future modifications of or changes to such Schedule as may be approved by the WUTC.

LIGHTING SERVICES DESCRIPTION:

The installation charge of the listed lighting units was estimated to be \$36,933.94.

Description:

SL4 install 1) 71W LED at grid 455340-155581 CHFL T3 on a steel 40' pole on an 8' arm. SL5 install 1) 111W LED at grid 455345-155580 CHFL T3 on a steel 40' pole on an 8' arm. SL10 install 1) 111W LED CHFL T3 at grid 455324-155588 on a 40' steel pole on an 8' arm. SL11 install 1) at grid 455324-155588 CHFL T2 on a 40' steel pole on a 8' arm.

CONSTRUCTION SERVICES DESCRIPTION:

Developer to provide all trenching, conduit with pull string and sonotubes. Stub up conduit and new handhole locations. Install 6'x24' street light tubes at SL4, SL5, SL9, SL10, SL11.

CNC to pour concrete bases for new street light locations at SL4, SL5, SL9, SL10, SL11.

PSE will install/changeout street light fixtures accordingly

At SL7 install approx 220' span of #4 DPX from SL7 to SL8

At EH1 deenergize handhole and change out existing fiberglass handhole to 11"x22" #10-350 4 pos comp HH.

At HH1, HH2, HH3 install new fiberglass 13"x24" #12-350 4 pos handholes

At PO1 install approx 150' span of #4 DPX from PO1 to SL2

install 2" secondary riser, connect conduit and wire to HH!

At R1 deenergize street light R1 from EH1, pull wire or abandon, remove existing 25' concrete pole and 400W HPS CHFL and 6' arm

At SL4, SL5, SL9, SL10, SL11 install 40' MH steel pole with 71W LED Type 3 CHFL and 8' arm.

BILLING:

Billing under this Order will be in accordance with the terms and conditions contained in the terms & conditions of Schedule 51, Electric Tariff G, and the Agreement, and any future modifications of or changes to such Schedule as may be approved by the WUTC.

The basis of the monthly energy charge for the Lighting Services as currently constituted under Rate Schedule 51 is as follows:

Monthly facilities cost is equal to the Value of the System (VOS) x facilities rate. VOS is the estimated installation cost less applicable taxes. Monthly energy cost is equal to the energy rate x number of Units. Energy rate is determined by wattage of unit as currently constituted under the rate schedule.

Value of System: \$ 33,360.98 Facilities Rate: .074

Units and Wattage breakdown:

2) 111W @ \$3.48

2) 71W @ \$2.48

The total monthly charge for this installation is as follows:

Monthly facilities charge	\$24.69
Monthly energy charge	\$11.92
Total monthly charge:	\$36.61

For Construction Services and Costs, these costs will be billed as follows:

Upon completion of the Construction Services, PSE shall provide the Customer with an invoice for the Construction Costs incurred by PSE. Customer shall remit payment to PSE for the Construction Costs within thirty (30) days of receiving the invoice.

SERVICE TERM/REMOVAL AND SALVAGE COSTS:

Service under this Order is effective for a minimum of fifteen (15) years from the date of this Order (the "Base Term") unless earlier terminated as provided for in the Agreement. If this Order is terminated for any reason during the Base Term, the Customer shall be responsible for all costs of removal of any Facilities associated with the Services, as well as any costs associated with PSE's efforts to salvage the removed Facilities, as set forth in the applicable Schedule. After the expiration of the Base Term, this Order shall continue on a year-to-year basis until terminated by either Party upon at least one (1) year's notice in writing (each, an "Extended Term" and, together with the Base Term, the "Term") unless earlier terminated as provided for elsewhere in this Agreement. The Term may be adjusted by PSE in writing for existing systems purchased by PSE, based on the estimated remaining life and purchase price. If this Order is terminated during any Extended Term, the Customer shall not be responsible for the costs of removal of any Facilities associated with the Services, or any costs associated with PSE's efforts to salvage the removed Facilities.

ADDITIONAL TERMS:

1. To transfer the energy and maintenance monthly billing, the new billing party must contact PSE in writing.
2. Non-standard facilities are not kept in PSE inventory for the purpose of maintenance; therefore replacement of non-standard components may not be within the same time as replacement of standard components.

Are non-standard components included in this Order? Yes ☒ No ☐

3. The monthly billing party for the energy and maintenance will be: **City of Anacortes**

This Order, executed by Customer's duly authorized representative as of the date first written above, is for the Lighting Services described above delivered under PSE's Schedule 51.

Customer: **City of Anacortes**

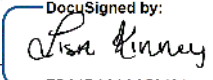
Signature: _____

Date: _____

Printed Name: Laurie Gere

Title: Mayor

Company: **Puget Sound Energy, Inc.**

Signature: _____
 _____

Date: 6/12/2019

Printed Name: Lisa Kinney

Title: Account Sales manager



EXHIBIT A

Form of Custom Street Lighting Order

PROJECT NAME: SR20 & Ship Harbor RAB

Order #: 101118902

LOCATION: SR20 & Ship Harbor Blvd, Anacortes, Wa

CUSTOM STREET LIGHTING ORDER – SCHEDULE 51

This Custom Street Lighting Order (this “Order”), dated June 12, 2019, is made and entered into by and between PUGET SOUND ENERGY, INC. (“PSE”) and City of Anacortes (“Customer”) (each a “Party,” and collectively the “Parties”) under and pursuant to the terms of that certain Master Lighting Services Agreement No. 018, dated 4/2/2018, between the Parties (the “Agreement”). This Order covers certain Lighting and Construction Services authorized by this Order and is, along with the associated Schedule, incorporated into and made a part of the Agreement. Unless specifically defined otherwise herein, terms used in this Order with initial letters capitalized have the meanings given them in the Agreement. The Parties agree as follows:

ASSOCIATED SCHEDULE:

This Order is also entered into between the Parties in accordance with PSE’s Schedule 51, Electric Tariff G, and any future modifications of or changes to such Schedule as may be approved by the WUTC.

LIGHTING SERVICES DESCRIPTION:

The installation charge of the listed lighting units was estimated to be \$2,440.20.

Description:

SL3 change out to 1) 111W LED at grid 455322-155569 CHFL T3 on a steel 40' pole on an 8' arm. SL6 change out to 1) 711W LED at grid 4553444-155584 CHFL T3 on a steel 40' pole on an 8' arm.

CONSTRUCTION SERVICES DESCRIPTION:

Developer to provide all trenching, conduit with pull string and sonotubes. Stub up conduit and new handhole locations. Install 6'x24' street light tubes at SL4, SL5, SL9, SL10, SL11.

CNC to pour concrete bases for new street light locations at SL4, SL5, SL9, SL10, SL11.

PSE will install/changeout street light fixtures accordingly

At SL7 install approx 220' span of #4 DPX from SL7 to SL8

At EH1 deenergize handhole and change out existing fiberglass handhole to 11"x22" #10-350 4 pos comp HH.

At HH1, HH2, HH3 install new fiberglass 13"x24" #12-350 4 pos handholes

At PO1 install approx 150' span of #4 DPX from PO1 to SL2

install 2" secondary riser, connect conduit and wire to HH!

At R1 deenergize street light R1 from EH1, pull wire or abandon, remove existing 25' concrete pole and 400W HPS CHFL and 6' arm

At SL4, SL5, SL9, SL10, SL11 install 40' MH steel pole with 71W LED Type 3 CHFL and 8' arm.

BILLING:

Billing under this Order will be in accordance with the terms and conditions contained in the terms & conditions of Schedule 51, Electric Tariff G, and the Agreement, and any future modifications of or changes to such Schedule as may be approved by the WUTC.

The basis of the monthly energy charge for the Lighting Services as currently constituted under Rate Schedule 51 is as follows:

Monthly facilities cost is equal to the Value of the System (VOS) x facilities rate. VOS is the estimated installation cost less applicable taxes. Monthly energy cost is equal to the energy rate x number of Units. Energy rate is determined by wattage of unit as currently constituted under the rate schedule.

Value of System: \$ 14,388.11 Facilities Rate: .074

Units and Wattage breakdown:

1) 111W @ \$3.48

1) 71W @ \$2.48

The total monthly charge for this installation is as follows:

Monthly facilities charge	\$10.65
Monthly energy charge	\$5.96
Total monthly charge:	\$16.61

For Construction Services and Costs, these costs will be billed as follows:

Upon completion of the Construction Services, PSE shall provide the Customer with an invoice for the Construction Costs incurred by PSE. Customer shall remit payment to PSE for the Construction Costs within thirty (30) days of receiving the invoice.

SERVICE TERM/REMOVAL AND SALVAGE COSTS:

Service under this Order is effective for a minimum of fifteen (15) years from the date of this Order (the "Base Term") unless earlier terminated as provided for in the Agreement. If this Order is terminated for any reason during the Base Term, the Customer shall be responsible for all costs of removal of any Facilities associated with the Services, as well as any costs associated with PSE's efforts to salvage the removed Facilities, as set forth in the applicable Schedule. After the expiration of the Base Term, this Order shall continue on a year-to-year basis until terminated by either Party upon at least one (1) year's notice in writing (each, an "Extended Term" and, together with the Base Term, the "Term") unless earlier terminated as provided for elsewhere in this Agreement. The Term may be adjusted by PSE in writing for existing systems purchased by PSE, based on the estimated remaining life and purchase price. If this Order is terminated during any Extended Term, the Customer shall not be responsible for the costs of removal of any Facilities associated with the Services, or any costs associated with PSE's efforts to salvage the removed Facilities.

ADDITIONAL TERMS:

1. To transfer the energy and maintenance monthly billing, the new billing party must contact PSE in writing.

2. Non-standard facilities are not kept in PSE inventory for the purpose of maintenance; therefore replacement of non-standard components may not be within the same time as replacement of standard components.

Are non-standard components included in this Order? Yes ☒ No ☐

3. The monthly billing party for the energy and maintenance will be: City of Anacortes

This Order, executed by Customer's duly authorized representative as of the date first written above, is for the Lighting Services described above delivered under PSE's Schedule 51.

Customer: City of Anacortes

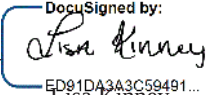
Signature: _____

Date: _____

Printed Name: _____ Laurie Gere

Title: _____ Mayor

Company: **Puget Sound Energy, Inc.**

Signature: _____  _____

Date: 6/12/2019

Printed Name: _____ Lisa Kinney

Title: _____ Account Sales manager

**EXHIBIT A****Form of Custom Street Lighting Order**

PROJECT NAME: **SR20 & Ship Harbor RAB**
 LOCATION: **SR20 & Ship Harbor Blvd, Anacortes, Wa**

Order #: 105089190/101118902

CUSTOM STREET LIGHTING ORDER – SCHEDULE 53

This Custom Street Lighting Order (this “Order”), dated **June 11, 2019**, is made and entered into by and between PUGET SOUND ENERGY, INC. (“PSE”) and **City of Anacortes** (“Customer”) (each a “Party,” and collectively the “Parties”) under and pursuant to the terms of that certain Master Lighting Services Agreement No. 0018, dated **April 2, 2018**, between the Parties (the “Agreement”). This Order covers certain Lighting and Construction Services authorized by this Order and is, along with the associated Schedule, incorporated into and made a part of the Agreement. Unless specifically defined otherwise herein, terms used in this Order with initial letters capitalized have the meanings given them in the Agreement. The Parties agree as follows:

ASSOCIATED SCHEDULE:

This Order is also entered into between the Parties in accordance with PSE’s Schedule 53, Electric Tariff G, and any future modifications of or changes to such Schedule as may be approved by the WUTC.

LIGHTING SERVICES DESCRIPTION:

The installation charge of the listed lighting units was estimated to be **\$17,267.11**.

Description:

SL1 455315-155548 wood pole change out to 111W LED CHFL T3 at 20' MH on an 8' arm, SL2 455325-155563 wood pole install 174W LED CHFL T3 at 20' MH on an 8' arm, SL3 455322-155569 steel pole change out to 111W LED CHFL T3 at 40' MH on an 8' arm. SL7 455346-155595 change out to 111W LED CHFL T3 on wood pole 20' MH on an 8' arm. SL8 455359-155614 install 111W LED CHFL T3 on a wood pole 20' MH on an 8' arm. SL9 455327-155577 steel pole change out to 71W LED CHFL T3 at 40' MH on an 8' arm. SL12 455312-155589 concrete pole change out to 111W LED CHFL T3 25' MH on an 8' arm.

Remove at SL1 133W LED CHFL, SL7 54W LED CHFL, SL12 43W LED CHFL, R1 133W LED CHFL

CONSTRUCTION SERVICES DESCRIPTION:

Developer to provide all trenching, conduit with pull string and sonotubes. Stub up conduit and new handhole locations. Install 6"x24" street light tubes at SL4, SL5, SL9, SL10, SL11.

CNC to pour concrete bases for new street light locations at SL4, SL5, SL9, SL10, SL11.

PSE will install/changeout street light fixtures accordingly

At SL7 install approx 220' span of #4 DPX from SL7 to SL8

At EH1 deenergize handhole and change out existing fiberglass handhole to 11"x22" #10-350 4 pos comp HH.

At HH1, HH2, HH3 install new fiberglass 13"x24" #12-350 4 pos handholes

At PO1 install approx 150' span of #4 DPX from PO1 to SL2

install 2" secondary riser, connect conduit and wire to HH!

At R1 deenergize street light R1 from EH1, pull wire or abandon, remove existing 25' concrete pole and 400W HPS CHFL and 6' arm

At SL4, SL5, SL9, SL10, SL11 install 40' MH steel pole with 71W LED Type 3 CHFL and 8' arm.

BILLING:

Billing under this Order will be in accordance with the terms and conditions contained in the terms & conditions of Schedule 53, Electric Tariff G, and the Agreement, and any future modifications of or changes to such Schedule as may be approved by the WUTC.

The basis of the monthly energy charge for the Lighting Services as currently constituted under Rate Schedule 53 is as follows:

Units and Wattage breakdown:

- 4) 111W LED @ \$12.97 ea
- 1) 174W LED @ \$15.24 ea
- 1) 71W LED @ \$11.81 ea

The total monthly charge for this installation is as follows:

Total monthly charge: \$78.93

For Construction Services and Costs, these costs will be billed as follows:

Upon completion of the Construction Services, PSE shall provide the Customer with an invoice for the Construction Costs incurred by PSE. Customer shall remit payment to PSE for the Construction Costs within thirty (30) days of receiving the invoice.

SERVICE TERM/REMOVAL AND SALVAGE COSTS:

Service under this Order is effective for a minimum of twenty five (25) years from the date of this Order (the "Base Term") unless earlier terminated as provided for in the Agreement. If this Order is terminated for any reason during the Base Term, the Customer shall be responsible for all costs of removal of any Facilities associated with the Services, as well as any costs associated with PSE's efforts to salvage the removed Facilities, as set forth in the applicable Schedule. After the expiration of the Base Term, this Order shall continue on a year-to-year basis until terminated by either Party upon at least one (1) year's notice in writing (each, an "Extended Term" and, together with the Base Term, the "Term") unless earlier terminated as provided for elsewhere in this Agreement. The Term may be adjusted by PSE in writing for existing systems purchased by PSE, based on the estimated remaining life and purchase price. If this Order is terminated during any Extended Term, the Customer shall not be responsible for the costs of removal of any Facilities associated with the Services, or any costs associated with PSE's efforts to salvage the removed Facilities.

ADDITIONAL TERMS:

1. To transfer the energy and maintenance monthly billing, the new billing party must contact PSE in writing.
2. Non-standard facilities are not kept in PSE inventory for the purpose of maintenance; therefore replacement of non-standard components may not be within the same time as replacement of standard components.

Are non-standard components included in this Order? Yes ☒ No ☐

3. The monthly billing party for the energy and maintenance will be: **City of Anacortes**

This Order, executed by Customer's duly authorized representative as of the date first written above, is for the Lighting Services described above delivered under PSE's Schedule 53.

Customer: **City of Anacortes**

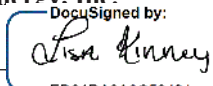
Signature: _____

Date: _____

Printed Name: Laurie Gene

Title: Mayor

Company: **Puget Sound Energy, Inc.**

Signature: _____
 _____

Date: 6/12/2019

Printed Name: Lisa Kinney

Title: Account Sales manager



City Council Agenda Bill

Meeting Date: 7/22/2019

Agenda Item: 5g

Subject: Noise variance approval – 2019 Asphalt Overlay – Commercial Avenue - Fidalgo Ave to SR20

Staff Contact: Tim Hohmann, Project Manager

Approved for Submittal to Council by	
	Laurie Gere, Mayor
x	Don Measamer, PCED Director

Action Type	
	Ordinance No.
	Resolution No.
	Public Hearing
	Possible Action
	Staff Report
	Discussion

Summary Statement: As part of the City's 2019 Asphalt Overlay Project, Commercial Avenue between SR20 Spur and Fidalgo Avenue will be resurfaced. The contractor, Lakeside Industries, has requested extended work hours for this part of the project to allow for fewer impacts to traffic during night and early morning hours. The contractor is requesting 24-hour a day work hours for up to 10 possibly non-consecutive days within the total 30 working day contract.

WAC 173-60-040 limits maximum permissible environmental noise levels based on the environmental designation for noise abatement (EDNA) zones. Temporary construction activities are generally exempt under WAC 173-60-050 except insofar as provisions relate to the reception of noise within residential EDNAs between 10pm and 7am. The subject area has residential uses on both sides of Commercial Ave. Variances may be granted under [WAC 173-60-080](#), if findings are made that immediate compliance with such requirement cannot be achieved because of special circumstances rendering immediate compliance unreasonable in light of economic or physical factors, encroachment upon an existing noise source, or because of nonavailability of feasible technology or control methods.

Compliance with the noise restrictions in WAC 173-60-040 is unreasonable in light of economic and physical factors outlined in the attached memo, which also includes mitigation measures to limit impacts to neighboring residences.

Background: N/A

Previous CC Action: City Council approved the 2019 Asphalt Overlay Project under contract PW19-004-TRN-003.

Competing Viewpoints Considered: N/A

Recommended Action: Approve the noise variance request based on a finding that immediate compliance with the noise limits between the hours of 10pm and 7am cannot be achieved in light of economic and physical factors.

Attachments (listed in order presented):

Memo from Tim Hohmann, Project Manager



ANACORTES PUBLIC WORKS DEPARTMENT

Tim Hohmann, Engineering Technician
CITY OF ANACORTES, P O BOX 547, ANACORTES WA 98221
timh@cityofanacortes.org
Office: (360) 588-8068
Mobile: (360) 770-9221

M E M O R A N D U M

Date: July 17, 2019

To: Planning Department

Subject: 2019 Asphalt Overlay Project (PW19-004-TRN-003)
24-hour Work Hour Request – Commercial Avenue portion

The 2019 Asphalt Overlay Project is an asphalt resurfacing project being performed by the City of Anacortes Public Works Department as a part of the City's asphalt preservation program. The project involves three separate areas of work. The areas of work are as follows:

- Commercial Avenue – SR 20 to Fidalgo Avenue
- M Avenue – 32nd Street to 35th Street
- 29th, 30th, 31st, and 32nd Streets – West of D Avenue

The contractor, Lakeside Industries, has requested extended work hours for the portion of the project on Commercial Avenue. The contractor is requesting 24-hour a day work hours on this portion of the project to allow for fewer impacts to traffic during night and early morning hours. The contractor is requesting up to ten (10) possibly non-consecutive days of extended work hours within the total 30 working day contract.

The contractor intends generally to begin work on the Commercial Avenue portion of this project at approximately 4:00 AM. However extended work hours will allow flexibility of schedule due to weather and other factors.

There are multiple benefits to the public for this request. There will be less traffic at during night and early morning hours. This will cause fewer impacts to the Commercial Avenue roundabout and SR 20 due to reduced traffic at these hours. There are extensive residential neighborhoods that access either directly to dead end cul-de-sacs off this stretch of Commercial Avenue or that will require significant detours around the work zone. Additionally, a commercial business, The Store in Anacortes, exists adjacent to the project with limited alternative access options. Extended work hours will allow for adjacent construction to occur outside of business hours.

Construction activities occurring within this portion of the project include pavement repair, excavation, pavement grinding, asphalt paving, and utility adjustment. The equipment to be used for this project includes, but may not be limited to the following:
Asphalt Grinders, Dump Trucks, HMA Pavers, Saw Cutters, excavators, Flat Bed Trucks, Jackhammers and miscellaneous hand tools.

Measures to mitigate extended hour noise impacts to neighboring residences include:

1. All contractor's equipment shall be fitted with "white sound" backup alarms instead of beeping alarms.
2. Truck tailgate banging shall be prohibited. All truck tailgates shall be secured to prevent excessive noise from banging.
3. All trucks performing export haul shall have well maintained bed liners.
4. Construction and stationary equipment, such as light plants, generators, compressors, and jackhammers shall utilize WSDOT approved noise mitigation shields, noise blankets, skirts, or other means available as approved by the Engineer.
5. The Public Works Department will notify residents, within one block of the project corridor, of nighttime work activities in advance of the proposed nighttime construction work.
6. A copy of the noise exemption shall be kept on the project site at all times.

Thanks,



Tim Hohmann
Project Manager

cc: Eric Shjarback, Fred Buckenmeyer

Commercial Ave Re-Paving





City Council Agenda Bill

Meeting Date: 7/22/2019 **Agenda Item:** 7a

Subject: Amendments to Anacortes Municipal Code (AMC) Chapter 18.04, State Environmental Policy Act (SEPA)

Staff Contact: Don Measamer

Approved for Submittal to Planning Commission by	
	Laurie Gere, Mayor
	Steve Hoglund, Finance Director
X	Darcy Swetnam, City Attorney
X	Don Measamer, Planning Director

Action Type	
X	Ordinance No. 3046
X	Code Revision?
	Resolution No.
	Contract
	Public Hearing
	Staff Report

Summary Statement: Amendments proposed to AMC Chapter 18.04 to remove outdated Washington Administrative Code (WAC) citations and adding a new section 18.04.120 C clarifying when exemptions to SEPA apply consistent with WAC 197-11.

Background: The proposed amendments remove outdated WAC citations, grammatical changes,(plain language), and adds a new section 18.04.120 C to clarify SEPA Categorical Exemptions do not apply to minor new construction in the R1 Use Zone when the project is undertaken wholly or partly on lands covered by water (wetlands or streams) and their buffers, WAC 197.11.908. This would require the submittal of a SEPA checklist; comment period and review for projects in the R1 use zone that fit the criteria of having wetlands, streams and or their buffers on site. Minor new construction would include single family residences, multifamily residences, agricultural structures, garages, storage buildings over 144 sf, grade and fill and short plats. The Planning Commission recommended approval of the proposed amendments as presented by staff at its July 10, 2019 meeting.

Budget Impact	
Amount Budgeted	
Budget Account (BARS)	
Proposed Expenditure	
Budget Amendment Required?	
Revenue Source	

Proposed Contract	
Contractor	
Amount	
Start Date	
End Date	

Previous Council/Committee Action: N/A

Competing Viewpoints Considered: Washington Stat Administrative Code.

Recommended Motion: I move to approve Ordinance 3046 regarding proposed amendments to chapter 18.04 as presented by city staff.

Alternative Actions: Incorporate changes as directed

Attachments (listed in order presented)

Attachment A: Chapter 18.04 Clean Version

Attachment B: Chapter 18.04 Strikethrough/Underline Highlight Version

Attachment C: Planning Commission Draft minutes of June 10, 2019

Attachment D: Planning Commission findings of fact/recorded motion AMC Chapter 18.04 Amendments.

Attachment E: Ordinance 3046

Chapter 18.04
STATE ENVIRONMENTAL POLICY ACT

Sections:

Article I. Authority

- 18.04.010 Authority.**
- 18.04.020 Policies, authority and adoption by reference.**
- 18.04.030 SEPA rules—Adoption by reference.**

Article II. General Requirements

- 18.04.040 Purpose of this article and adoption by reference.**
- 18.04.050 Additional definitions.**
- 18.04.060 Designation of responsible official.**
- 18.04.070 Lead agency determination and responsibilities.**
- 18.04.080 Transfer of lead agency status to a state agency.**
- 18.04.090 Additional considerations in time limits applicable to the SEPA process.**
- 18.04.100 Additional timing considerations.**

Article III. Categorical Exemptions and Threshold Determinations

- 18.04.110 Purpose of this article and adoption by reference.**
- 18.04.115 Environmentally sensitive area designated.**
- 18.04.120 Flexible thresholds for categorical exemptions.**
- 18.04.130 Use of exemptions.**
- 18.04.140 Environmental checklist.**
- 18.04.150 Mitigated DNS.**

Article IV. Environmental Impact Statement (EIS)

- 18.04.160 Purpose of this article and adoption by reference.**
- 18.04.170 Preparation of EIS—Additional considerations.**
- 18.04.180 Additional elements to be covered in an EIS.**

Article V. Commenting

- 18.04.190 Adoption by reference.**
- 18.04.200 Public notice.**

18.04.210 **Designation of official to perform consulted agency responsibilities for the city.**

Article VI. Using Existing Environmental Documents

18.04.220 **Purpose of this article and adoption by reference.**

Article VII. SEPA and Agency Decisions

18.04.230 **Purpose of this article and adoption by reference.**

18.04.240 **Substantive authority.**

18.04.250 **Appeals.**

18.04.260 **Notice/statute of limitations.**

Article VIII. Definitions

18.04.270 **Purpose of this article and adoption by reference.**

Article IX. Categorical Exemptions

18.04.280 **Adoption by reference.**

Article X. Agency Compliance

18.04.290 **Purpose of this article and adoption by reference.**

18.04.300 **Critical areas.**

18.04.310 **Fees.**

18.04.320 **Effective date.**

18.04.330 **Severability.**

Article XI. Forms

18.04.340 **Adoption by reference.**

Article I. Authority

18.04.010 **Authority.**

The city adopts the ordinance codified in this chapter under the State Environmental Policy Act (SEPA), RCW [43.21C.120](#), and the SEPA rules, WAC [197-11-904](#).

This ordinance contains this city's SEPA procedures and policies.

The SEPA rules, Chapter 197-11-WAC, must be used in conjunction with this chapter.

18.04.020 Policies, authority and adoption by reference.

A. The city adopts by reference the policies of the State Environmental Policy Act as expressed in RCW [43.21C.020](#).

B. The city possesses the authority and the basic policy discretion to deny or condition actions so as to mitigate or prevent adverse environmental impacts. This authority applies to all city activities including actions as defined in this chapter, as well as activities which are categorically exempt or excluded from the definition of action, whether or not such activities are considered to be ministerial in nature.

18.04.030 SEPA rules—Adoption by reference.

That certain document, a copy of which is on file in the office of the city clerk-treasurer, being designated "SEPA Rules" adopted by the Washington State Department of Ecology, is adopted by this reference.

Article II. General Requirements

18.04.040 Purpose of this article and adoption by reference.

This article contains the basic requirements that apply to the SEPA process. The city of Anacortes ("city") adopts the following sections of Chapter [197-11](#) of the Washington Administrative Code by reference:

WAC

[197-11-040](#) Definitions

[197-11-050](#) Lead agency

- [197-11-060](#) Content of environmental review
- [197-11-070](#) Limitations on actions during SEPA process
- [197-11-080](#) Incomplete or unavailable information
- [197-11-090](#) Supporting documents
- [197-11-100](#) Information required of applicants
- [197-11-158](#) GMA project review—Reliance on existing plans, laws, and regulations
- [197-11-210](#) SEPA/GMA integration
- [197-11-220](#) SEPA/GMA definitions
- [197-11-228](#) Overall SEPA/GMA integration procedures
- [197-11-230](#) Timing of an integrated GMA/SEPA process
- [197-11-232](#) SEPA/GMA integration procedures for preliminary planning, environmental analysis, and expanded scoping
- [197-11-235](#) Documents
- [197-11-238](#) Monitoring
- [197-11-250](#) SEPA/Model Toxics Control Act Integration
- [197-11-253](#) SEPA lead agency for MTCA actions
- [197-11-256](#) Preliminary evaluation
- [197-11-259](#) Determination of nonsignificance for MTCA remedial actions
- [197-11-262](#) Determination of significance and EIS
- [197-11-265](#) Early scoping for MTCA remedial actions
- [197-11-268](#) MTCA interim actions

18.04.050 Additional definitions.

In addition to those definitions contained within WAC [197-11-700](#) through [197-11-799](#) and [197-11-220](#), when used in this chapter, the following terms have the following meanings, unless the context indicates otherwise:

- A. “Department” means any division, subdivision or organizational unit of the city/county established by ordinance, rule, or order.
- B. “SEPA rules” means Chapter [197-11](#) WAC adopted by the Department of Ecology.
- C. “Ordinance” means the ordinance, resolution, or other procedure used by the city to adopt regulatory requirements.
- D. “Early notice” means the city’s response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant’s proposal (Mitigated Determination of Nonsignificance (MDNS) procedures).

18.04.060 Designation of responsible official.

- A. For those proposals for which the city is the lead agency, the responsible official **will** be the city director of planning and community development.
- B. For all proposals for which the city is the lead agency, the responsible official **must** make the threshold determination, supervise scoping and preparation of any required environmental impact statement (EIS), and perform any other functions assigned to the “lead agency” or “responsible official” by those sections of the SEPA rules that were adopted by reference in WAC [173-806-020](#).
- C. The city **must** retain all documents required by the SEPA rules (Chapter [197-11](#) WAC) and make them available in accordance with Chapter [42.17](#) RCW.

18.04.070 Lead agency determination and responsibilities.

- A. The department within the city receiving an application for or initiating a proposal that involves a nonexempt action **must** determine the lead agency for that proposal under WAC

[197-11-050](#), [197-11-253](#), and [197-11-922](#) through [197-11-940](#); unless the lead agency has been previously determined or the department is aware that another department or agency is in the process of determining the lead agency.

B. When the city is the lead agency for a proposal, the department receiving the application **must** determine the responsible official who **must** supervise compliance with the threshold determination requirements, and if an EIS is necessary, **must** supervise preparation of the EIS.

C. When the city is not the lead agency for a proposal, all departments of the city **must** use and consider, as appropriate, either the DNS or the final EIS of the lead agency in making decisions on the proposal. No city department **will** prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency, unless required under WAC [197-11-600](#). In some cases, the city may conduct supplemental environmental review under WAC [197-11-600](#).

D. If the city or any of its departments receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC [197-11-253](#) or [197-11-922](#) through [197-11-940](#), it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within fifteen days of receipt of the determination, or the city must petition the Department of Ecology for a lead agency determination under WAC [197-11-946](#) within the fifteen-day time period. Any such petition on behalf of the city may be initiated by the responsible official.

E. Departments of the city are authorized to make agreements as to lead agency status or shared lead agency duties for a proposal under WAC [197-11-942](#) and [197-11-944](#): Provided, that the responsible official and any department that will incur responsibilities as the result of such agreement approve the agreement.

F. Any department making a lead agency determination for a private project **must** require sufficient information from the applicant to identify which other agencies have jurisdiction over the proposal (That is: Which agencies require nonexempt licenses?).

G. When the city is lead agency for a MTCA remedial action, the department of ecology **must** be provided an opportunity under WAC [197-11-253\(5\)](#) to review the environmental documents prior to public notice being provided. If the SEPA and MTCA documents are issued together with one public comment period under WAC [197-11-253\(6\)](#), the city **must** decide jointly with ecology who receives the comment letters and how copies of the comment letters will be distributed to the other agency.

18.04.080 Transfer of lead agency status to a state agency.

For any proposal for a private project where the city would be the lead agency and for which one or more state agencies have jurisdiction, the responsible official may elect to transfer the lead agency duties to a state agency. The state agency with jurisdiction appearing first on the priority listing in WAC [197-11-936](#) **must** be the lead agency and the city **will** be an agency with jurisdiction. To transfer lead agency duties, the city's responsible official must transmit a notice of the transfer together with any relevant information available on the proposal to the appropriate state agency with jurisdiction. The responsible official of the city **must** also give notice of the transfer to the private applicant and any other agencies with jurisdiction over the proposal.

18.04.090 Additional considerations in time limits applicable to the SEPA process.

The following time limits (expressed calendar days) **must** apply when the city processes licenses for all private projects and those governmental proposals submitted to the city by other agencies:

A. *Categorical Exemptions.* The city **must** identify whether an action is categorically exempt within seven days of receiving a completed application.

B. *Threshold Determination.*

1. The city should complete threshold determinations that can be based solely upon review of the environmental checklist for the proposal within fifteen days of the date an applicant's adequate application and completed checklist are submitted.
2. When the responsible official requires further information from the applicant or consultation with other agencies with jurisdiction.
 - a. The city should request such further information within fifteen days of receiving an adequate application and completed environmental checklist.
 - b. The city **must wait** no longer than thirty days for a consulted agency to respond.
 - c. The responsible official should complete the threshold determination within fifteen days of receiving the requested information from the applicant or the consulted agency.
3. When the city **must** initiate further studies, including field investigations, to obtain the information to make the threshold determination, the city should complete the studies within thirty days of receiving an adequate application and a completed checklist.

4. The city **must** complete threshold determinations on actions where the applicant recommends in writing that an EIS be prepared, because of the probable significant adverse environmental impact(s) described in the application, within fifteen days of receiving an adequate application and completed checklist.

18.04.100 Additional timing considerations.

For nonexempt proposals, the DNS or final for the proposal **must** accompany the city's staff recommendation to any appropriate advisory body, such as the planning commission. **f**

Article III. Categorical Exemptions and Threshold Determinations

18.04.110 Purpose of this article and adoption by reference.

This article contains the rules for deciding whether a proposal has a “probable significant, adverse environmental impact” requiring an environmental impact statement (EIS) to be prepared. This part also contains rules for evaluating the impacts of proposals not requiring an EIS. The city adopts the following sections by reference, as supplemented in this article:

WAC

[197-11-300](#) Purpose of this part

[197-11-305](#) Categorical exemptions

[197-11-310](#) Threshold determination required

[197-11-315](#) Environmental checklist

[197-11-330](#) Threshold determination process

[197-11-335](#) Additional information

[197-11-340](#) Determination of nonsignificance (DNS)

[197-11-350](#) Mitigated DNS

[197-11-355](#) Optional DNS process

[197-11-360](#) Determination of significance (DS)/initiation of scoping

[197-11-390](#) Effect of threshold determination

[197-11- 908 Critical Areas](#)

18.04.115 Environmentally sensitive area designated.

A. The city hereby designates the area outside of the city but within the city jurisdiction for water system decisions as an environmentally sensitive area pursuant to WAC [197-11-906](#) and WAC [197-11-908](#).

B. This environmentally sensitive area, mapped on Attached A to the ordinance codified in this section, is hereby adopted by reference pursuant to WAC [197-11-906](#) and WAC [197-11-908](#).

C. Within this environmentally sensitive area the water line exemptions of WAC [197-11-800\(3\)\(24\)\(b\)](#) do not apply.

D. Within this environmentally sensitive area the city exempts from SEPA review only its decisions relating to water lines of four inches or less in diameter.

18.04.120 Flexible thresholds for categorical exemptions.

A. The city establishes the following exempt levels for minor new construction under WAC [197-11-800\(1\)\(b\)](#) based on local conditions:

1. For residential dwelling units in WAC [197-11-800\(1\)\(b\)\(i\)](#): Up to twenty dwelling units.
2. For agricultural structures in WAC [197-11-800\(1\)\(b\)\(iii\)](#) : Up to ten thousand square feet.
3. For office, school, commercial, recreational, service or storage buildings in WAC [197-11-800\(1\)\(b\)\(v\)](#): Up to twelve thousand square feet and up to forty parking spaces.
4. For parking lots in WAC [197-11-800\(1\)\(b\)\(iv\)](#): Up to forty parking spaces.
5. For landfills and excavations in WAC [197-11-800\(1\)\(b\)\(v\)](#): Up to five hundred cubic yards.

B. Whenever the city establishes new exempt levels under this section, it **must** send them to the Department of Ecology, Headquarters Office, Olympia, Washington, 98504 under WAC [197-11-800\(1\)\(c\)](#).

C. WAC 197-11-800 Categorical exemptions do not apply to minor new construction (WAC 197-11-800 (1-a-b)(6-a) in the R1 Use Zone when the project is undertaken wholly or partly on lands covered by water (wetlands and streams) and their buffers.

18.04.130 Use of exemptions.

A. Each department within the city that receives an application for a license or, in the case of governmental proposals, the department initiating the proposal, **must** determine whether the license and/or the proposal is exempt. The department's determination that a proposal is exempt **must** be final and not subject to administrative review. If a proposal is exempt, none of the procedural requirements of this ordinance apply to the proposal. The city **must** not require completion of an environmental checklist for an exempt proposal.

B. In determining whether or not a proposal is exempt, the department **must** make certain the proposal is properly defined and **must** identify the governmental licenses required (WAC [197-11-060](#)). If a proposal includes both exempt and nonexempt actions, the department **must** determine the lead agency, even if the license application that triggers the department's consideration is exempt.

C. If a proposal includes both exempt and nonexempt actions, the city may authorize exempt actions prior to compliance with the procedural requirements of this chapter, except that:

1. The city **must** not give authorization for:
 - a. Any nonexempt action;
 - b. Any action that would have an adverse environmental impact; or
 - c. Any action that would limit the choice of alternatives.
2. A department may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if nonexempt action(s) were not approved; and

3. A department may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if nonexempt action(s) were not approved.

18.04.140 Environmental checklist.

- A. A completed environmental checklist (or a copy), in the form provided in WAC [197-11-960](#), **must** be filed at the same time as an application for a permit, license, certificate, or other approval not specifically exempted in this chapter; except, a checklist is not needed if the city and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. This city **must** use the environmental checklist to determine the lead agency and, if the city is the lead agency, for determining the responsible official for making the threshold determination.
- B. For private proposals, the city will require the applicant to complete the environmental checklist, providing assistance as necessary. For city proposals, the department initiating the proposal **must** complete the environmental checklist for that proposal.
- C. The city may require that it, and not the private applicant, will complete all or part of the environmental checklist for a private proposal, if either of the following occurs:
 1. The city has technical information on a question or questions that is unavailable to the private applicant; or
 2. The applicant has provided inaccurate information on previous proposals or on proposals currently under consideration.

18.04.150 Mitigated DNS.

- A. As provided in this section and in WAC [197-11-350](#), the responsible official may issue a DNS based on conditions attached to the proposal by the responsible official or on changes to, or clarifications of, the proposal made by the applicant.
- B. An applicant may request in writing early notice of whether a DS is likely under WAC [197-11-350](#). The request must:

1. Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the department is lead agency, and
 2. Precede the city's actual threshold determination for the proposal.
- C. The responsible official should respond to the request for early notice within ten working days. The response **must**:
1. Be written;
 2. State whether the city currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that is/are leading the city to consider a DS; and
 3. State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.
- D. As much as possible, the city should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.
- E. When an applicant submits a changed or clarified proposal, along with a revised or amended environmental checklist, the city **must** base its threshold determination on the changed or clarified proposal and should make the determination within fifteen days of receiving the changed or clarified proposal:
1. If the city indicated specific mitigation measures in its response to the request for early notice, the applicant changed or clarified the proposal to include those specific mitigation measure, the city **must** issue and circulate a DNS under WAC [197-11-340\(2\)](#).
 2. If the city indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the city **must** make the threshold determination, issuing a DNS or DS as appropriate.
 3. The applicant's proposed mitigation measures (clarifications, changes or conditions) must be in writing and must be specific. For example, proposals to "control noise" or "prevent stormwater runoff" are inadequate, whereas proposal to "muffle machinery to X decibel" or "construct two hundred foot stormwater retention pond at Y location" are adequate.
 4. Mitigation measures which justify issuance of a mitigated DNS may be incorporated in the DNS by reference to agency staff reports, studies or other documents.

F. A mitigated DNS is issued under either WAC [197-11-340\(2\)](#), requiring a fourteen-day comment period and public notice, or WAC [197-11-355](#), which may require no additional comment period beyond the comment period on the notice of application.

G. Mitigation measures incorporated in the mitigated DNS **must** be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit, or enforced in any manner specifically prescribed by the city.

H. If the city's tentative decision on a permit or approval does not include mitigation measures that were incorporated in a mitigated DNS for the proposal, the city should evaluate the threshold determination to assure consistency with WAC [197-11-340\(3\)\(a\)](#) (withdrawal of DNS).

I. The city's written response under subsection [\(B\)](#) of this section **must** not be construed as a determination of significance. In addition, preliminary discussion of clarifications or changes to a proposal, as opposed to a written request for early notice, **must** not bind the city to consider the clarifications or changes in its threshold determination.

Article IV. Environmental Impact Statement (EIS)

18.04.160 Purpose of this article and adoption by reference.

This article contains the rules for preparing environmental impact statements. The city adopts the following sections by reference, as supplemented by this article.

WAC

[197-11-400](#) Purpose of EIS

[197-11-402](#) General requirements

[197-11-405](#) EIS types

[197-11-406](#) EIS timing

[197-11-408](#) Scoping

[197-11-410](#) Expanded scoping (Optional)

[197-11-420](#) EIS preparation

[197-11-425](#) Style and size

[197-11-430](#) Format

[197-11-435](#) Cover letter or memo

[197-11-440](#) EIS comments

[197-11-442](#) Contents of EIS on nonproject proposal

[197-11-443](#) EIS contents when prior nonproject EIS

[197-11-444](#) Elements of the environment

[197-11-448](#) Relationship of EIS to other considerations

[197-11-450](#) Cost-benefit analysis

[197-11-455](#) Issuance of DEIS

[197-11-460](#) Issuance of FEIS

18.04.170 Preparation of EIS—Additional considerations.

A. Preparation of draft and final EISs (DEIS and FEIS) and draft and final supplemental EISs (SEIS) is the responsibility of the responsible official. Before the city issues an EIS, the responsible official **must** be satisfied that it complies with this chapter and Chapter [197-11](#) WAC.

B. The DEIS and FEIS or draft and final SEIS **must** be prepared by city staff or by a consultant selected by the city and the applicant. If the responsible official requires an EIS for a proposal and determines that someone other than the city will prepare the EIS, the responsible official **must** notify the applicant immediately after completion of the threshold determination. The responsible official **must** also notify the applicant of the city's procedure for EIS preparation, including approval of the DEIS and FEIS prior to distribution.

C. The city may require an applicant to provide information the city does not possess, including specific investigations. However, the applicant is not required to supply information that is not required under this chapter or that is being requested from another agency. (This does not apply to information the city may request under another ordinance or statute.)

18.04.180 Additional elements to be covered in an EIS.

The following additional elements are part of the environment for the purpose of EIS content, but do not add to the criteria for threshold determinations or perform any other function or purpose under this chapter:

- A. Economy;
- B. Social policy analysis;
- C. Cost-benefit analysis;
- D. Cultural factors;
- E. Sociological factors.

Article V. Commenting

18.04.190 Adoption by reference.

This article contains rules for consulting, commenting, and responding on all environmental documents under SEPA, including rules for public notice and hearings. The city adopts the following sections by reference, as supplemented in this article:

WAC

[197-11-500](#) Purpose of this part.

[197-11-502](#) Inviting comment.

[197-11-504](#) Availability and cost of environmental documents.

[197-11-508](#) SEPA register.

[197-11-510](#) Public notice.

[197-11-535](#) Public hearings and meetings.

[197-11-545](#) Effect of no comment.

[197-11-550](#) Specificity of comments.

[197-11-560](#) FEIS response to comments.

[197-11-570](#) Consulted agency costs to assist lead agency.

18.04.200 Public notice.

A. Whenever possible, the city **must** integrate the public notice required under this section with existing notice procedures for the city nonexempt permit(s) or approval(s) required for the proposal.

B. Whenever the city issues a DNS under WAC [197-11-340\(2\)](#) or a DS under WAC [197-11-360\(3\)](#) the city **must** give public notice as follows:

1. If an environmental document is issued concurrently with the notice of application, the public notice requirements for the notice of application provided for the particular permit(s) will suffice to meet the SEPA public notice requirements in WAC [197-11-510\(1\)](#);
2. If no public notice is otherwise specified, or if not issued concurrently with the notice of application, the city **must** give notice of the DNS or DS by:
 - a. Posting the property, for site-specific proposals,
 - b. Publishing notice in a newspaper of general circulation in the city where the proposal is located, and
 - c. Posting the notice at City Hall and Post Office.
3. Whenever the city issues a DS under WAC [197-11-360\(3\)](#), the city **must** state the scoping procedure for the proposal in the DS as required in WAC [197-11-408](#) and in the public notice.

C. If a DNS is issued using the optional DNS process, the public notice requirements for a notice of application required for the particular permit(s) (or if no such procedures are specified, then as provided in subsection [\(B\)\(2\)](#) of this section as supplemented by the requirements in WAC [197-11-355](#), will suffice to meet the SEPA public notice requirements.

D. Whenever the city issues a DEIS under WAC [197-11-455\(5\)](#) or a SEIS under WAC [197-11-620](#), notice of the availability of those documents **must** be given by:

1. Indicating the availability of the DEIS in any public notice required for a nonexempt license;

2. Posting the property, for site-specific proposals;
3. Publishing notice in a newspaper of general circulation in the city where the proposal is located; and
4. Posting the notice at City Hall and Post Office. (Ord. 2706 § 2, 2005:

18.04.210 Designation of official to perform consulted agency responsibilities for the city.

A. The city director of planning and community development **must** be responsible for preparation of written comments for the city in response to a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the city.

B. This person **must** be responsible for the city's compliance with WAC [197-11-550](#) whenever the city is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the city.

Article VI. Using Existing Environmental Documents

18.04.220 Purpose of this article and adoption by reference.

This article contains rules for using and supplementing existing environmental documents prepared under SEPA or National Environmental Policy Act (NEPA) for the city's own environmental compliance. The city adopts the following sections by reference:

WAC

[197-11-164](#) Planned actions—Definition and criteria.

[197-11-168](#) Ordinances or resolutions designating planned actions—Procedures for adoption.

[197-11-172](#) Planned actions—Project review.

[197-11-600](#) When to use existing environmental documents.

[197-11-610](#) Use of NEPA documents.

[197-11-620](#) Supplemental environmental impact statement—Procedures.

[197-11-625](#) Addenda—Procedures.

[197-11-630](#) Adoption—Procedures.

[197-11-635](#) Incorporation by reference—Procedures.

[197-11-640](#) Combining documents.

Article VII. SEPA and Agency Decisions

18.04.230 Purpose of this article and adoption by reference.

This article contains rules (and policies) for SEPA's substantive authority, such as decisions to mitigate or reject proposals as a result of SEPA. This part also contains procedures for appealing SEPA determinations to agencies or the courts. The city adopts the following sections by reference:

WAC

[197-11-650](#) Purpose of this part.

[197-11-655](#) Implementation.

[197-11-660](#) Substantive authority and mitigation.

[197-11-680](#) Appeals.

18.04.240 Substantive authority.

A. The policies and goals set forth in this chapter are supplementary to those in the existing ordinances of the city.

- B. The city may attach conditions to a permit or approval for a proposal so long as:
1. Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to this chapter;
 2. Such conditions are in writing;
 3. The mitigation measures included in such conditions are reasonable and capable of being accomplished;
 4. The city has considered whether other local, state, or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and
 5. Such conditions are based on one or more policies in subsection [D](#) of this section and cited in the license or other decision document.
- C. The city may deny a permit or approval for a proposal on the basis of SEPA so long as:
1. A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a FEIS or final SEIS prepared pursuant to this chapter;
 2. A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and
 3. The denial is based on one or more policies identified in subsection [D](#) of this section and identified in writing in the decision document.
- D. The city designates and adopts by reference the following policies as the basis for the city's exercise of authority pursuant to this section:
1. The city **must** use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:
 - a. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations,
 - b. Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings,
 - c. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences,

- d. Preserve important historic, cultural, and natural aspects of our national heritage,
 - e. Maintain, wherever possible, an environment which supports diversity and variety of individual choice,
 - f. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities, and
 - g. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources;
2. The city recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment;
3. The city adopts by reference the policies in the following city ordinances: city comprehensive plan and development regulations (zoning, subdivision, and critical areas regulations as codified at Chapter [17.70](#) of the Anacortes Municipal Code). (Ord. 2702 § 4, 2005.

18.04.250 Appeals.

- A. Appeals of SEPA threshold determinations are processed per AMC Title [19](#).
- B. The city **must** give official notice under WAC [197-11-680\(5\)](#) whenever it issues a permit or approval for which a statute or ordinance establishes a time limit for commencing judicial appeal. (Ord. 2992 § 1 (Att. A), 2016.

18.04.260 Notice/statute of limitations.

- A. The city applicant for, or proponent of an action may publish a notice of action pursuant to RCW [43.21C.080](#) for any action.
- B. The form of the notice **must** be substantially in the form provided in WAC [197-11-990](#). The notice **must** be published by the city clerk, applicant or proponent pursuant to RCW [43.21C.080](#).

Article VIII. Definitions

18.04.270 Purpose of this article and adoption by reference.

This article contains uniform usage and definitions of terms under SEPA. The city adopts the following sections by reference .

WAC

[197-11-700](#) Definitions.

[197-11-702](#) Act.

[197-11-704](#) Action.

[197-11-706](#) Addendum.

[197-11-708](#) Adoption.

[197-11-710](#) Affected tribe.

[197-11-712](#) Affecting.

[197-11-714](#) Agency.

[197-11-716](#) Applicant.

[197-11-718](#) Built environment.

[197-11-720](#) Categorical exemption.

[197-11-721](#) Closed record appeal.

[197-11-722](#) Consolidated appeal.

[197-11-724](#) Consulted agency.

[197-11-726](#) Cost-benefit analysis.

[197-11-728](#) County/city.

[197-11-730](#) Decision maker.

[197-11-732](#) Department.

[197-11-734](#) Determination of nonsignificance (DNS).

[197-11-736](#) Determination of significance (DNS).

[197-11-738](#) EIS.

[197-11-740](#) Environment.

[197-11-742](#) Environmental checklist.

[197-11-744](#) Environmental document.

[197-11-746](#) Environmental review.

[197-11-750](#) Expanded scoping.

[197-11-752](#) Impacts.

[197-11-754](#) Incorporation by reference.

[197-11-756](#) Lands covered by water.

[197-11-758](#) Lead agency.

[197-11-760](#) License.

[197-11-762](#) Local agency.

[197-11-764](#) Major action.

[197-11-766](#) Mitigated DNS.

[197-11-768](#) Mitigation.

[197-11-770](#) Natural environment.

[197-11-772](#) NEPA.

[197-11-774](#) Nonproject.

[197-11-775](#) Open record hearing.

[197-11-776](#) Phased review.

[197-11-778](#) Preparation.

[197-11-780](#) Private project.

[197-11-782](#) Probable.

[197-11-784](#) Proposal.

[197-11-786](#) Reasonable alternative.

[197-11-788](#) Responsible official.

[197-11-790](#) SEPA.

[197-11-792](#) Scope.

[197-11-793](#) Scoping.

[197-11-794](#) Significant.

[197-11-796](#) State agency.

[197-11-797](#) Threshold determination.

[197-11-799](#) Underlying governmental action.

Article IX. Categorical Exemptions

18.04.280 Adoption by reference.

The city adopts by reference the following rules for categorical exemptions, as supplemented in this chapter.

WAC

[197-11-800](#) Categorical exemptions.

[197-11-880](#) Emergencies.

[197-11-890](#) Petitioning DOE to change exemptions.

Article X. Agency Compliance

18.04.290 Purpose of this article and adoption by reference.

This article contains rules for agency compliance with SEPA, including rules for charging fees under the SEPA process, designating categorical exemptions that do not apply within critical areas, listing agencies with environmental expertise, selecting the lead agency, and applying these rules to current agency activities. The city adopts the following sections by reference:

WAC

[197-11-900](#) Purpose of this part.

[197-11-902](#) Agency SEPA policies.

[197-11-916](#) Application to ongoing actions.

[197-11-920](#) Agencies with environmental expertise.

[197-11-922](#) Lead agency rules.

[197-11-924](#) Determining the lead agency.

[197-11-926](#) Lead agency for governmental proposals.

[197-11-928](#) Lead agency for public and private proposals.

[197-11-930](#) Lead agency for private projects with one agency with jurisdiction.

[197-11-932](#) Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.

[197-11-934](#) Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.

[197-11-936](#) Lead agency for private projects requiring licenses from more than one state agency.

[197-11-938](#) Lead agencies for specific proposals.

[197-11-940](#) Transfer of lead agency status to a state agency.

[197-11-942](#) Agreements on lead agency status.

[197-11-944](#) Agreements on division of lead agency duties.

[197-11-946](#) DOE resolution of lead agency disputes.

[197-11-948](#) Assumption of lead agency status.

18.04.300 Critical areas.

- A. Outside the city limits the water line exemptions of WAC [197-11-800\(3\)\(24\)\(b\)](#) do not apply.
- B. Outside the city limits the city exempts from SEPA review its decisions relating to water lines of four inches or less in diameter.

18.04.310 Fees.

The city **must** require the following fees for its activities in accordance with the provisions of this chapter:

A. *Threshold Determination.* For every environmental checklist the city will review when it is lead agency, the city **must** collect a fee of four hundred dollars from the proponent of the proposal prior to undertaking the threshold determination. This amount is to cover two hours of staff time and publication and distribution costs. The time periods provided by this chapter for making a threshold determination **must** not begin to run until payment of the fee. Additionally, when the city completes its environmental review, the city may charge and collect a reasonable fee from any applicant to cover costs incurred by the city in preparing the threshold determination. The city **must** charge fees for the coordination and supervision of the threshold determination preparation in the sum equal to staff time expended on the project (at fifty dollars per hour plus one hundred percent of that amount to compensate for support staff time and expenses) as supported by time sheets. The responsible official **must** advise the applicant(s) of the projected costs for the threshold determination prior to actual preparation; the applicant **must** post bond or otherwise ensure payment of such costs.

B. *Environmental Impact Statement.*

1. When the city is lead agency for a proposal requiring an EIS and the responsible official determines that the EIS **must** be prepared by employees of the city, the city may charge and collect a reasonable fee from any applicant to cover costs incurred by the city in preparing the EIS. The responsible official **must** advise the applicant(s) of the projected

costs for the EIS prior to actual preparation; the applicant **must** post bond or otherwise ensure payment of such costs.

2. The responsible official may determine that the city will contract directly with a consultant for preparation of an EIS, or a portion of the EIS, for activities initiated by some persons or entity other than the city and may bill such costs and expenses directly to the applicant. The city may require the applicant to post bond or otherwise ensure payment of such costs. Such consultants **must** be selected by mutual agreement of the city and applicant after an informal call for proposals.

3. If a proposal is modified so that an EIS is no longer required, the responsible official **must** refund any fees collected under subsection [\(B\)\(1\)](#) or [\(B\)\(2\)](#) of this section which remain after incurred costs are paid.

C. The city may collect a reasonable fee from an applicant to cover the cost of meeting the public notice requirements of this chapter relating to the applicant's proposal as set forth in subsection [A](#) of this section.

D. The city **must** not collect a fee for performing its duties as a consulted agency.

E. The city may charge any person for copies of any document prepared under this chapter, and for mailing the document, in a manner provided by Chapter [42.17](#) RCW. (Ord. 2704 § 1, 2005.

18.04.320 Effective date.

The effective date of the ordinance codified in this chapter is five days after posting and publication.

18.04.330 Severability.

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, **must** not be affected.

Article XI. Forms

18.04.340 Adoption by reference.

The city adopts the following forms and section by reference:

WAC

[197-11-960](#) Environmental checklist.

[197-11-965](#) Adoption notice.

[197-11-970](#) Determination of nonsignificance (DNS).

[197-11-980](#) Determination of significance and scoping notice (DS).

[197-11-985](#) Notice of assumption of lead agency status.

[197-11-990](#) Notice of action.

The Anacortes Municipal Code is current through Ordinance 3039, and legislation passed through March 18, 2019.

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

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

City Telephone: (360) 293-1900

[Code Publishing Company](#)

Chapter 18.04
STATE ENVIRONMENTAL POLICY ACT

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18.04.300 **Critical areas.**

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18.04.320 **Effective date.**

18.04.330 **Severability.**

Article XI. Forms

18.04.340 **Adoption by reference.**

Article I. Authority

18.04.010 **Authority.**

(WAC ~~173-806-010~~) The city adopts the ordinance codified in this chapter under the State Environmental Policy Act (SEPA), RCW [43.21C.120](#), and the SEPA rules, WAC [197-11-904](#).

This ordinance contains this city's SEPA procedures and policies.

The SEPA rules, Chapter 197-11-WAC, must be used in conjunction with this chapter.

City Ordinance No. [2136](#) is repealed. (Ord. 2471 § 1, 1998)

18.04.020 Policies, authority and adoption by reference.

A. The city adopts by reference the policies of the State Environmental Policy Act as expressed in RCW [43.21C.020](#).

B. The city possesses the authority and the basic policy discretion to deny or condition actions so as to mitigate or prevent adverse environmental impacts. This authority applies to all city activities including actions as defined in this chapter, as well as activities which are categorically exempt or excluded from the definition of action, whether or not such activities are considered to be ministerial in nature. (Ord. 2471 § 1, 1998)

18.04.030 SEPA rules—Adoption by reference.

That certain document, a copy of which is on file in the office of the city clerk-treasurer, being designated "SEPA Rules" adopted by the Washington State Department of Ecology, is adopted by this reference. (Ord. 2471 § 1, 1998)

Article II. General Requirements

18.04.040 Purpose of this article and adoption by reference.

(WAC [173-806-020](#)) This article contains the basic requirements that apply to the SEPA process. The city of Anacortes ("city") adopts the following sections of Chapter [197-11](#) of the Washington Administrative Code by reference:

WAC

[197-11-040](#) Definitions

- [197-11-050](#) Lead agency
- [197-11-060](#) Content of environmental review
- [197-11-070](#) Limitations on actions during SEPA process
- [197-11-080](#) Incomplete or unavailable information
- [197-11-090](#) Supporting documents
- [197-11-100](#) Information required of applicants
- [197-11-158](#) GMA project review—Reliance on existing plans, laws, and regulations
- [197-11-210](#) SEPA/GMA integration
- [197-11-220](#) SEPA/GMA definitions
- [197-11-228](#) Overall SEPA/GMA integration procedures
- [197-11-230](#) Timing of an integrated GMA/SEPA process
- [197-11-232](#) SEPA/GMA integration procedures for preliminary planning, environmental analysis, and expanded scoping
- [197-11-235](#) Documents
- [197-11-238](#) Monitoring
- [197-11-250](#) SEPA/Model Toxics Control Act Integration
- [197-11-253](#) SEPA lead agency for MTCA actions
- [197-11-256](#) Preliminary evaluation
- [197-11-259](#) Determination of nonsignificance for MTCA remedial actions
- [197-11-262](#) Determination of significance and EIS
- [197-11-265](#) Early scoping for MTCA remedial actions
- [197-11-268](#) MTCA interim actions (~~Ord. 2471 § 1, 1998~~)

18.04.050 Additional definitions.

~~(WAC 173-806-030)~~ In addition to those definitions contained within WAC [197-11-700](#) through [197-11-799](#) and [197-11-220](#), when used in this chapter, the following terms ~~shall~~ have the following meanings, unless the context indicates otherwise:

- A. “Department” means any division, subdivision or organizational unit of the city/county established by ordinance, rule, or order.
- B. “SEPA rules” means Chapter [197-11](#) WAC adopted by the Department of Ecology.
- C. “Ordinance” means the ordinance, resolution, or other procedure used by the city to adopt regulatory requirements.
- D. “Early notice” means the city’s response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant’s proposal (Mitigated Determination of Nonsignificance (MDNS) procedures). ~~(Ord. 2471 § 1, 1998)~~

18.04.060 Designation of responsible official.

~~(WAC 173-806-040)~~

- A. For those proposals for which the city is the lead agency, the responsible official ~~shall~~ will be the city director of planning and community development.
- B. For all proposals for which the city is the lead agency, the responsible official ~~shall~~ must make the threshold determination, supervise scoping and preparation of any required environmental impact statement (EIS), and perform any other functions assigned to the “lead agency” or “responsible official” by those sections of the SEPA rules that were adopted by reference in WAC [173-806-020](#).
- C. The city ~~shall~~ must retain all documents required by the SEPA rules (Chapter [197-11](#) WAC) and make them available in accordance with Chapter [42.17](#) RCW. ~~(Ord. 2471 § 1, 1998)~~

18.04.070 Lead agency determination and responsibilities.

~~(WAC 173-806-050)~~

- A. The department within the city receiving an application for or initiating a proposal that involves a nonexempt action ~~shall~~ **must** determine the lead agency for that proposal under WAC [197-11-050](#), [197-11-253](#), and [197-11-922](#) through [197-11-940](#); unless the lead agency has been previously determined or the department is aware that another department or agency is in the process of determining the lead agency.
- B. When the city is the lead agency for a proposal, the department receiving the application ~~shall~~ **must** determine the responsible official who ~~shall~~ **must** supervise compliance with the threshold determination requirements, and if an EIS is necessary, ~~shall~~ **must** supervise preparation of the EIS.
- C. When the city is not the lead agency for a proposal, all departments of the city ~~shall~~ **must** use and consider, as appropriate, either the DNS or the final EIS of the lead agency in making decisions on the proposal. No city department ~~shall~~ **will** prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency, unless required under WAC [197-11-600](#). In some cases, the city may conduct supplemental environmental review under WAC [197-11-600](#).
- D. If the city or any of its departments receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC [197-11-253](#) or [197-11-922](#) through [197-11-940](#), it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within fifteen days of receipt of the determination, or the city must petition the Department of Ecology for a lead agency determination under WAC [197-11-946](#) within the fifteen-day time period. Any such petition on behalf of the city may be initiated by the responsible official.
- E. Departments of the city are authorized to make agreements as to lead agency status or shared lead agency duties for a proposal under WAC [197-11-942](#) and [197-11-944](#): Provided, that the responsible official and any department that will incur responsibilities as the result of such agreement approve the agreement.
- F. Any department making a lead agency determination for a private project ~~shall~~ **must** require sufficient information from the applicant to identify which other agencies have jurisdiction over the proposal (That is: Which agencies require nonexempt licenses?).
- G. When the city is lead agency for a MTCA remedial action, the department of ecology ~~shall~~ **must** be provided an opportunity under WAC [197-11-253\(5\)](#) to review the environmental documents prior to public notice being provided. If the SEPA and MTCA documents are issued together with one public comment period under WAC [197-11-253\(6\)](#), the city ~~shall~~ **must** decide jointly with ecology who receives the comment letters and how copies of the comment letters will be distributed to the other agency. (~~Ord. 2471 § 1, 1998~~)

18.04.080 Transfer of lead agency status to a state agency.

~~(WAC 173-806-053)~~ For any proposal for a private project where the city would be the lead agency and for which one or more state agencies have jurisdiction, the responsible official may elect to transfer the lead agency duties to a state agency. The state agency with jurisdiction appearing first on the priority listing in WAC [197-11-936](#) ~~shall~~ **must** be the lead agency and the city ~~shall~~ **will** be an agency with jurisdiction. To transfer lead agency duties, the city's responsible official must transmit a notice of the transfer together with any relevant information available on the proposal to the appropriate state agency with jurisdiction. The responsible official of the city ~~shall~~ **must** also give notice of the transfer to the private applicant and any other agencies with jurisdiction over the proposal. ~~(Ord. 2471 § 1, 1998)~~

18.04.090 Additional considerations in time limits applicable to the SEPA process.

~~(WAC 173-806-055)~~ The following time limits (expressed calendar days) ~~shall~~ **must** apply when the city processes licenses for all private projects and those governmental proposals submitted to the city by other agencies:

A. *Categorical Exemptions.* The city ~~shall~~ **must** identify whether an action is categorically exempt within seven days of receiving a completed application.

B. *Threshold Determination.*

1. The city should complete threshold determinations that can be based solely upon review of the environmental checklist for the proposal within fifteen days of the date an applicant's adequate application and completed checklist are submitted.
2. When the responsible official requires further information from the applicant or consultation with other agencies with jurisdiction.
 - a. The city should request such further information within fifteen days of receiving an adequate application and completed environmental checklist.
 - b. The city ~~shall~~ **must** wait no longer than thirty days for a consulted agency to respond.
 - c. The responsible official should complete the threshold determination within fifteen days of receiving the requested information from the applicant or the consulted agency.

3. When the city must initiate further studies, including field investigations, to obtain the information to make the threshold determination, the city should complete the studies within thirty days of receiving an adequate application and a completed checklist.
4. The city ~~shall~~ **must** complete threshold determinations on actions where the applicant recommends in writing that an EIS be prepared, because of the probable significant adverse environmental impact(s) described in the application, within fifteen days of receiving an adequate application and completed checklist. (~~Ord. 2471 § 1, 1998~~)

18.04.100 Additional timing considerations.

(~~WAC 173-806-058~~) For nonexempt proposals, the DNS or final for the proposal ~~shall~~ **must** accompany the city's staff recommendation to any appropriate advisory body, such as the planning commission. (~~Ord. 2471 § 1, 1998~~)

Article III. Categorical Exemptions and Threshold Determinations

18.04.110 Purpose of this article and adoption by reference.

(~~WAC 173-806-065~~) This article contains the rules for deciding whether a proposal has a “probable significant, adverse environmental impact” requiring an environmental impact statement (EIS) to be prepared. This part also contains rules for evaluating the impacts of proposals not requiring an EIS. The city adopts the following sections by reference, as supplemented in this article:

WAC

[197-11-300](#) Purpose of this part

[197-11-305](#) Categorical exemptions

[197-11-310](#) Threshold determination required

[197-11-315](#) Environmental checklist

[197-11-330](#) Threshold determination process

[197-11-335](#) Additional information

[197-11-340](#) Determination of nonsignificance (DNS)

[197-11-350](#) Mitigated DNS

[197-11-355](#) Optional DNS process

[197-11-360](#) Determination of significance (DS)/initiation of scoping

[197-11-390](#) Effect of threshold determination (~~Ord. 2471 § 1, 1998~~)

[197-11- 908 Critical Areas](#)

18.04.115 Environmentally sensitive area designated.

A. The city hereby designates the area outside of the city but within the city jurisdiction for water system decisions as an environmentally sensitive area pursuant to WAC [197-11-906](#) and WAC [197-11-908](#).

B. This environmentally sensitive area, mapped on Attached A to the ordinance codified in this section, is hereby adopted by reference pursuant to WAC [197-11-906](#) and WAC [197-11-908](#).

C. Within this environmentally sensitive area the water line exemptions of WAC [197-11-800\(3\)\(24\)\(b\)](#) do not apply.

D. Within this environmentally sensitive area the city exempts from SEPA review only its decisions relating to water lines of four inches or less in diameter. (~~Ord. 2154 §§ 1 – 4, 1990~~)

18.04.120 Flexible thresholds for categorical exemptions.

~~(WAC 173-806-070)~~

A. The city establishes the following exempt levels for minor new construction under WAC [197-11-800\(1\)\(b\)](#) based on local conditions:

1. For residential dwelling units in WAC [197-11-800\(1\)\(b\)\(i\)](#): Up to twenty dwelling units.
2. For agricultural structures in WAC [197-11-800\(1\)\(b\)\(iii\)](#) : Up to ten thousand square feet.

3. For office, school, commercial, recreational, service or storage buildings in WAC [197-11-800\(1\)\(b\)\(iii\)](#) ~~(v)~~: Up to twelve thousand square feet and up to forty parking spaces.
4. For parking lots in WAC [197-11-800\(1\)\(b\)\(iv\)](#): Up to forty parking spaces.
5. For landfills and excavations in WAC [197-11-800\(1\)\(b\)\(v\)](#): Up to five hundred cubic yards.

B. Whenever the city establishes new exempt levels under this section, it ~~shall~~ **must** send them to the Department of Ecology, Headquarters Office, Olympia, Washington, 98504 under WAC [197-11-800\(1\)\(c\)](#). ~~(Ord. 2471 § 1, 1998)~~

C. WAC 197-11-800 Categorical exemptions do not apply to minor new construction (WAC 197-11-800 (1-a-b)(6-a) in the R1 Use Zone when the project is undertaken wholly or partly on lands covered by water (wetlands and streams) and their buffers.

18.04.130 Use of exemptions.

~~(WAC 173-806-080)~~

A. Each department within the city that receives an application for a license or, in the case of governmental proposals, the department initiating the proposal, ~~shall~~ **must** determine whether the license and/or the proposal is exempt. The department's determination that a proposal is exempt ~~shall~~ **will** be final and not subject to administrative review. If a proposal is exempt, none of the procedural requirements of this ordinance apply to the proposal. The city ~~shall~~ **must** not require completion of an environmental checklist for an exempt proposal.

B. In determining whether or not a proposal is exempt, the department ~~shall~~ **must** make certain the proposal is properly defined and ~~shall~~ **must** identify the governmental licenses required (WAC [197-11-060](#)). If a proposal includes both exempt and nonexempt actions, the department shall determine the lead agency, even if the license application that triggers the department's consideration is exempt.

C. If a proposal includes both exempt and nonexempt actions, the city may authorize exempt actions prior to compliance with the procedural requirements of this chapter, except that:

1. The city ~~shall~~ **must** not give authorization for:
 - a. Any nonexempt action;

- b. Any action that would have an adverse environmental impact; or
 - c. Any action that would limit the choice of alternatives.
2. A department may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if nonexempt action(s) were not approved; and
3. A department may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if nonexempt action(s) were not approved. ~~(Ord. 2471 § 1, 1998)~~

18.04.140 Environmental checklist.

~~(WAC 173-806-090)~~

- A. A completed environmental checklist (or a copy), in the form provided in WAC [197-11-960](#), ~~shall~~ **must** be filed at the same time as an application for a permit, license, certificate, or other approval not specifically exempted in this chapter; except, a checklist is not needed if the city and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. This city ~~shall~~ **must** use the environmental checklist to determine the lead agency and, if the city is the lead agency, for determining the responsible official for making the threshold determination.
- B. For private proposals, the city will require the applicant to complete the environmental checklist, providing assistance as necessary. For city proposals, the department initiating the proposal ~~shall~~ **must** complete the environmental checklist for that proposal.
- C. The city may require that it, and not the private applicant, will complete all or part of the environmental checklist for a private proposal, if either of the following occurs:
- 1. The city has technical information on a question or questions that is unavailable to the private applicant; or
 - 2. The applicant has provided inaccurate information on previous proposals or on proposals currently under consideration. ~~(Ord. 2471 § 1, 1998)~~

18.04.150 Mitigated DNS.

~~(WAC 173-806-100)~~

A. As provided in this section and in WAC [197-11-350](#), the responsible official may issue a DNS based on conditions attached to the proposal by the responsible official or on changes to, or clarifications of, the proposal made by the applicant.

B. An applicant may request in writing early notice of whether a DS is likely under WAC [197-11-350](#). The request must:

1. Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the department is lead agency, and
2. Precede the city's actual threshold determination for the proposal.

C. The responsible official should respond to the request for early notice within ten working days. The response ~~shall~~ **must**:

1. Be written;
2. State whether the city currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that is/are leading the city to consider a DS; and
3. State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.

D. As much as possible, the city should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.

E. When an applicant submits a changed or clarified proposal, along with a revised or amended environmental checklist, the city ~~shall~~ **must** base its threshold determination on the changed or clarified proposal and should make the determination within fifteen days of receiving the changed or clarified proposal:

1. If the city indicated specific mitigation measures in its response to the request for early notice, the applicant changed or clarified the proposal to include those specific mitigation measure, the city ~~shall~~ **must** issue and circulate a DNS under WAC [197-11-340\(2\)](#).
2. If the city indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the city ~~shall~~ **must** make the threshold determination, issuing a DNS or DS as appropriate.

3. The applicant's proposed mitigation measures (clarifications, changes or conditions) must be in writing and must be specific. For example, proposals to "control noise" or "prevent stormwater runoff" are inadequate, whereas proposal to "muffle machinery to X decibel" or "construct two hundred foot stormwater retention pond at Y location" are adequate.
4. Mitigation measures which justify issuance of a mitigated DNS may be incorporated in the DNS by reference to agency staff reports, studies or other documents.
- F. A mitigated DNS is issued under either WAC [197-11-340\(2\)](#), requiring a fourteen-day comment period and public notice, or WAC [197-11-355](#), which may require no additional comment period beyond the comment period on the notice of application.
- G. Mitigation measures incorporated in the mitigated DNS ~~shall~~ **must** be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit, or enforced in any manner specifically prescribed by the city.
- H. If the city's tentative decision on a permit or approval does not include mitigation measures that were incorporated in a mitigated DNS for the proposal, the city should evaluate the threshold determination to assure consistency with WAC [197-11-340\(3\)\(a\)](#) (withdrawal of DNS).
- I. The city's written response under subsection [\(B\)](#) of this section ~~shall~~ **must** not be construed as a determination of significance. In addition, preliminary discussion of clarifications or changes to a proposal, as opposed to a written request for early notice, ~~shall~~ **will** not bind the city to consider the clarifications or changes in its threshold determination. (~~Ord. 2471 § 1, 1998~~)

Article IV. Environmental Impact Statement (EIS)

18.04.160 Purpose of this article and adoption by reference.

~~(WAC 173-806-110)~~ This article contains the rules for preparing environmental impact statements. The city adopts the following sections by reference, as supplemented by this article.

WAC

[197-11-400](#) Purpose of EIS

[197-11-402](#) General requirements

[197-11-405](#) EIS types

[197-11-406](#) EIS timing

[197-11-408](#) Scoping

[197-11-410](#) Expanded scoping (Optional)

[197-11-420](#) EIS preparation

[197-11-425](#) Style and size

[197-11-430](#) Format

[197-11-435](#) Cover letter or memo

[197-11-440](#) EIS comments

[197-11-442](#) Contents of EIS on nonproject proposal

[197-11-443](#) EIS contents when prior nonproject EIS

[197-11-444](#) Elements of the environment

[197-11-448](#) Relationship of EIS to other considerations

[197-11-450](#) Cost-benefit analysis

[197-11-455](#) Issuance of DEIS

[197-11-460](#) Issuance of FEIS (~~Ord. 2471 § 1, 1998~~)

18.04.170 Preparation of EIS—Additional considerations.

~~(WAC 173-806-120)~~

A. Preparation of draft and final EISs (DEIS and FEIS) and draft and final supplemental EISs (SEIS) is the responsibility of the responsible official. Before the city issues an EIS, the responsible official ~~shall~~ **must** be satisfied that it complies with this chapter and Chapter [197-11](#) WAC.

B. The DEIS and FEIS or draft and final SEIS ~~shall~~ **must** be prepared by city staff or by a consultant selected by the city and the applicant. If the responsible official requires an EIS for a proposal and determines that someone other than the city will prepare the EIS, the responsible

official ~~shall~~ **must** notify the applicant immediately after completion of the threshold determination. The responsible official ~~shall~~ **must** also notify the applicant of the city's procedure for EIS preparation, including approval of the DEIS and FEIS prior to distribution.

C. The city may require an applicant to provide information the city does not possess, including specific investigations. However, the applicant is not required to supply information that is not required under this chapter or that is being requested from another agency. (This does not apply to information the city may request under another ordinance or statute.) ~~(Ord. 2471 § 1, 1998)~~

18.04.180 Additional elements to be covered in an EIS.

~~(WAC 173-806-125)~~ The following additional elements are part of the environment for the purpose of EIS content, but do not add to the criteria for threshold determinations or perform any other function or purpose under this chapter:

- A. Economy;
- B. Social policy analysis;
- C. Cost-benefit analysis;
- D. Cultural factors;
- E. Sociological factors. ~~(Ord. 2471 § 1, 1998)~~

Article V. Commenting

18.04.190 Adoption by reference.

~~(WAC 173-806-128)~~ This article contains rules for consulting, commenting, and responding on all environmental documents under SEPA, including rules for public notice and hearings. The city adopts the following sections by reference, as supplemented in this article:

WAC

[197-11-500](#) Purpose of this part.

[197-11-502](#) Inviting comment.

[197-11-504](#) Availability and cost of environmental documents.

[197-11-508](#) SEPA register.

[197-11-510](#) Public notice.

[197-11-535](#) Public hearings and meetings.

[197-11-545](#) Effect of no comment.

[197-11-550](#) Specificity of comments.

[197-11-560](#) FEIS response to comments.

[197-11-570](#) Consulted agency costs to assist lead agency. (~~Ord. 2471 § 1, 1998~~)

18.04.200 Public notice.

A. Whenever possible, the city ~~shall~~ **must** integrate the public notice required under this section with existing notice procedures for the city nonexempt permit(s) or approval(s) required for the proposal.

B. Whenever the city issues a DNS under WAC [197-11-340\(2\)](#) or a DS under WAC [197-11-360\(3\)](#) the city ~~shall~~ **must** give public notice as follows:

1. If an environmental document is issued concurrently with the notice of application, the public notice requirements for the notice of application provided for the particular permit(s) will suffice to meet the SEPA public notice requirements in WAC [197-11-510\(1\)](#);
2. If no public notice is otherwise specified, or if not issued concurrently with the notice of application, the city ~~shall~~ **must** give notice of the DNS or DS by:
 - a. Posting the property, for site-specific proposals,
 - b. Publishing notice in a newspaper of general circulation in the city where the proposal is located, and
 - c. Posting the notice at City Hall and Post Office.
3. Whenever the city issues a DS under WAC [197-11-360\(3\)](#), the city ~~shall~~ **must** state the scoping procedure for the proposal in the DS as required in WAC [197-11-408](#) and in the public notice.

C. If a DNS is issued using the optional DNS process, the public notice requirements for a notice of application required for the particular permit(s) (or if no such procedures are specified, then as provided in subsection [\(B\)\(2\)](#) of this section as supplemented by the requirements in WAC [197-11-355](#), will suffice to meet the SEPA public notice requirements.

D. Whenever the city issues a DEIS under WAC [197-11-455\(5\)](#) or a SEIS under WAC [197-11-620](#), notice of the availability of those documents ~~shall~~ **must** be given by:

1. Indicating the availability of the DEIS in any public notice required for a nonexempt license;
2. Posting the property, for site-specific proposals;
3. Publishing notice in a newspaper of general circulation in the city where the proposal is located; and
4. Posting the notice at City Hall and Post Office. (Ord. 2706 § 2, 2005: ~~Ord. 2471 § 1, 1998~~)

18.04.210 Designation of official to perform consulted agency responsibilities for the city.

~~(WAC 173-806-140)~~

A. The city director of planning and community development ~~shall~~ **must** be responsible for preparation of written comments for the city in response to a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the city.

B. This person ~~shall~~ **must** be responsible for the city's compliance with WAC [197-11-550](#) whenever the city is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the city. ~~(Ord. 2471 § 1, 1998)~~

Article VI. Using Existing Environmental Documents

18.04.220 Purpose of this article and adoption by reference.

~~(WAC 173-806-150)~~ This article contains rules for using and supplementing existing environmental documents prepared under SEPA or National Environmental Policy Act (NEPA) for the city's own environmental compliance. The city adopts the following sections by reference:

WAC

[197-11-164](#) Planned actions—Definition and criteria.

[197-11-168](#) Ordinances or resolutions designating planned actions—Procedures for adoption.

[197-11-172](#) Planned actions—Project review.

[197-11-600](#) When to use existing environmental documents.

[197-11-610](#) Use of NEPA documents.

[197-11-620](#) Supplemental environmental impact statement—Procedures.

[197-11-625](#) Addenda—Procedures.

[197-11-630](#) Adoption—Procedures.

[197-11-635](#) Incorporation by reference—Procedures.

[197-11-640](#) Combining documents. ~~(Ord. 2471 § 1, 1998)~~

Article VII. SEPA and Agency Decisions

18.04.230 Purpose of this article and adoption by reference.

~~(WAC 173-806-155)~~ This article contains rules (and policies) for SEPA's substantive authority, such as decisions to mitigate or reject proposals as a result of SEPA. This part also contains

procedures for appealing SEPA determinations to agencies or the courts. The city adopts the following sections by reference:

WAC

[197-11-650](#) Purpose of this part.

[197-11-655](#) Implementation.

[197-11-660](#) Substantive authority and mitigation.

[197-11-680](#) Appeals. ~~(Ord. 2471 § 1, 1998)~~

18.04.240 Substantive authority.

~~(WAC 173-806-160)~~

A. The policies and goals set forth in this chapter are supplementary to those in the existing ordinances of the city.

B. The city may attach conditions to a permit or approval for a proposal so long as:

1. Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to this chapter;
2. Such conditions are in writing;
3. The mitigation measures included in such conditions are reasonable and capable of being accomplished;
4. The city has considered whether other local, state, or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and
5. Such conditions are based on one or more policies in subsection [D](#) of this section and cited in the license or other decision document.

C. The city may deny a permit or approval for a proposal on the basis of SEPA so long as:

1. A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a FEIS or final SEIS prepared pursuant to this chapter;

2. A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and
3. The denial is based on one or more policies identified in subsection [D](#) of this section and identified in writing in the decision document.

D. The city designates and adopts by reference the following policies as the basis for the city's exercise of authority pursuant to this section:

1. The city ~~shall~~ **must** use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:
 - a. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations,
 - b. Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings,
 - c. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences,
 - d. Preserve important historic, cultural, and natural aspects of our national heritage,
 - e. Maintain, wherever possible, an environment which supports diversity and variety of individual choice,
 - f. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities, and
 - g. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources;
2. The city recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment;
3. The city adopts by reference the policies in the following city ordinances: city comprehensive plan and development regulations (zoning, subdivision, and critical areas regulations as codified at Chapter [17.70](#) of the Anacortes Municipal Code). (Ord. 2702 § 4, 2005; ~~Ord. 2471 § 1, 1998~~)

18.04.250 Appeals.

~~(WAC 173-806-170)~~

- A. Appeals of SEPA threshold determinations are processed per AMC Title [19](#).
- B. The city ~~shall~~ **must** give official notice under WAC [197-11-680\(5\)](#) whenever it issues a permit or approval for which a statute or ordinance establishes a time limit for commencing judicial appeal. (Ord. 2992 § 1 (Att. A), 2016; ~~Ord. 2471 § 1, 1998~~)

18.04.260 Notice/statute of limitations.

~~(WAC 173-806-173)~~

- A. The city applicant for, or proponent of an action may publish a notice of action pursuant to RCW [43.21C.080](#) for any action.
- B. The form of the notice ~~shall~~ **must** be substantially in the form provided in WAC [197-11-990](#). The notice ~~shall~~ **must** be published by the city clerk, applicant or proponent pursuant to RCW [43.21C.080](#). (~~Ord. 2471 § 1, 1998~~)

Article VIII. Definitions

18.04.270 Purpose of this article and adoption by reference.

~~(WAC 173-806-175)~~ This article contains uniform usage and definitions of terms under SEPA. The city adopts the following sections by reference, ~~as supplemented by WAC 173-806-030-040~~:

WAC

[197-11-700](#) Definitions.

[197-11-702](#) Act.

[197-11-704](#) Action.

[197-11-706](#) Addendum.

[197-11-708](#) Adoption.

[197-11-710](#) Affected tribe.

[197-11-712](#) Affecting.

[197-11-714](#) Agency.

[197-11-716](#) Applicant.

[197-11-718](#) Built environment.

[197-11-720](#) Categorical exemption.

[197-11-721](#) Closed record appeal.

[197-11-722](#) Consolidated appeal.

[197-11-724](#) Consulted agency.

[197-11-726](#) Cost-benefit analysis.

[197-11-728](#) County/city.

[197-11-730](#) Decision maker.

[197-11-732](#) Department.

[197-11-734](#) Determination of nonsignificance (DNS).

[197-11-736](#) Determination of significance (DNS).

[197-11-738](#) EIS.

[197-11-740](#) Environment.

[197-11-742](#) Environmental checklist.

[197-11-744](#) Environmental document.

[197-11-746](#) Environmental review.

[197-11-750](#) Expanded scoping.

[197-11-752](#) Impacts.

[197-11-754](#) Incorporation by reference.

[197-11-756](#) Lands covered by water.

[197-11-758](#) Lead agency.

[197-11-760](#) License.

[197-11-762](#) Local agency.

[197-11-764](#) Major action.

[197-11-766](#) Mitigated DNS.

[197-11-768](#) Mitigation.

[197-11-770](#) Natural environment.

[197-11-772](#) NEPA.

[197-11-774](#) Nonproject.

[197-11-775](#) Open record hearing.

[197-11-776](#) Phased review.

[197-11-778](#) Preparation.

[197-11-780](#) Private project.

[197-11-782](#) Probable.

[197-11-784](#) Proposal.

[197-11-786](#) Reasonable alternative.

[197-11-788](#) Responsible official.

[197-11-790](#) SEPA.

[197-11-792](#) Scope.

[197-11-793](#) Scoping.

[197-11-794](#) Significant.

[197-11-796](#) State agency.

[197-11-797](#) Threshold determination.

[197-11-799](#) Underlying governmental action. (~~Ord. 2471 § 1, 1998~~)

Article IX. Categorical Exemptions

18.04.280 Adoption by reference.

~~(WAC 173-806-180)~~ The city adopts by reference the following rules for categorical exemptions, as supplemented in this chapter, including WAC ~~173-806-070~~ (Flexible thresholds), WAC ~~173-806-080~~ (Use of exemptions), and WAC ~~173-806-190~~ (Critical areas):

WAC

[197-11-800](#) Categorical exemptions.

[197-11-880](#) Emergencies.

[197-11-890](#) Petitioning DOE to change exemptions. (~~Ord. 2471 § 1, 1998~~)

Article X. Agency Compliance

18.04.290 Purpose of this article and adoption by reference.

~~(WAC 173-806-185)~~ This article contains rules for agency compliance with SEPA, including rules for charging fees under the SEPA process, designating categorical exemptions that do not apply within critical areas, listing agencies with environmental expertise, selecting the lead agency, and applying these rules to current agency activities. The city adopts the following sections by reference:

WAC

[197-11-900](#) Purpose of this part.

[197-11-902](#) Agency SEPA policies.

[197-11-916](#) Application to ongoing actions.

[197-11-920](#) Agencies with environmental expertise.

[197-11-922](#) Lead agency rules.

[197-11-924](#) Determining the lead agency.

[197-11-926](#) Lead agency for governmental proposals.

[197-11-928](#) Lead agency for public and private proposals.

[197-11-930](#) Lead agency for private projects with one agency with jurisdiction.

[197-11-932](#) Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.

[197-11-934](#) Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.

[197-11-936](#) Lead agency for private projects requiring licenses from more than one state agency.

[197-11-938](#) Lead agencies for specific proposals.

[197-11-940](#) Transfer of lead agency status to a state agency.

[197-11-942](#) Agreements on lead agency status.

[197-11-944](#) Agreements on division of lead agency duties.

[197-11-946](#) DOE resolution of lead agency disputes.

[197-11-948](#) Assumption of lead agency status. (~~Ord. 2471 § 1, 1998~~)

18.04.300 Critical areas.

~~(WAC 173-806-190)~~

A. Outside the city limits the water line exemptions of WAC [197-11-800\(3\)\(24\)\(b\)](#) do not apply.

B. Outside the city limits the city exempts from SEPA review its decisions relating to water lines of four inches or less in diameter. (~~Ord. 2471 § 1, 1998~~)

18.04.310 Fees.

~~(WAC 173-806-200)~~ The city ~~shall~~ **must** require the following fees for its activities in accordance with the provisions of this chapter:

A. *Threshold Determination.* For every environmental checklist the city will review when it is lead agency, the city ~~shall~~ **must** collect a fee of four hundred dollars from the proponent of the proposal prior to undertaking the threshold determination. This amount is to cover two hours of staff time and publication and distribution costs. The time periods provided by this chapter for making a threshold determination ~~shall~~ **must** not begin to run until payment of the fee. Additionally, when the city completes its environmental review, the city may charge and collect a reasonable fee from any applicant to cover costs incurred by the city in preparing the threshold determination. The city ~~shall~~ **must** charge fees for the coordination and supervision of the threshold determination preparation in the sum equal to staff time expended on the project (at fifty dollars per hour plus one hundred percent of that amount to compensate for support staff time and expenses) as supported by time sheets. The responsible official ~~shall~~ **must** advise the applicant(s) of the projected costs for the threshold determination prior to actual preparation; the applicant ~~shall~~ **must** post bond or otherwise ensure payment of such costs.

B. *Environmental Impact Statement.*

1. When the city is lead agency for a proposal requiring an EIS and the responsible official determines that the EIS ~~shall~~ **must** be prepared by employees of the city, the city may charge and collect a reasonable fee from any applicant to cover costs incurred by the city in preparing the EIS. The responsible official ~~shall~~ **must** advise the applicant(s) of the projected costs for the EIS prior to actual preparation; the applicant ~~shall~~ **must** post bond or otherwise ensure payment of such costs.
2. The responsible official may determine that the city will contract directly with a consultant for preparation of an EIS, or a portion of the EIS, for activities initiated by some persons or entity other than the city and may bill such costs and expenses directly to the applicant. The city may require the applicant to post bond or otherwise ensure payment of such costs. Such consultants ~~shall~~ **must** be selected by mutual agreement of the city and applicant after an informal call for proposals.
3. If a proposal is modified so that an EIS is no longer required, the responsible official ~~shall~~ **must** refund any fees collected under subsection [\(B\)\(1\)](#) or [\(B\)\(2\)](#) of this section which remain after incurred costs are paid.

C. The city may collect a reasonable fee from an applicant to cover the cost of meeting the public notice requirements of this chapter relating to the applicant's proposal as set forth in subsection [A](#) of this section.

D. The city ~~shall~~ **must** not collect a fee for performing its duties as a consulted agency.

E. The city may charge any person for copies of any document prepared under this chapter, and for mailing the document, in a manner provided by Chapter [42.17](#) RCW. (Ord. 2704 § 1, 2005; ~~Ord. 2471 § 1, 1998~~)

18.04.320 Effective date.

~~(WAC 173-806-205)~~ The effective date of the ordinance codified in this chapter is five days after posting and publication. ~~(Ord. 2471 § 1, 1998)~~

18.04.330 Severability.

~~(WAC 173-806-220)~~ If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, ~~shall~~ **must** not be affected. ~~(Ord. 2471 § 1, 1998)~~

Article XI. Forms

18.04.340 Adoption by reference.

~~(WAC 173-806-230)~~ The city adopts the following forms and section by reference:

WAC

[197-11-960](#) Environmental checklist.

[197-11-965](#) Adoption notice.

[197-11-970](#) Determination of nonsignificance (DNS).

[197-11-980](#) Determination of significance and scoping notice (DS).

[197-11-985](#) Notice of assumption of lead agency status.

[197-11-990](#) Notice of action. (~~Ord. 2471 § 1, 1998~~)

The Anacortes Municipal Code is current through Ordinance 3039, and legislation passed through March 18, 2019.

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

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

City Telephone: (360) 293-1900

[Code Publishing Company](#)



Planning Commission Public Hearing Minutes for July 10, 2019

This is not a verbatim transcript of the meeting and is written in an attempt to capture the general spirit of the discussion based upon notes and video observation by the author. To view the video recording of this meeting, click [here](https://www.anacorteswa.gov/700/Watch-Meetings), or go to <https://www.anacorteswa.gov/700/Watch-Meetings>.

Acting Chair Cleland-McGrath called the Public Hearing of July 10, 2019 to order at approximately 5 p.m.

Roll Call

Members Present: Commissioners, Cleland-McGrath, MacKenzie, Graf, and Mount
Absent: Commissioners, McNett, Doll, and Moffitt

Minutes

Minutes from May 22 were approved as read.

Correspondence

No new correspondence were submitted.

New Business –

Proposed Amendments to Chapter 18.04 State Environmental Policy Act (SEPA)

Don Measamer, Director of Planning presented a proposal to amend the Anacortes Municipal Code provisions under AMC 18.04 to remove outdated WAC references, replace the words “shall” with the word “must”, and the add the specification that within the R1 Zone Categorical Exemptions do not apply to both lands covered by water and their buffers.

Ian Munce, 1711 Quail Drive, Anacortes; provided public testimony in support of the amendment; he believes the R1 zone is a critically important transitional zone with many sensitive areas. That this proposal will provide clarification of the current SEPA requirements, which is useful and transparent, and will allow for an opportunity for neighbor comments on water related issues.

With no further comment, Acting Chair Cleland-McGrath closed the public hearing.

Commissioners discussed the project; Commissioner MacKenzie made a motion to recommend approval of the Proposed Amendments to City Council. Commissioner Graf seconded. The motion passed 4-0.

With no further discussion, Acting Chair Cleland-McGrath concluded the meeting at approximately 5:17 p.m.



**Anacortes Planning Commission Recorded Motion Regarding Anacortes
Municipal Code Chapter 18.04 State Environmental Act
Amendments**

Proposal publish date:	June 26, 2019
Proposal name:	AMC Chapter 18.04 State Environmental Policy Act Amendments
Documents available at:	https://www.anacorteswa.gov/198/Anacortes-Municipal-Code-Updates
Public hearing body:	Anacortes Planning Commission
Public hearing date:	July 10, 2019
PC deliberations:	July 10, 2019

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

Findings of Fact and Reasons for Action

1. On July 10, 2019 city staff presented proposed amendments to the Planning Commission regarding amendments to AMC Chapter 18.04 SEPA. The proposed amendments adds a new section 18.04.120-C to clarify that certain categorical SEPA exemptions do not apply to minor new construction in the R-1 Use Zone when the project is undertaken wholly or partly on lands covered by water, streams and their buffers.
2. The proposed amendments are exempt from SEPA consistent with WAC 197-11-800 (19) (Procedural Actions).
3. The Department of Planning, Community & Economic Development (PCED) sent the required documents and a request for expedited review to the Department of Commerce for state agency review and comment on June 13, 2019. The expedited review was complete on June 27, 2019, and no comments from state agencies were received.
4. The Planning Commission held a public hearing on July 10, 2019 to take oral and/or written comments.
5. The proposed amendments are consistent with the 2016 Comprehensive Plan and the Growth Management Act.

Attachment D – PC Findings/Recorded Motion

Recommendation

The Planning Commission recommends that the City Council adopt the proposed amendments to AMC Chapter 18.04 including the addition of Section 18.04.120-C

This recorded motion approved July 10, 2019:

Commission Vote	Support	Oppose	Absent	Abstain
Jeremy McNett, Chair			X	
Amber Moffitt			X	
Christine Cleland-McGrath, Vice Chair	X			
Jeff Mount	X			
Andrea Doll			X	
Jeff Graf	X			
Ward MacKenzie	X			
Total	4	0	3	0

ANACORTES PLANNING COMMISSION
ANACORTES, WASHINGTON



Christine Cleland – McGrath, Planning Commission
Vice Chair

July 16, 2019

Date

Ordinance No. 3046

An Ordinance Amending Anacortes Municipal Code Chapter 18.04, State Environmental Policy Act

Whereas, the City is currently in the process of comprehensively updating its development regulations and zoning establishing a variety of housing types; and

Whereas, the City Council desires to clarify that SEPA Categorical exemptions, Wac 197-11-800, do not apply to minor new construction when the project is undertaken wholly or partly on lands covered by water and their buffers; and

Whereas, on June 13, 2019, the City requested expedited review under RCW 36.70A.106(3)(b) from the Washington State Department of Commerce; no comments were received from state agencies; and

Whereas, on June 10, 2019, the Planning Commission held a public hearing on the proposal recommending approval to City Council; and

Whereas, on June 22, 2019, the City Council deliberated on the proposal; and

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

Section 1. The Anacortes Municipal Code is amended as shown in Attachment A.

Section 2. This ordinance takes effect five days after publication.

PASSED and APPROVED this ____ day of _____, 2019.

CITY OF ANACORTES:

Laurie Gere, Mayor

Attest:

Steve Hoglund, City Clerk-Treasurer

Approved as to Form:

Darcy Swetnam, City Attorney



City Council Agenda Bill

Meeting Date: 7/22/2019 **Agenda Item:** 7b

Subject: Development Regulations Update – Ordinance Adoption

Staff Contact: Don Measamer, Libby Grage

Approved for Submittal to Council by	
	Laurie Gere, Mayor
	Steve Hoglund, Finance Director
	Darcy Swetnam, City Attorney
X	Don Measamer

Action Type	
x	Ordinance No. 3040
x	Code Revision
	Resolution No.
	Contract
	Public Hearing
	Staff Report

Summary Statement: Draft Ordinance 3040 was presented at the 7/15/19 council meeting. The ordinance has been updated as follows:

- Council findings have been added setting forth the factors considered in adopting substantial changes from the Planning Commission's recommendation.
- The effective date has been updated to August 5, 2019, which is 5 days after the anticipated publication date.
- Appendix A has been updated to reflect changes discussed during Council's review of the Planning Commission's recommendation at the [4/15/19](#), [4/22/19](#), [4/29/19](#), [5/6/19](#), [5/13/19](#), [5/20/19](#), [6/3/19](#) and 7/15/19 Council meetings.

Background: All project related-documents can be viewed on the [project website](https://www.anacorteswa.gov/202/Development-Regulations-Design-Standards) (<https://www.anacorteswa.gov/202/Development-Regulations-Design-Standards>).

Previous Council/Committee Action: Council authorized a contract ([16-081-IDS-001](#)) with MAKERS Architecture & Urban Design, LLP to assist with the updates on October 17, 2016. Contract modifications were executed on [December 7, 2017](#), [May 22, 2018](#), and [December 27, 2018](#). City Council and Planning Commission held a joint meeting to discuss the proposed amendments on [May 9, 2018](#). City council conducted review of the [Planning Commission's recommendation](#) over the course of seven meetings ([4/15/19](#), [4/22/19](#), [4/29/19](#), [5/6/19](#), [5/13/19](#), [5/20/19](#), [6/3/19](#)).

Competing Viewpoints Considered: Written public comments and project team responses for all drafts can be viewed [here](#).

Recommended Motion: I move to approve Ordinance 3040 Amending the Development Regulations Contained in Anacortes Municipal Code Title 16 Subdivisions, Title 17 Zoning, Title 19 Unified Development Code, and the Official Zoning Map

Alternative Actions: Do not approve the ordinance.

Attachments (listed in order presented):

Ordinance No. 3040

An Ordinance Amending the Development Regulations Contained in Anacortes Municipal Code Title 16 Subdivisions, Title 17 Zoning, Title 19 Unified Development Code, and the Official Zoning Map

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

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

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

Whereas, the Anacortes Planning Commission reviewed proposed amendments to the development regulations and the official zoning map consistent with the process outlined in AMC 19.16.080, and subsequent to a public hearing on January 9, 2019 and January 23, 2019, entered findings of fact, reasons for action, and recommendations to the City Council in a recorded motion dated April 10, 2019; and

Whereas, the City Council considered the Planning Commission's recommendation pursuant to AMC 19.16.090 at meetings on April 10, 2019, April 15, 2019, April 22, 2019, April 29, 2019, May 6, 2019, May 13, 2019, May 20, 2019, June 3, 2019; and

Whereas, an additional public comment opportunity was provided for certain changes to the Planning Commission's recommendation identified during City Council's review;

Whereas, the City Council considered the additional comments received at a meeting on July 15, 2019;

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

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

- A. The Findings of Fact contained within Section A of the *Anacortes Planning Commission Recorded Motion Regarding Amendments to the Development Regulations and the Official Zoning Map* (approved April 10, 2019), analyze the proposal's consistency with the Growth

Management Act, Anacortes Comprehensive Plan, and the Anacortes Municipal Code, and are hereby adopted by reference.

- B. The following findings are entered where the Council adopted substantial changes to the Planning Commission's recommendation:
1. Retail sales uses. The City Council finds that it is appropriate to permit outright individual retail sales uses of up to 50,000 net square feet in the Central Business District, Commercial, and Marine Mixed Use zones, in order to encourage new businesses, such as small specialty retailers, mercantiles, or complementary brand retailers that provide goods not currently available in the city. Additionally, it is appropriate to set limits on the maximum net floor area of individual retail sales tenant/use spaces at 50,000 net square feet and the overall maximum gross floor area of buildings containing multiple individual retail sales tenant/use spaces at 75,000 square feet in order to maintain Anacortes's small-town scale and character.
 2. Heavy Industry uses. The City Council finds that in protecting the public from health and environmental hazards it is appropriate to exclude certain Heavy Industry uses from industrial zones that are adjacent to residential zones. The Industrial and Marine Shipping zones are adjacent to residential areas. Petroleum and oil refineries and chemical manufacturing use categories include uses that may be potentially hazardous. It is proper to exclude said uses from the Industrial and Manufacturing and Shipping zones until additional review of public health and environmental hazards of said uses can be evaluated.
 3. Garage location. The City Council finds that prohibiting garage doors from being placed in front of the front face of new dwellings (including front porch or covered entry feature) on small lots and certain other housing types will help minimize the appearance and impact of garages on the streetscape and encourage neighbor and community interaction.
 4. CBD/Old Town transition. The City Council finds that special setback standards are needed to minimize the impacts of new development of land zoned Central Business District (which will allow for 65' buildings in certain circumstances) on abutting properties that are in the Old Town Zone.
 5. Height bonus. The City Council finds that increased building height allowances in certain zones, and resulting economic benefits realized by developers, must only be allowed when in exchange for a social benefit. Requiring a percentage of residential units within a development to be small (600 square feet or less) or to meet affordability criteria will improve the housing diversity and affordability in the City, which is a public benefit.
 6. Bike parking. The City Council finds that expanding bike parking requirements for new development is consistent with Anacortes's designation as a Bicycle Friendly Community and with promoting active transportation options.

7. South Commercial Avenue block frontage designation. The City Council finds that application of the “Mixed” block frontage designation to the majority of south Commercial Avenue is necessary to strengthen the visual appearance and economic vitality of the corridor, and is supported by new design standards providing for pedestrian friendly building frontages and minimizing the visual impact of off-street parking through location and design.
 8. Corporate architecture. The City Council finds that, in order to promote compatible, pedestrian-oriented development that respects Anacortes’s historic character and small town scale, it is appropriate to prohibit architecture that is defined predominantly by corporate identity features and is difficult to adapt to other uses.
 9. Oakes Avenue fencing. The City Council finds that establishing additional fence, wall, and hedge height restrictions for new lots created along a portion of the north side of Oakes Avenue will help protect public views of Guemes Channel.
- C. In adopting substantial changes to the Planning Commission’s recommendation, City Council considered public comments, staff recommendations, and relevant goals and policies of City planning documents, including the 2016 Comprehensive Plan.
 - D. Other changes made by the City Council to the Planning Commission’s recommendation conform substantially to the proposal as made available for public comment, correct typographical errors, correct cross-references, clarify language without changing its effect, or preserve the status quo.
 - E. The amendments to the development regulations and zoning map set forth herein bear a substantial relation to the public health, safety, and welfare.
 - F. The amendments to the development regulations and zoning map set forth herein are in the best interest of the City of Anacortes residents.
 - G. The amendments to the development regulations and zoning map set forth herein have been processed, reviewed, considered, and adopted in material compliance with all applicable state and local procedural requirements, standards and criteria, including but not limited to the requirements of Chapter 36.70A RCW.
 - H. All relevant procedural requirements of the State Environmental Policy Act have been satisfied with respect to this ordinance.
 - I. Notice of intent to adopt these development regulations has been provided to the Washington Department of Commerce.

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

Section 3. Official Zoning Map Amendments Adopted. The Official Zoning Map is amended as shown in Attachment B.

Section 4. **Production and Publication of Development Regulations & Official Zoning Map.** Staff is hereby directed to perform any minor, non-substantive text edits, syntax error corrections, and other minor modifications to the format of the development regulations as necessary to provide for accurate and correct publication of said document both in printed and electronic format for accessibility of the general public and to provide for the publication of the Official Zoning Map as a separate reference document for ease of use and reference to the general public.

Section 5. **Transmittal to State.** Pursuant to RCW 36.70A.106, a copy of this ordinance shall be submitted to the State Department of Commerce.

Section 6. **Severability.** If any section, sentence, clause, phrase, or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this ordinance.

Section 7. **Effective Date.** Consistent with RCW 35A.12.130, this ordinance takes effect on August 5, 2019.

PASSED and APPROVED this ____ day of _____, 2019.

CITY OF ANACORTES:

Laurie Gere, Mayor

Attest:

Steve Hoglund, City Clerk-Treasurer

Approved as to Form:

Darcy James Swetnam, City Attorney

Attachment A

AMC Title 16 Subdivisions

AMC Title 16, *Subdivisions*, is renamed Title 16, *Tree Preservation*.

Chapter 16.06, *General Provisions, Definitions and Exemptions*, is repealed.

Chapter 16.08, *Short Subdivisions and Short Plats*, is repealed.

Chapter 16.10, *Binding Site Plans*, is repealed.

Chapter 16.12, *Preliminary Plats for Standard Subdivision*, is repealed.

Chapter 16.16, *Final Plats*, is repealed.

Chapter 16.20, *Design and Improvement Standards*, is repealed.

Chapter 16.24, *Modifications and Exceptions*, is repealed.

Chapter 16.30, *Manufactured Home Subdivisions*, is repealed.

Chapter 16.32, *Road Standards*, is repealed.

Chapter 16.50 *Tree Preservation*, IS RETAINED.

AMC Title 17 Zoning

Title 17, *Zoning*, is renamed Title 17, *Critical Areas and Essential Public Facilities*.

Chapter 17.04, *General Provisions*, is repealed.

Chapter 17.05, *Concurrency*, is repealed.

Chapter 17.06, *Definitions* is repealed, except the following sections are RECODIFIED in New Chapter 17.70.020, *Definitions*, and renumbered:

- 17.06.025, *Adjacent/regulated slopes*
- 17.06.105, *Buffer*
- 17.06.110, *Buffer strip*
- 17.06.155, *Channel*
- 17.06.245, *Creation, wetland*
- 17.06.270, *Drainway*
- 17.06.315, *Flood*
- 17.06.335, *Function/wetlands*
- 17.06.415, *Hydrophytic vegetation*
- 17.06.425, *In-kind construction, wetland*
- 17.06.555, *Nontidal wetland*
- 17.06.575, *Off-site construction, wetland*

- 17.06.600, *Out-of-kind, wetland*
- 17.06.625, *Partially developed lot*
- 17.06.675, *Practicable alternative, wetland*
- 17.06.735, *Regulated activity, wetlands*
- 17.06.740, *Regulated slopes*
- 17.06.755, *Restoration, wetland*

Chapter 17.08, *Reserved*, is repealed.

Chapter 17.10 *Restaurant Sidewalk Uses and Adult Concessions*:

Sections 17.10.140 - .160 are recodified as Chapter 12.70

Section 17.10.200 is repealed.

Chapter 17.12, *Zones, Maps, and Boundaries*, is repealed.

Chapter 17.14, *Reserved*, is repealed.

Chapter 17.15, *Heavy Manufacturing Use District (HM)*, is repealed.

Chapter 17.17, *Manufacturing and Shipping District (MS)*, is repealed.

Chapter 17.19, *Light Manufacturing 1 Use District, (LM1)*, is repealed.

Chapter 17.20, *Central Business District (CBD)*, is repealed.

Chapter 17.21, *Commercial Marine District (CM)*, is repealed.

Chapter 17.22, *Commercial Marine 1 District (CM1)*, is repealed.

Chapter 17.23, *Commercial Marine 2 District (CM2)*, is repealed.

Chapter 17.24, *Commercial District (C)*, is repealed.

Chapter 17.26, *Public Use District (P)*, is repealed.

Chapter 17.28, *Residential High Density District (R4)*, is repealed.

Chapter 17.30, *Residential High Density A District (R4A)*, is repealed.

Chapter 17.32, *Residential High Density B District (R4B)*, is repealed.

Chapter 17.34, *Residential Medium Density District (R3)*, is repealed.

Chapter 17.36, *Residential District (R2)*, is repealed.

Chapter 17.38, *Residential District (R1)*, is repealed.

Chapter 17.39, *Aeronautical Zone District (AZ)*, is repealed.

Chapter 17.40, *Signs*, is repealed.

Chapter 17.41, *Landscaping Requirements*, is repealed.

Chapter 17.42, *Subdivisions and Replats*, is repealed.

Chapter 17.44, *Reserved*, is repealed.

Chapter 17.46, *Parking*, is repealed.

Chapter 17.48, *Accessory Buildings, Storage, and Docks*, is repealed.

Chapter 17.49, *Hazardous Waste Treatment and Storage Facilities*, is repealed.

Chapter 17.50, *Excavations*, is repealed.

Chapter 17.52, *Fences, Walls, and Hedges*, is repealed.

Chapter 17.54, *Standards - Generally*, is repealed.

Chapter 17.56, *Annexation*, is repealed.

Chapter 17.58, *Unzoned Land*, is repealed.

Chapter 17.60, *Reserved*, is repealed.

Chapter 17.62, *Reserved*, is repealed.

Chapter 17.64, *Special Uses*, is repealed.

Chapter 17.67, *Appendices*, is repealed.

Chapter 17.70, *Critical Areas Regulations*, is RETAINED.

Chapter 17.75, *Essential Public Facilities*, is RETAINED.

AMC Title 19, Unified Development Code

DIVISION 1 - GENERAL AND LEGISLATIVE PROVISIONS

Chapter 19.10 - GENERAL PROVISIONS

No change.

Chapter 19.12, *Definitions & Interpretations*, is amended as follows:

Chapter 19.12 - DEFINITIONS & INTERPRETATION

19.12.020 - Definitions.

The following definitions apply to this title, and other definitions may be found in individual chapters when applicable to that chapter:

A. A definitions.

“A-board” means a type of sign defined in AMC 19.67.030.

“Access corridor” means a vehicle circulation area in private ownership which provides access to a single flag lot.

“Accessory dwelling unit (ADU)” means a second small dwelling on the same lot as a single-family dwelling and meeting the requirements of AMC 19.47.030(C).

“Accessory structure” means a type of structure defined in AMC 19.47.020.

“Accessory use” means a use incidental and subordinate to the principal use and located on the same lot or in the same building as the principal use. See AMC Chapter 19.47 Uses & Structures for applicable standards.

“Active recreation” means a mix of uses that includes the following facilities or facility types: athletic fields, buildings or structures for active recreational activities, fitness centers, swimming pools, , community gardens, courts, children's play areas, formally developed dog play areas, and other similar structures or development, and may include related uses such as retail and concession stands related to the principal use.

“Adult concessions”. See AMC 5.35.030 for definitions pertaining to adult concession which by this reference are adopted for and applicable to AMC Title 19 to the extent used therein.

“Adult family home” means a group living use defined in AMC 19.43.020(B).

“Adverse impact” means an unwanted and unanticipated result of taking a particular action or a negative effect that goes against desired conditions.

“Advertise” means to describe or draw attention to a product, service, or event in a public medium in order to promote sales or attendance.

“AKART” means all known, available, and reasonable methods of prevention, control, and treatment.

“Alterations” means a change or rearrangement of the structural parts of existing facilities, or an enlargement by extending the sides or increasing the height or depth, or the moving from one location to another.

“AMC” means the Anacortes Municipal Code.

“Appellant” means a person who files a complete and timely appeal of a city decision.

“Appellate body” means that officer or body prescribed by this Title as having the authority to hear the appeal of a development permit.

“Applicant” means a person seeking development or permit approval from the City.

“Articulation” means the giving of emphasis to architectural elements (like windows, balconies, entries, etc.) that create a complementary pattern or rhythm, dividing large buildings into smaller identifiable pieces. See AMC 19.63.040 for articulation provisions.

“Articulation interval” means the measure of articulation, the distance before architectural elements repeat. See AMC 19.63.040 for articulation provisions.

“Artisan manufacturing” means a light manufacturing use defined in AMC 19.45.030(B).

“Assisted living facility” means a type of group living use defined in AMC 19.43.020(C).

B. B definitions.

“Basement” means that portion of a building below the ground floor having less than four-feet of clearance from its ceiling to the average finished grade of the building perimeter.

“Bed and breakfast establishment” means an overnight lodging use defined in AMC 19.44.050(B).

“Best management practice” (BMP) means the schedules of activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices, that when used single or in

combination, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State.

“Binding site plan” means a drawing to scale specified by AMC Chapter 19.32 Land Divisions which: (a) identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by local regulations; (b) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the City of Anacortes; and (c) contains provisions making any development be in conformity with the site plan.

“Bioretention BMP” means engineered facilities that store and treat stormwater by passing it through a specified soil profile, and either retain or detain the treated stormwater for flow attenuation.

“Blank wall” means a ground floor wall or portion of a ground floor wall as described in AMC 19.63.070(B) that does not include a transparent window or door.

“Block” means a parcel of land bounded on all sides by city streets, which may be divided by an alley, and generally comprised of individual building lots.

“Block frontage” refers to the area between a street and building façades and other portions of a lot close to the street property line. This includes both streetscape elements (planting strips and sidewalks), street setbacks, and building façades. See AMC Chapter 19.61 Block Frontage Standards for applicable standards.

“Boarder” means a patron of a rooming house who is provided lodging, with or without meals, for compensation.

“Boundary line adjustment” means the adjustment of a boundary line between existing lots.

“Building” means any structure used or intended for supporting or sheltering any use or occupancy.

“Building frontage” refers to the “façade” or street-facing elevation of a building. For buildings not adjacent to a street, it refers to the building elevation(s) that features the primary entrance to the uses within the building. Depending on the context the term is used in, it may also refer to the uses within the building. For example, a “storefront” is a type of building frontage.

“Building height”. See AMC 19.42.120 for building height calculations, exceptions, and modifications.

“Building site”. See “site area”.

“Burden of proof” means a party’s duty to prove an assertion or charge.

“Business or commerce” means the purchase, sale, offering for sale, or other transaction involving the handling or disposition of any article, service, substance, or commodity for livelihood or profit.

C. C definitions.

“Cannabis” means all parts of the plant cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. For the purpose of this chapter, “cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake, or the

sterilized seed of the plant which is incapable of germination. The term “cannabis” includes cannabis products and useable cannabis.

“Cannabis products” means products that contain cannabis or cannabis extracts, have a measurable THC concentration greater than three-tenths of one-percent, and are intended for human consumption or application, including, but not limited to, edible products, tinctures, and lotions. The term “cannabis products” does not include useable cannabis. The definition of “cannabis products” as a measurement of THC concentration only applies to the provisions of this chapter and must not be considered applicable to any criminal laws related to marijuana or cannabis.

“Cargo container” a type of temporary use defined in AMC 19.48.020(C).

“Carport” means a protective covering for a parking space open on two or more sides, also categorized under the term garage.

“Car-sharing provider” means a membership-based and licensed business that offers use of motor vehicles 24 hours a day and seven days a week to members who reserve vehicles in advance, and that charges members for the time and/or miles.

“Certificate of occupancy” means a permit to occupy a premises issued after inspection has verified compliance with the requirements and provisions of this title and applicable building codes.

“City” means the City of Anacortes, Washington.

“City Council” means the duly elected City Council of the City of Anacortes.

“City’s NPDES permit” means the 2013-2018 Phase II Western Washington Municipal Stormwater Permit issued by the Department of Ecology pursuant to the National Pollutant Discharge Elimination System.

“Closed record appeal” means an administrative appeal on the record to a local government body or officer, including the legislative body, following an open record hearing on a project permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed.

“Commission” means Planning Commission for the purposes of this title.

“Comprehensive Plan” means the City’s Comprehensive Plan adopted pursuant to RCW Chapter 36.70A.

“Comprehensive Plan amendment” means an amendment or change to the text or maps of the Comprehensive Plan.

“Conditional use” means a use that requires a Conditional Use Permit (CUP) and that may be restricted as a condition of approval.

“Cornice” means a horizontal molding projecting along the top of a wall, building, etc. See AMC 19.63.050(D) for related standards.

“Cottage dwelling” refers to a type of household living use defined in AMC 19.43.010(D).

“Council”. See “City Council”.

D. D definitions.

“Day” means calendar day, not business day, unless otherwise specified. See AMC 1.04.070 Computation of time.

“Day care” means a commercial use defined in AMC 19.44.010.

“Decision” means the written report of findings and conclusions issued by the decision-maker.

“Decision-maker” means that officer or body prescribed by this Title as having the authority to approve, approve with conditions, or deny a permit under this Title or hear an appeal and issue a revised decision.

“Department” means the City of Anacortes Planning, Community, and Economic Development Department.

“Departure” means a provision allowing for applicants to propose alternative means of compliance with a specific standard on a voluntary basis, provided they meet the purpose of the standard. See AMC 19.20.220 for more information on departures.

“Detached building” means a building surrounded on all sides by open space and not physically connected to any other building.

“Development” means any land use, activity, or project regulated by AMC Titles 13, 16, 17, 18, 19, and 20, including but not limited to building permits, subdivisions, binding site plans, rezones, conditional use permits, shoreline permits, short plats, or variances.

“Development permit” means a permit or approval for a development, and includes project permits per RCW 36.70B.020.

“Development site” means that portion of any lot or lots that encompass all phases of a development proposal.

“Director” means the director of the Planning, Community and Economic Development Department or the director’s designee.

“Division of land” means any transaction or action, not otherwise exempt or provided for under the provisions of this title, which alters or affects the shape, size or legal description of any part of an owner’s land as defined in this section. Sale of a condominium apartment and rental or lease of a building, facility or structure which does not alter or affect the legal description of an owner’s land does not constitute a division of land.

“Drive-in or drive-through restaurant or refreshment stand” means any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages to customers in vehicles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on or off the premises.

“Duplex dwelling” refers to a type of household living use defined in AMC 19.43.010(E).

“Dwelling unit” or “dwelling” means a building or portion thereof providing complete housekeeping facilities for one family. A “dwelling unit” does not include a motel or hotel, which is separately defined.

E. E definitions.

“Effective date” means the date a final decision becomes effective.

“Effective impervious surface” means those impervious surfaces that are connected via sheet flow or discrete conveyance to a drainage system.

“Essential public facility” (EPF) means any public facility or facilities owned or operated by a unit of local or state government, public or private utility, transportation company, or any other entity that

provides a public service as its primary mission, and is difficult to site. EPFs include those facilities listed in RCW 36.70A.200.

F. F definitions.

“Façade” means the entire street wall face of a building extending from the grade of the building to the top of the parapet or eaves and the entire width of the building elevation.

“Family” means:

1. One person or two or more related persons living together.
2. No more than five unrelated persons living together as a single nonprofit housekeeping unit.
3. Unrelated persons living together in a state licensed adult family home pursuant to RCW 70.127.010, with the provider’s family counting as up to six persons not related to the providers living with them as one housekeeping unit for profit.
4. In a single-family dwelling, one roomer or boarder is permitted in addition to the family.

“Fence” means a structure which is built, constructed, or composed of parts joined together of material in some definite manner, in which the prime purpose is to separate and divide, partition, enclose or screen a parcel or parcels of land.

“Final decision” means the final City action, in writing, to approve, approve with conditions, or deny a permit application.

“Final plat” means a precise scale drawing of a subdivision and dedications which conforms to the approved preliminary plat, meets all the conditions of approval, and meets the requirements of the Skagit County Auditor for recording.

“Final short plat” means a precise scale drawing of a short subdivision and dedications which conforms to the approved preliminary short plat, meets all conditions of approval, and meets the requirements of the Skagit County Auditor for recording.

“Floor” means the same thing as a “story”.

“Floor area, net (NFA)” means the actual occupied area not including unoccupied accessory areas such as corridors, stairways, ramps, toilet rooms, mechanical rooms, and closets. Shared residential storage areas and commercial and industrial storage/stock areas are considered occupied areas for the purpose of this definition.

“Floor area, gross (GFA)” means the floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, ramps, closets, the thickness of interior walls, columns, or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area does not include shafts with no openings or interior courts.

“Freestanding sign” means a type of sign defined in AMC 19.67.030.

G. G definitions.

“Gateway block frontage” refers to a type of block frontage designation that emphasizes landscaping on frontages facing State Route 20. See AMC 19.61.100 for details.

“Garage” means a sheltered or enclosed accessory space used for the storage of the motor vehicles, recreational vehicles, or boats. The term “garage” includes carport.

“Garage sale” means all general sales, open to the public, conducted from or on a residential premises in any residential zone, for the purpose of disposing of personal property.

“General-service establishment” refers to a type of commercial use category defined in AMC 19.44.020(A).

“Grade” means the level of the surface of the ground.

“Grading” means any excavating or filling or combination thereof, of land.

“Gross acre” means acreage plus one-half the width of abutting right-of-way of streets and alleys.

“Groundcover” means small plants such as salal, ivy, ferns, mosses, grasses, or other types of vegetation which normally cover the ground.

“Ground floor” means the first floor of any building nearest, on, or above the same plane as the fronting right-of-way.

“Grubbing” means the removal of trees, shrubs, stumps and rubbish from the project site.

H. H definitions.

“Hard surface area” means an impervious surface, a permeable pavement, or a vegetated roof.

“Heavy industry” means a land use category defined in AMC 19.45.010(A).

“Hedge” means trees, vines, and/or shrubs which are planted in a substantially uniform configuration, grown and joined together in some definite manner and generally pruned to a uniform shape, creating a substantial barrier to sight.

“Home occupation” means a type of accessory use defined in AMC 19.47.040.

“Hospital” means a type of medical use defined in AMC 19.44.030(C).

“Hotel” or “motel” means a type of overnight lodging use defined in 19.44.050(C).

I. I definitions.

“Impervious surface” means a non-vegetated surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A non-vegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development.

“Improved public street” means a platted public street, paved to city standards and specifications.

“Incidental sign” means a type of design defined in AMC 19.67.030.

“Infiltration device or facility” means a drainage device or facility designed to use the hydrologic process of surface and stormwater runoff soaking into the ground, commonly referred to as a percolation, to dispose of surface and stormwater runoff.

J. J definitions.

“Junk yard” means a lot, land, or structure, or part thereof, used for the collecting, storage, and sale of waste paper, rags, scrap metal, used building materials, or discarded material; or for the collecting, dismantling, storage, salvaging or sale of parts of machinery, or vehicles not in running condition. Junk yard includes auto wreckage yard or storage yard for wrecked automobiles.

K. K definitions.

“Kennel” means a type of personal service use defined in AMC 19.44.080. Also see AMC 6.06.090 Commercial kennels, catteries, pet shops and animal shelters—General conditions for applicable standards.

L. L definitions.

“Land clearing” means the act of removing or destroying trees or groundcover.

“Land disturbing activity” means any activity that results in a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to, clearing, grading, filling, and excavation. Compaction that is associated with stabilization of structures and road construction shall also be considered a land disturbing activity. Vegetation maintenance practices, including landscape maintenance and gardening, are not considered land-disturbing activity. Stormwater facility maintenance is not considered land disturbing activity if conducted according to established standards and procedures.

“Landmark building” means a structure recognized as historic or architecturally significant through designation on a local, state, or national historic register.

“Landscape” and “landscaped area” means an inclusive combination of trees, shrubs, flowers, ferns, groundcover, and other vegetation as defined in AMC 19.65.030.

“Landscaped block frontage” refers to a type of block frontage designation that emphasizes landscaped setbacks. See AMC 19.61.070 for details.

“Light industry” means a land use category defined in AMC 19.45.020(A).

“Live-work dwelling unit” refers to a type of household living use defined in AMC 19.43.010(J).

“Loading space” means an off-street space or berth on the same lot with a building, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, parking lot or other appropriate means of access.

“Local government” means a county, city, or town.

“Local Improvement District” means an area comprised of a specific set of properties which are subject to a special property tax assessment after City Council action by ordinance pursuant to state statutes.

“Long subdivision” means the division or redivision of land into ten or more lots for the purpose of sale, lease, or transfer of ownership.

“Lot” means a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term includes tracts or parcels.

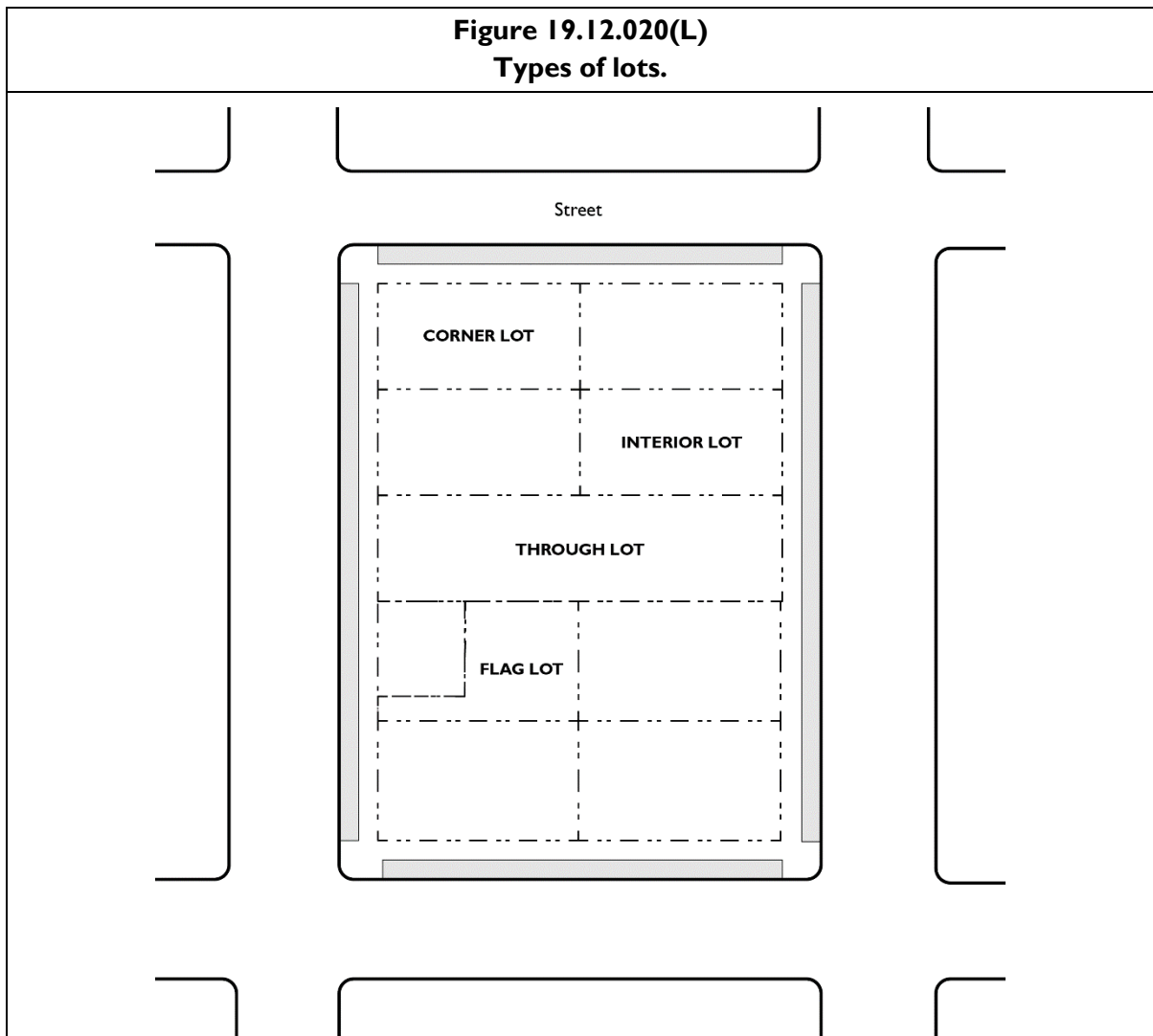
“Lot coverage” means the area of a lot which is covered by buildings and structures. See AMC 19.42.110 for a clarification of how lot coverage standards established by AMC Chapter 19.42 Form & Intensity Standards are applied.

“Lot frontage” means the portion of the property line which abuts a street right-of-way.

“Lot of record” means a lot which is described by a final plat, short plat, or metes and bounds, and is established consistent with applicable local and state regulations at the date a legal instrument creating the lot is recorded at the Skagit County auditor’s office.

“Lot types”. The diagram in figure 19.12.020(L) illustrates terminology used in this title with reference to corner lots, interior lots, and through lots.

1. “Corner lot” means a lot located at the intersection of two or more streets. A lot abutting a curved street or streets must be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five degrees.
2. “Interior lot” means a lot with frontage on only one street.
3. “Through lot” means a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
4. “Flag lot” means a parcel of land, the body of which is separated from a public street by one or more lots, connected to a public street by a narrow portion (flag pole) of the parcel. See AMC 19.42.140(B) for flag lot setback standards.
5. “Shared-access lot” means a group of lots sharing a driveway. See AMC 19.54.040(E) for shared-access lot standards.



“Low impact development” (LID) means a stormwater and land-use management strategy that strives to mimic the pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing the following techniques:

1. Conservation.
2. Use of on-site natural features.
3. Site planning.
4. Distributed stormwater best management practices (BMPs) integrated into a project design.

Common LID BMPs include, but are not limited to: bio-retention, rain gardens, permeable pavements, roof downspout controls, dispersion, soil quality and depth, minimal excavation foundations, vegetated roofs, water re-use, and rainwater harvesting.

“Low impact development best management practice” (LID BMP) means distributed stormwater management practices, integrated into a project design, that emphasize pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation, and transpiration. LID BMPs include, but are not limited to: bioretention, rain gardens, permeable pavements, roof downspout controls, dispersion, soil quality and depth, minimal excavation foundations, vegetated roofs, and water re-use.

“Low impact development principles” means land use management strategies that emphasize conservation, use of on-site natural features, and site planning to minimize impervious surfaces, native vegetation loss, and stormwater runoff.

M. M definitions.

“Major utility” means a type of utilities use defined in AMC 19.46.040(A).

“Manufactured home” refers to a type of household living use defined in AMC 19.43.010(K).

“Marijuana” means all parts of the plant cannabis, whether growing or not. See also “Cannabis.”

“Marine block frontage” refers to a type of block frontage designation that emphasizes use of either the Storefront or Landscaped block frontage standards but which also offers greater flexibility in site orientation. See AMC 19.61.090 for details.

“Medical office” means a type of medical use defined in AMC 19.44.030.

“Minimum requirement” means a technical minimum requirement described in Volume 1 of the Stormwater Management Manual for Western Washington (SWMMWW) and Appendix 1 of the City’s NPDES permit.

“Minor utility” means a type of utilities use defined in AMC 19.46.040(B).

“Mixed block frontage” refers to a type of block frontage designation that allows use of either the Storefront or Landscaped block frontage standards. See AMC 19.61.080 for details.

“Mixed-use” means a development that has a mix of uses such as but not limited to residential, office, retail, civic, dining, institutional, and industrial.

“Modulation” means stepping forward or backwards a portion of the façade as a means to articulate or add visual interest to the façade.

“Motel”. See “Hotel”.

“Multi-family restricted dwelling” refers to a type of household living use defined in AMC 19.43.010(I).

“Multifamily dwelling” refers to a type of household living use defined in AMC 19.43.010(H).

“Municipal service facility” means a type of general-service use defined in AMC 19.44.020(D).

“Museum” means a type of civic use defined in AMC 19.46.020(C)(4).

N. N definitions.

“Native vegetation” means vegetation composed of plant species, other than noxious weeds, that are indigenous to the coastal region of the Pacific Northwest and which reasonably could have been expected to naturally occur on the site. Examples include trees such as Douglas fir, Western Hemlock, Western Red Cedar, Alder, Big-leaf Maple, and Vine Maple; shrubs such as willow, elderberry, salmonberry, and salal; and herbaceous plants such as sword fern, foam flower, and fireweed.

“Neighborhood grocery store” means a type of retail sales use defined in AMC 19.44.120(D).

“Nonconforming” or “pre-existing nonconforming” means a use or structure that was legally established when it was commenced or constructed but does not conform to laws or rules that were subsequently adopted.

“Nursery” means a type of agriculture use defined in AMC 19.46.010(E).

“Nursing home” means a type of group living use defined in AMC 19.43.020(D).

O. O definitions.

“Open record hearing” means a hearing conducted by a single hearing body or officer authorized by the city to conduct such hearings, that creates the city’s record through testimony and submission of evidence and information, under procedures prescribed by the city by ordinance or resolution.

“Open record pre-decision hearing” means an open record hearing held prior to the City’s decision on a project permit.

“Open record appeal hearing” means an open record hearing held on an appeal if no pre-decision hearing has been held on the project permit.

“Open space” means that part of a property which is unobstructed by structures from the ground upward, unless otherwise noted for internal open space provisions in AMC 19.62.040.

P. P definitions.

“Passive recreation” means a mix of uses on undeveloped land (including wetland buffers) or minimally improved lands which includes the following: naturally landscaped areas, non-landscaped greenspaces, picnic areas, water bodies, trails, interpretive trails and other similar structures or development.

“Parking space” means an off-street space plus room to enter and exit the space that is used temporarily to park a motor vehicle, and which has access to a public street or alley.

“Party of record” means a person who has testified at a public hearing, or submitted a written statement related to an application within the allowed timeframe, and who provides the City with a complete mailing address.

“Pedestrian-oriented space” means publicly accessible spaces that enliven the pedestrian environment by providing opportunities for outdoor dining, socializing, relaxing and provide visual amenities that can contribute to the character of the neighborhood. See AMC 19.62.040(D) for pedestrian-oriented space design criteria.

“Permanent sign” means a type of sign defined in AMC 19.67.030.

“Permeable pavement” means pervious concrete, porous asphalt, permeable pavers, or other forms pervious or porous paving material intended to allow passage of water through the pavement section. It often includes an aggregate base that provides structural support and acts as a stormwater reservoir.

“Permitted use” means any use authorized or permitted alone or in conjunction with another use in a specific zone and subject to the limitations of the regulation of such zone.

“Person” means and includes a human being or legal entities such as corporations, partnerships, etc.

“Personal service” means a category of land uses defined in AMC 19.44.080(A).

“Pervious surface” means any surface material that allows stormwater to infiltrate into the ground. Examples include lawn, landscape, pasture, native vegetation areas, and permeable pavements.

“Place of assembly” means a place for groups of people to gather for an event or scheduled program. Examples include both civic or public uses (see AMC 19.46.020) or commercial recreation uses (see AMC 19.44.090-100).

“Planning Commission” means the duly appointed Planning Commission of the city.

“Plat” means a scale drawing of a subdivision showing lots, blocks, streets, or tracts, or other division or dedications of land to be subdivided.

“Pole sign” means a type of freestanding sign defined in 19.67.030.

“Portable sign” means a type of freestanding sign defined in AMC 19.67.030.

“Preliminary plat” means a neat and approximate scale drawing of a proposed subdivision, showing the existing conditions and the proposed layout of streets, lots, blocks, and other information needed to properly review the proposal.

“Preliminary short plat” means a neat and approximate scale drawing of a proposed short subdivision, showing the existing conditions and the proposed layout of streets, lots, blocks, encumbrances, encroachments, and other information needed to properly review the proposal.

“Principal use” means the use for which the majority of a lot, structure, or building, is designed or actually employed.

“Produce stand” means a type of temporary use defined in AMC 19.48.020(B).

“Professional office” means a type of commercial use category defined in AMC 19.44.040.

“Projecting sign” means a type of building-mounted sign defined in AMC 19.67.030.

“Project permit or project permit application” means any land use or environmental permit or license required from the city for a project action, including but not limited to building permits, subdivisions, binding site plans, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a

comprehensive plan, sub area plan, or development regulations except as otherwise specifically included in this subsection.

“Public access” means access for all persons at all times.

“Public park” means a type of parks, open space, and natural areas land use defined by 19.46.030(B).

“Public safety facility” means a type of general-service used defined in AMC 19.44.020(E).

“Public street” means a public thoroughfare which provides the principal means of access to abutting properties. See AMC Chapter 19.52 Public Street Design for related public street design standards and roadway functional classifications.

Q. Q definitions.

“Qualified professional” means a person with experience and training in the applicable field or critical area. A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geology or related field, and two years of related work experience.

R. R definitions.

“Rain garden” means a non-engineered shallow, landscaped depression, with compost-amended native soils and adapted plants. The depression is designed to pond and temporarily store stormwater runoff from adjacent areas, and to allow stormwater to pass through the amended soil profile. See AMC 19.65.060(F) for rain garden design standards.

“Real estate signs” means a type of sign defined in AMC 19.67.030.

“Recreational vehicle” means a type of temporary use defined in AMC 19.48.020(D).

“Religious institution” means any building used for non-profit purposes by an established religious organization holding either tax exempt status under Section 501(c)(3) of the Internal Revenue Code or under the state property tax law, where such building is primarily intended to be used as a place of worship. The term includes, but is not necessarily limited to, church, temple, synagogue, and mosque.

“Research and development” means a type of use category defined in AMC 19.45.040.

“Retail” means a type of use category defined in AMC 19.44.120(A).

“Retaining wall” means a structure that retains (holds back) any material (usually earth) and prevents it from sliding or eroding away.

“Rezone” means an amendment which changes the use classifications and/or boundaries upon the official zoning map.

“Right-of-way” means a strip of land in public ownership used for transportation, utility, open space, or other public purposes.

“Rockery” means placed rocks used to control soil erosion.

“Roofline” means the highest edge of the roof or the top of a parapet, whichever establishes the top line of the structure when viewed in a horizontal plane.

“Rooming house” means a type of group living use defined in AMC 19.43.020(E).

S. S definitions.

“School” means a type of civic use defined in AMC 19.46.020(C).

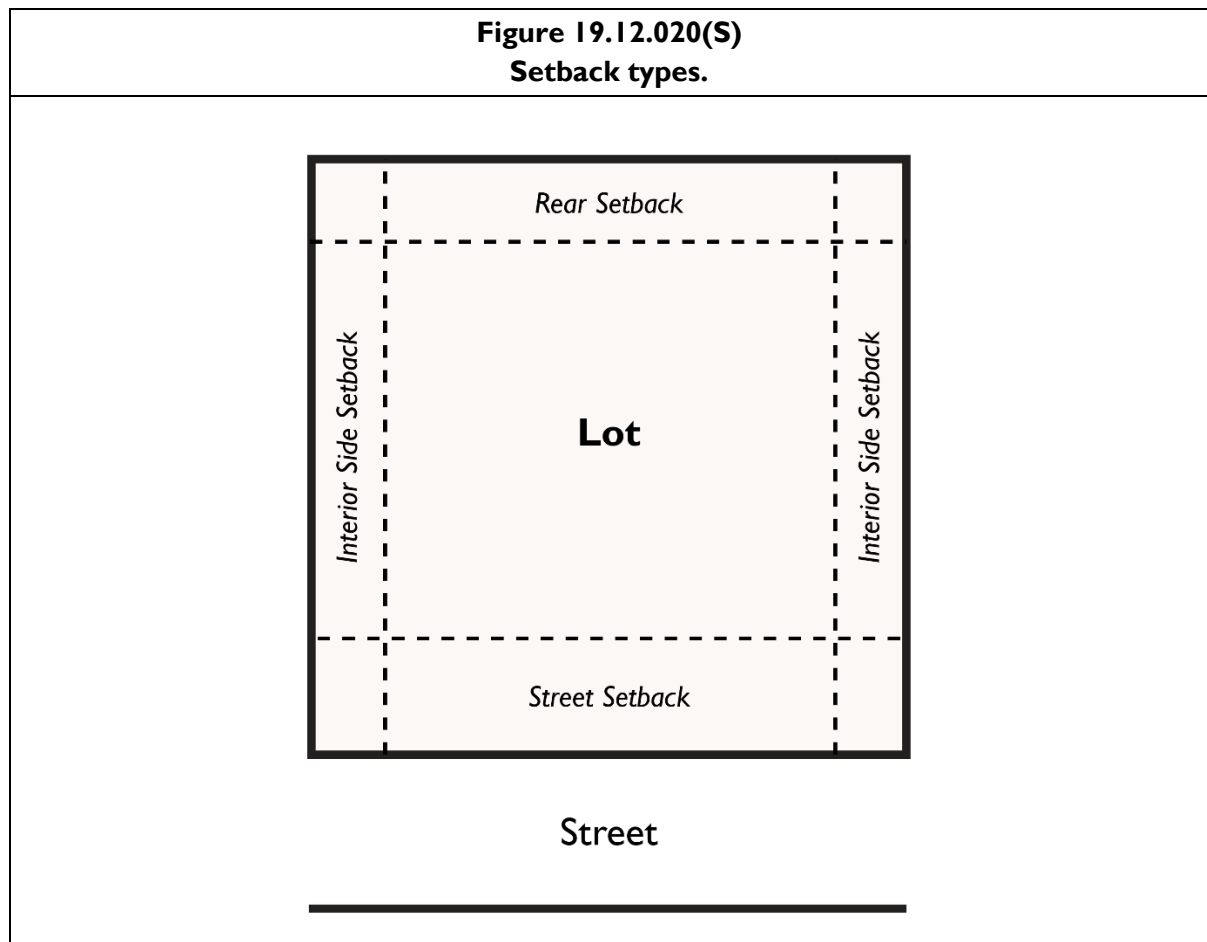
“Second floor” means the habitable floor above the ground floor.

“Sediment basin (pond)” means a temporary sediment pond installed at a construction site.

“Setback” means the minimum required distance between a property line and a line parallel to that property line. Types of setbacks include:

1. Street setback.
2. Street setback - garage.
3. Side street setback.
4. Interior side setback.
5. Interior side setback - second floor.
6. Rear setback.

Figure 19.12.020(S) shows the location of some setback types on a typical lot. See AMC 19.42.130 for clarification on how all setback types are measured.



“Setback line” means a line designating the minimum setback from the property line. See AMC 19.42.130 for measurement clarifications.

“Shell building” means a non-residential building that is capable of being divided into multiple leasable units or spaces with different uses but has had no use or uses identified as part of a land use permit application.

“Shoreline permit” means a shoreline substantial development permit, shoreline conditional use permit, or shoreline variance issued pursuant to the City’s Shoreline Master Program.

“Short plat” means the plat of a short subdivision.

“Short subdivision” means the division or redivision of land into nine or fewer lots.

“Single-family dwelling” refers to a type of household living use defined in AMC 19.43.010(B).

“Single family - small lot dwelling” refers to a type of household living use defined in AMC 19.43.010(C).

“Site area” means the total horizontal area within the property lines excluding external streets, except where property lines extend waterward of the ordinary high water mark (OHWM) in which case the site area is the total horizontal area landward of the OHWM and excluding external streets.

“Sign”. See AMC 19.67.030 for sign and sign-related definitions.

“Significant tree” means a deciduous and evergreen tree greater than six-inches in diameter at five-feet above grade.

“Site plan” means a map or representation of a site showing thereon the location of various features of a particular proposal, such as setbacks, buildings, parking areas, and other items.

“Standard of review” means the amount of deference given by an appellate body in reviewing a decision of a lower decision-maker.

“Storefront” means the ground floor façade of a commercial use adjacent to a sidewalk or internal pathway.

“Storefront block frontage” refers to a type of block frontage designation that emphasizes storefronts. See AMC 19.61.060 for details.

“Stormwater facility” means a constructed component of a stormwater drainage system, designed or constructed to perform a particular function, or multiple functions. Stormwater facilities include, but are not limited to, pipes, swales, ditches, culverts, street gutters, detention ponds, retention ponds, constructed wetlands, infiltration devices, catch basins, oil/water separators, and biofiltration swales.

“Stormwater management manual” means the city’s manual for design of stormwater facilities, as adopted in AMC 19.76.040.

“Street gutter” means a low area at the side of a road used to catch water and carry it away from the road.

“Streetscape” means the space between the buildings on either side of a street that defines its character. The elements of a streetscape include block frontages, building façades, landscaping (trees, yards, bushes, plantings, etc.), sidewalks, street paving, street furniture (benches, kiosks, trash receptacles, fountains, etc.), signs, awnings, and street lighting.

“Structure” means that which is built or constructed. An edifice or building of any kind, or any piece of work artificially built up or composed of parts jointed together in some definite manner, not to include fences less than seven-feet high, paved areas, or retaining walls.

“Story” means that portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

“Substandard lot” means a lot that does not meet current city standards for area, width, or other dimensional characteristics for the zone in which it is located.

“Subdivision” means the division or redivision of land as regulated by AMC Chapter 19.32 Land Divisions.

“Surface water” means waters that flow over the land surface and frequently interact with groundwater.

“SWMMWW” means 2014 Stormwater Management Manual for Western Washington.

T. T definitions.

“Temporary signs” means conforming signs permitted for a specified period of time. See AMC 19.67.110 for applicable standards.

“Tent structure” means any structure which is designed to be freestanding or partially supported by another structure, is covered with metal, canvas, plastic, or other material of a generally temporary nature, supported by a wood or pipe or similar skeletal frame.

“Townhouse dwelling” refers to a type of household living use defined in AMC 19.43.010(G).

“Tract” means land reserved for special uses such as open space, surface water retention, utilities, or access. Tracts are not counted as lots nor considered as building sites.

“Transparency” means the degree to which rays of light may transmit through a substance. For storefronts and other ground level non-residential uses, transparency also refers to the ability to see through the window and into the building as clarified in AMC 19.61.050.

“Tree” means any living woody plant characterized by one main stem or trunk (or a group of trunks, in some species) and many branches, and having a diameter of eight-inches or more measured at twenty-four-inches above ground level when mature.

“Triplex dwelling” refers to a type of household living use defined in AMC 19.43.010(F).

U. U definitions.

“Undesignated block frontage” refers to a type of block frontage without a designation. See AMC 19.61.110 for details.

“Undeveloped lot” means a lot or parcel of land upon which no building or structure exists.

“Under-canopy signs” means a type of building-mounted sign defined in AMC 19.67.030.

“Unit”. See “Dwelling unit”.

“Unit lot subdivision” means a subdivision of land within a parent parcel that creates individual sellable lots. See AMC 19.32.050(D) for unit lot subdivision procedures.

V. V definitions.

“Variance” means an adjustment from a dimensional or numeric standard of Title 19 issued per AMC Chapter 19.38 Variances.

“Vertical building modulation” means a stepping back or projecting forward vertical walls of a building face, within specified intervals of building width and depth, as a means of breaking up the apparent bulk of a structure’s continuous exterior walls. Vertical building modulation may be used to meet façade the articulation standards in AMC 19.63.040.

“Vesting” means the legal establishment of a right which cannot be revoked by subsequent conditions or changes in law without due process of law. Refer to AMC 19.20.070 for vesting standards.

W. W definitions.

“Wall” means an upright structure of wood, stone, brick or other such material serving to enclose, divide, support or protect.

“Wall sign” means a type of building-mounted sign defined in AMC 19.67.030.

“Water-oriented industrial uses” means a type of use category defined in AMC 19.45.080(A).

“Weather protection” means a permanent horizontal structure above pedestrian areas such as sidewalks and building entries that protects pedestrians from inclement weather.

“Window sign” means a type of building-mounted sign defined in AMC 19.67.030

19.12.040 - Rules of interpretation.

- A. Within this title, all words used have their normal and customary meanings, unless specifically defined otherwise in this title.
 - 1. Words used in the present tense include the future.
 - 2. The plural includes the singular and vice versa.
- B. Distances are measured horizontally unless otherwise specified.
- C. Interpretations of this code must be consistent with the Comprehensive Plan.
- D. Interpretations related to uses in each zone should be based on the “purpose” section of each zone.
- E. Where two applicable rules conflict within this title, the most restrictive rule controls unless otherwise specified.

19.12.060 - Supremacy.

In the event of a conflict between provisions of this title and AMC Title 13, 16, or 17, the provisions of this title control. In the event of a conflict between provisions of this title and AMC Chapter 18.16 Shoreline Master Plan, the provisions of AMC Chapter 18.16 Shoreline Master Plan control.

19.12.080 - Administrative interpretation.

- A. Consistent with RCW 36.70B.110(11), any person may submit a written request for an interpretation of this title. Any such request must:
 - 1. Specify each code section for which an interpretation is requested.
 - 2. Describe why an interpretation of each section is necessary.
 - 3. Include any reasons or material in support of a proposed interpretation.
 - 4. Include any fee established by the City Council for such requests.

- B. If the interpretation request is associated with a pending application for a development permit, the director may consolidate the request with the process for review of the application. If the director does not consolidate the request with an application, the director must issue an interpretation within 60 days of receipt of the request and publish it to the City website.
- C. In making an interpretation, the director must consider all of the following:
 - 1. The applicable provisions of the code including their purpose and context.
 - 2. The applicable provisions of the Comprehensive Plan and other relevant codes and policies.
 - 3. The impact of the interpretation on other provisions of the AMC.
 - 4. The implications of the interpretation for development within the City as a whole.
- D. The director may respond to inquiries regarding the applicability and interpretation of various code provisions prior to or outside the context of a formal request for an administrative interpretation.
- E. An administrative interpretation is not binding on the director or City, nor appealable, but the decision-maker on a relevant development permit application may treat an interpretation as persuasive authority.

Chapter 19.14 - INTERNATIONAL CODES

No Change.

Chapter 19.16 - LEGISLATIVE ACTIONS

Section 19.16.050(A) (Docketing) is amended as follows:

- A. The department must review all new petitions and any petitions deferred from the previous year's docket, and forward a recommendation to the City Council as to which petitions should be included in the next year's docket, along with a list of all petitions submitted.

DIVISION 2 - PROCEDURES

Chapter 19.20, Application Procedures, is amended as follows:

Chapter 19.20 - APPLICATION PROCEDURES

19.20.010 - Policy.

This chapter establishes standard procedures for review of development permit applications and appeals. These procedures are designed to promote timely and informed public participation, eliminate redundancy in the process, minimize delay and expense, and result in approvals that further the goals and policies of the Anacortes Comprehensive Plan. These procedures are intended to be consistent with the provisions of RCW Chapter 36.70B and integrate the land use permit process with the environmental review process.

19.20.020 - Applicability.

- A. This chapter applies to all applications and all development permits issued per AMC Titles 16, 17, and 19.
- B. Exemptions. Consistent with RCW 36.70B.140, the following permits are exempt from the procedural requirements of this chapter:
 1. Sidewalk use permits.
 2. Development agreements.
 3. Final approval of short subdivisions and subdivisions.
 4. Landmark designations and street vacations.

19.20.030 - Types of review.

- A. Decisions on applications are governed by several types of review processes, described and distinguished in this section. The types of review are generally organized in ascending order of significance, amount of public process, and level of discretion exercised by the decision maker.
- B. The director must determine the proper review type for all permit applications. If there is a question as to the required type of process, the director must resolve it in favor of the higher type number. A Type 3-PC review is considered a higher level than a Type 3-HE review.
- C. Table 19.20.030(1) identifies the types of review for all applications, and describes the process for each type of review.
 1. The types of applications that are subject to each type of review are listed in the column immediately beneath the heading for each type.
 2. The processes required for each type of review is further described by the remainder of the column beneath the heading for each type.
 3. The remainder of this chapter describes the required processes for each type of review.

Table 19.20.030 Review classification and process matrix.					
Types of Review	Type 1 Administrative Ministerial Actions	Type 2 Administrative Decisions	Type 3-HE Hearing Examiner Decisions	Type 3-PC Planning Commission Decisions	Type 4 City Council Decisions
Types of applications	• Accessory dwelling units • Assessment of impact fees per AMC Chapter 3.93 • Boundary line adjustments • Building, mechanical & plumbing permits	• Administrative conditional use permits, including home occupation permits • Binding site plans, less than 10 lots • Level 1 variances • Preliminary short subdivisions	• Level 2 variances • Zone boundary determination	• Shoreline Conditional Use & Variance Permits • Shoreline Substantial Development Permits (SSDP) for projects valued less than one million dollars on site less than three acres	• Binding site plans, 10 or more lots • Conditional use permits, except administrative CUPs • Essential Public Facilities, type 1 & 2 • Framework development plans

Table 19.20.030 Review classification and process matrix.					
Types of Review	Type 1 Administrative Ministerial Actions	Type 2 Administrative Decisions	Type 3-HE Hearing Examiner Decisions	Type 3-PC Planning Commission Decisions	Type 4 City Council Decisions
	• Clearing & grading permits • Extension of time for approval • Fence permits • Minor permit revisions • Sign permits • Site plan review, less than 10 dwelling units, less than 12,000 square feet (sf) of non-residential gross floor area, or less than 20,000sf of non-residential site improvements • Shoreline exemptions	• SEPA threshold determinations • Site plan review, 10 or more dwelling units, 12,000sf or more of non-residential gross floor area, or 20,000sf or more non-residential site improvements • Stormwater Management Manual exceptions		• Special/conditional use & reasonable use permits per AMC Chapter 17.70	• Preliminary long subdivisions • Site-specific rezones authorized by the Comprehensive Plan • Shoreline Substantial Development Permits (SSDP) for projects valued at \$1 million or more or on site of 3-acres or more
Pre-application conference	At discretion of director	At discretion of director	Yes	Yes	Yes
Pre-application neighborhood meeting	No	No, except may be required for short subdivisions, binding site plans, and site plan review at discretion of director	Yes	Yes	Yes
Notice of application	No	Yes	Yes	Yes	Yes
Comment period	None	14 days	21 days	21 days (30 for shoreline permits)	21 days (30 for shoreline permits)
Recommendation by	None	None	Director	Director	Planning Commission

Table 19.20.030 Review classification and process matrix.					
Types of Review	Type 1 Administrative Ministerial Actions	Type 2 Administrative Decisions	Type 3-HE Hearing Examiner Decisions	Type 3-PC Planning Commission Decisions	Type 4 City Council Decisions
Pre-decision open-record public hearing	No	No	Yes, before Hearing Examiner	Yes, before Planning Commission	Yes, before Planning Commission
Closed- record decision hearing	No	No	No	No	Yes, before City Council
Decision by	Director	Director	Hearing Examiner	Planning Commission	City Council
Notice of decision	No	Yes	Yes	Yes	Yes
Local appeal available to	Hearing Examiner	Hearing Examiner	City Council	City Council	None
Appeal hearing type	Open-record	Open-record	Closed-record	Closed-record	N/A

19.20.040 - Consolidated review.

- A. Optional consolidated application processing. All projects that involve two or more application processes may, at the applicant's written request, be processed collectively under the highest numbered type procedure required for any part of the application or may be processed individually under each of the review procedures. If the application is processed under the individual procedures option, the highest numbered type procedure must be processed prior to the subsequent lower numbered procedure.
- B. Integration of environmental review. An application for a development permit that is subject to the State Environmental Policy Act (SEPA) must be reviewed per AMC Chapter 18.04 State Environmental Policy Act concurrently with review of the development permit application except where exempted by that chapter.
- C. Per RCW 36.70B.050, review of an application is allowed only one open record hearing and one closed record appeal hearing.
- D. The appeal of a SEPA procedural determination is not subject to this section.

19.20.050 - Eligibility for permits.

- A. All development permits require a lot of record as described in AMC 19.20.060.

- B. The department may not issue any development permit for a lot created through a division, conveyance, or segregation that was illegal or contrary to city subdivision laws or RCW Chapter 58.17.

19.20.060 - Lots of record.

- A. In any zone in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this title, a single-family dwelling and customary accessory buildings may be erected on any single substandard lot of record at the effective date of adoption of the 1978 zoning ordinance. Such lot must have been in separate ownership and not of continuous frontage with other lots in the same ownership continuously since April 19, 1978. This provision applies even when such lot fails to meet the requirements for area or width, or both, that are generally applicable in the zone, provided that setback dimensions and other requirements not involving area or width, or both, of the lot conform to the current regulations for the zone in which such lot is located.
- B. If two or more contiguous substandard lots, or combination of contiguous substandard lots and portions of lots, were in single ownership of record as of April 19, 1978, or at any time since that date, they must be aggregated and considered a single parcel for purposes of meeting current area and dimensional standards for lots in the zone in which they are located. If all such contiguous land under single ownership still constitutes a substandard lot once aggregated, a single-family dwelling and customary accessory buildings may be erected thereon (or other uses generally permitted in the zone), provided setback, lot coverage, and other requirements are met. No portion of land or lots thus aggregated may be used or sold in a manner which creates or leaves remaining a substandard lot.
- C. Any residential lot or lots, which were used as residential prior to April 19, 1978, and have been in continual residential use since April 19, 1978, in a zone that is now zoned light manufacturing must be considered a conforming, permitted residential use within the nonresidential designation. Other requirements of the nonresidential designation, such as lot size, setbacks, density, land coverage, building height, and parking apply to such residential lots.

19.20.070 - Vesting.

- A. An application for a building permit or land division vests at the time a complete application is filed with the department and all application fees are paid, consistent with RCW 19.27.095(1) and RCW 58.17.033(1). Applications for site plans do not vest at the time a complete application is filed.
 - 1. An application is complete on the date a complete application is filed, as subsequently determined in the letter of completeness.
 - 2. An application vested under this section is not subject to laws or regulations that become effective after the date of vesting, except as provided below.
- B. This section may not be construed to restrict the City from imposing conditions on development permits pursuant to the State Environmental Policy Act, RCW Chapter 43.21C, WAC Chapter 197-11, as long as such conditions do not change any of the requirements of the underlying code section pertinent to the particular development permit.
- C. This section may not be construed to prevent the City from imposing new regulations necessary to protect the public health and safety, including, but not limited to, the requirements of the building, health, and fire codes, as now adopted or as subsequently amended.

19.20.080 - Requirement for public notices.

- A. Applicability. This section applies whenever one of the following is required by this chapter:
 - 1. Notice of Application.
 - 2. Notice of Public Hearing.
 - 3. Notice of Decision, including any revised Notice of Decision.
- B. Distribution. The department must timely distribute the notice by:
 - 1. Publication in the City's official newspaper.
 - 2. Electronic mail or first-class mail to:
 - a. The applicant.
 - b. Any appellant.
 - c. Any parties of record.
 - d. Any person who, prior to rendering the decision, has requested a copy of the Notice of Decision.
 - e. Any agencies with jurisdiction over the application or any agencies that commented on the application.
 - f. Washington State Department of Transportation if the project is located adjacent to the right-of-way of a state highway.
 - g. Skagit County if the project is located adjacent to a city boundary.
 - 3. For a Notice of Application, via first class mail to owners of property within 300-feet of the subject property.
 - 4. For a Notice of Decision, to the County Assessor.
 - 5. Posting on at least two notice boards on or near the subject property, and on the notice board at City Hall and public library. The director may establish standards for size, color, layout, design, wording, and placement of the signs and notice boards.
- C. **Errors.** Errors in precise compliance with the rules contained in this section do not require repeating the public notice if the notice was reasonable and adequate.

19.20.090 - Pre-application conference.

- A. Purpose. The pre-application conference is intended to:
 - 1. Provide the City and other agency staff with information about the proposed development.
 - 2. Enable staff to advise the applicant of applicable approvals and requirements.
 - 3. Acquaint the applicant with the applicable requirements of the AMC and other laws.
 - 4. Identify issues and concerns in advance of a formal application.
- B. When required.
 - 1. Generally. A pre-application conference is required when shown in AMC 19.20.030.

2. Exception. The director may waive the pre-application conference if the proposal has few development-related issues, involves subsequent phases of an approved development, or is substantially similar to a prior proposal affecting substantially the same property.
- C. To schedule a pre-application conference, the applicant must submit a request on forms provided by the department and pay any applicable fees.
- D. The advice the City provides at pre-application meetings is not binding upon the City and does not prevent the City from enforcing all applicable regulations.

19.20.100 - Pre-application neighborhood meeting.

- A. Purpose. The purpose of the neighborhood meeting is to:
 1. Inform citizens about the potential project at an early stage.
 2. Foster communication between the applicant and the public regarding potential issues and opportunities for solutions related to the project.
- B. When required.
 1. A pre-application neighborhood meeting is required when shown in AMC 19.20.030.
 2. The applicant must hold a neighborhood meeting before submitting an application and after any required pre-application conference.
 3. The director may require the applicant to hold another neighborhood meeting if the applicant's plans change significantly from those described at the neighborhood meeting.
- C. Meeting.
 1. The meeting must be held in a public meeting place, such as the Public Library meeting room, Depot Arts Center, or City Hall or similar room as approved by the director.
 2. The meeting may be facilitated by a third-party facilitator approved by the director.
 3. The meeting must be held Tuesday, Wednesday, or Thursday at 6 or 7 p.m. and may not overlap with any other City meeting or City holidays.
- D. Notices.
 1. The director may provide standard notice formats and guidelines for conducting the meeting.
 2. The notice must include:
 - a. a brief description of the project;
 - b. date, time, and location of the neighborhood meeting;
 - c. name and phone number of the applicant or their representative.
 3. The notice must be mailed at least 10 days prior to the meeting to all of the following:
 - a. The department.
 - b. The list of property owners that must receive the notice of application.
 4. The notice must be published in the local newspaper at least 10 days prior to the meeting.
 5. The applicant must also post the notice on the project site at least 10 days prior to the meeting.

- E. The applicant is responsible for all fees and costs associated with the pre-application neighborhood meeting.

19.20.110 - Application-contents and completeness-revisions.

A. Contents of applications.

1. Application requirements:
 - a. Applications must be submitted on forms provided by the department.
 - b. Applications must be signed by the owners of the property subject to the application, or include the owner's notarized authorization for the applicant to submit the application.
 - c. Applications must include fees, as calculated by the director following the adopted fee schedule.
 - d. Applications must include all the information specified in any applicable code section as well as the application checklist provided by the department.
2. The applicant must apply for all permits identified in the pre-application meeting and required by law.

B. Complete applications.

1. A permit application is complete for the purposes of this section when it meets the requirements of section A.
2. When the director makes a determination on completeness of an application, the director must provide to the applicant either:
 - a. A written determination that the application is complete; or
 - b. A written determination that the application is incomplete, a request for information necessary to make the application complete, and a notice that the requested information must be submitted within 90 days.
3. A determination of completeness is not required if the director issues the permit prior to the deadlines in subsection (C).
4. A determination of completeness does not preclude the director from requesting additional information or studies either at the time of the determination of completeness or later, if the information is required to complete review of the application or substantial changes in the permit application are proposed.

C. Timing.

1. Initial receipt of application. Upon initial receipt of an application, the director must provide the applicant a determination of completeness within 28 days. If the director does not provide a written determination within 28 days, the application is deemed complete at the end of the 28th day.
2. Receipt of additional information. When the applicant submits the requested information, the director must evaluate the application for completeness within 14 days. If the director does not provide a written determination within 14 days, the application is deemed complete at the end of the 14th day.
3. Incomplete applications.

- a. The applicant may submit a written request for extension of the deadline to submit the requested information for an additional 90 days. The director may grant up to two such extensions.
 - b. If the applicant has not provided the requested information by the deadline, the director must reject and return the application along with any unspent application fees.
- D. Revisions to applications.
 - 1. The applicant may make minor revisions to the application after the determination of completeness and before the closure of an open public hearing.
 - 2. A “minor revision” to an application is one that does not:
 - a. Involve more than ten-percent increase in area or intensity of the use.
 - b. Increase the number of lots, dwelling units, or density.
 - c. Decrease the quality or amount of open space.
 - d. Result in any significant environmental impact not adequately reviewed or mitigated by previous documents.
 - e. Expand onto property not included in the original proposal.
 - 3. Any revision other than a minor revision requires a new application.

19.20.120 - Application-notice.

- A. When required. A Notice of Application is required when shown in AMC 19.20.030 Types of review.
- B. Contents. The Notice of Application must include all of the following:
 - 1. The application number.
 - 2. The name of the applicant.
 - 3. The date of application, the date of the notice of completion for the application, and the date of the notice of application.
 - 4. Identification of the location of the project, by address if available.
 - 5. A description of the proposed application, a list of the project permits included in the application and, if applicable, a list of any studies requested under RCW 36.70B.070.
 - 6. The identification of other permits not included in the application, to the extent known by the City.
 - 7. The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing notice of application, the location where the application and any studies can be reviewed.
 - 8. A statement of the public comment period, which lasts the number of days specified for the application type in AMC 19.20.030 Types of review; except all shoreline permits subject to the comment period as outlined in WAC 173-27-110(2)(e), which allows for a 30-day comment period.
 - 9. A statement of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights.

10. The date, time, place and type of hearing, if applicable and scheduled at the date of notice of the application.
11. A statement of the preliminary determination of consistency, if one has been made at the time of notice, and of those development regulations that will be used for project mitigation and consistency.
12. If the City is using the optional DNS process (WAC 197-11-355), additional information will be added to the notice as required by WAC 197-11-355(2).
13. Any other information determined necessary by the City, such as the City's likely threshold determination, if complete at the time of issuance of the notice of application.

C. Timing.

1. The department must distribute a Notice of Application within 14 days of determination that an application is complete and at least 15 days prior to any open record hearing.
2. Within seven days after the end of the public comment period, the department must transmit the applicant a copy of public comments timely received in response to the Notice of Application together with a statement that the applicant may submit a written response to these comments within seven days from the date the comments are transmitted.

19.20.130 - Application-department review.

- A. The department has a duty to review each application for compliance with applicable city codes and to deny, or recommend denial of, or approve, or recommend approval of, an application based on its compliance with applicable city codes.
- B. If the department is required to provide a recommendation to the decision maker or body making a recommendation on an application, the department's recommendation must include all of the following:
 1. The date of determination of completeness.
 2. Identification of city codes relevant to evaluation of the application.
 3. A statement of facts necessary for the decision maker to evaluate the application's compliance with applicable city codes.
 4. The department's evaluation of whether the application complies with applicable city codes.
 5. A description of the public process the application is subject to.
 6. A description of any environmental review related to the application.
 7. Draft findings of fact for the decision-maker.
 8. Any other information that is necessary to make a decision regarding the application.
- C. Requirement to consider comments.
 1. In making its recommendation or decision, the department must consider written comments, and applicant's responses, that are timely received.
 2. Except for a determination of significance, the department may not issue its SEPA threshold determination or issue a decision or recommendation on the application until the expiration of the public comment period on the notice of application.

19.20.140 - Public hearings and meetings.

- A. All hearings and meetings conducted as part of processing a permit application must be conducted consistent with this section.

Table 19.20.140 Types of hearings and meetings.				
	Open-record Pre-decision	Closed-record Decision	Open-record Appeal	Closed-record Appeal
Participation	Any interested party	Applicant and any party of record	The applicant, any appellant, and any party of record	The applicant, any appellant
Facts allowed outside the record	Yes	No	Yes	No
Standard of review	Compliance with AMC Titles 16, 17, 18, 19	De novo	Clearly erroneous	Clearly erroneous
Burden of proof	Applicant	Applicant	Appellant	Appellant

- B. Swearing-in required. Before testifying, any witness, including city staff, must be required to declare that he or she will testify truthfully, by oath or affirmation.
- C. Continuations. If, for any reason, a meeting or hearing on a pending action cannot be completed on the date set in the public notice, the meeting or hearing may be continued to a specified date and no further notice under this section is required.

19.20.150 - Public hearing-notice.

- A. **When required.** A notice of public hearing is required for any public hearing held on a permit application pursuant to this chapter.
- B. **Contents.** The public notice must include all of the following:
1. The application number.
 2. Project summary/description of each project permit application.
 3. The designation of the hearing body.
 4. The date, time, and place of the hearing and a statement that the hearing will be conducted in accordance with the rules of procedure adopted by the hearing body.
 5. General project location, vicinity, address, and parcel number(s), if applicable.
 6. The name of the applicant or applicant's authorized representative and the name, address and telephone number of a contact person for the applicant, if any.
 7. The SEPA threshold determination, or description thereof, will be contained in the notice, along with any appropriate statement regarding any shared or divided lead agency status and phased review and stating the end of any final comment period.
 8. A statement regarding the appeal process.
 9. The date when the staff report will be available and the place and times where it can be reviewed.

- C. Timing.** The department must distribute, including by publishing in the City's official newspaper, a notice of public hearing at least 15 days prior to the date of public hearing.

19.20.160 - Decision-timing.

A. Time limits.

1. The decision-maker may not issue its decision on an application until the expiration of the public comment period on the notice of application.
2. The final decision on an application for a development permit must be made within the time limits from determination of completeness listed in Table 19.10.200-1.

Table 19.20.160	
Decision timing.	
Type of Application	Time Limit
Preliminary subdivisions and binding site plans (RCW 58.17.140)	90 days
Final subdivisions (RCW 58.17.140)	30 days
All other development permits (RCW 36.70B.080)	120 days

3. The following time periods are excluded from the calculation of the time limits:
 - a. Any time required to correct plans, perform studies, or provide additional information.
 - b. Any time during which substantial project revisions are made or requested by an applicant, in which case the 120 days will be calculated from the time that the City determines the revised application to be complete.
 - c. Any time required for the preparation and review of an environmental impact statement.
 - d. Any time required to complete the process for the siting of an essential public facility.
 - e. Any time required to obtain any necessary variance.
 - f. Any time required for any administrative appeals.
 - g. Any time required for any administrative appeal of SEPA threshold determination, if applicable.
 - h. Any time required for any remand to the hearing body.
 - i. Any extension of time mutually agreed upon by the City and the applicant.
 - j. Any specific amount of additional time that the City determines is necessary for the processing of a specific complete project permit application.
4. **Extension of time.** If the City is unable to issue its final decision on an application within the time limits provided for in this section, it must provide written notice to the applicant. The notice must include a statement of the reasons why the time limits cannot be met and an estimated date for issuance of the Notice of Decision.

- B. Effective date.** The decision is effective on the date stated in the decision, resolution, or ordinance. The date from which appeal periods may be calculated is the date of issuance of the decision.

19.20.170 - Decision-notice.

- A. When required. When a final decision is made that requires a Notice of Decision per AMC 19.20.030 or a decision is made on appeal, the department must issue a Notice of Decision.
- B. Contents. The Notice of Decision must include all of the following:
 - 1. The application number.
 - 2. The name of the applicant.
 - 3. The name of the project.
 - 4. The street address of the project site.
 - 5. A description of the application.
 - 6. The date of final decision on the application.
 - 7. The date the Notice of Decision was issued.
 - 8. The decision on the application.
 - 9. Any threshold determination made pursuant to RCW Chapter 43.21C.
 - 10. A notice that affected property owners may request a change in valuation from the County Assessor for property tax purposes notwithstanding any program of revaluation.
 - 11. The procedure for appeal and the deadline for filing an appeal.

19.20.180 - Appeals.

- A. Standing. The following parties have standing to appeal final decisions:
 - 1. The director.
 - 2. The applicant.
 - 3. Any owner of the property subject to the application.
 - 4. Any party of record.
- B. Necessary parties. The following are parties to any appeal:
 - 1. The director.
 - 2. The applicant.
 - 3. Any owner of the property subject to the application.
- C. Permissive joinder. The hearing body may add a party with standing to the appeal, after the appeal deadline has passed, upon the request of the party.
- D. Time to file. An appeal is timely only if it is:
 - 1. Filed with the City Clerk within 14 calendar days after written notice of the decision is mailed; and
 - 2. Accompanied by the required appeal fee.
- E. Method of service. Appeals must be delivered to the City Clerk by mail or personal delivery before 5:00 p.m. on the last business day of the appeal period. Appeals received by mail after 5:00 p.m. on

the last day of the appeal period will not be accepted, regardless when such appeals were mailed or postmarked.

- F. Contents. Appeals must be submitted on forms provided by the department and contain the following:
 - 1. Appellant's name, address, and phone number.
 - 2. A description of the appellant's standing to appeal.
 - 3. Identification of the application or decision that is the subject of the appeal.
 - 4. Appellant's statement of grounds for appeal and the facts upon which the appeal is based, with specific references to the facts in the record.
 - 5. The specific relief sought.
 - 6. A statement that the appellant has read the appeal and believes the contents to be true, followed by the appellant's signature or the signature of the appellant's agent, provided such agent's authorization is in writing and accompanies the appeal.
- G. Automatic stay. Except for administrative appeals of SEPA threshold determinations, the timely filing of an appeal will stay the decision until such time as the appeal is concluded or withdrawn.
- H. Procedures. The appellate body may provide in its procedures for a decision on the appeal after a hearing where the parties present argument, or new evidence when allowed by this chapter; or after the parties submit written arguments.
- I. Decision on appeal. The appellate body must issue a written decision on the appeal supported by written findings and conclusions, and the department must distribute a revised Notice of Decision incorporating the decision on appeal.

19.20.190 - Remand.

- A. In the event that the appellate body determines that the public hearing record is insufficient or otherwise flawed, the appellate body may remand the matter back to the original decision-maker to correct the deficiencies.
 - 1. The appellate body must specify the items or issues to be considered and the time frame for the additional work.
 - 2. The original public hearing may be re-opened if necessary for the limited purpose of addressing specific questions articulated by the appellate body.
 - 3. Only the parties of record to the open-record hearing, or in the case of an appeal, the parties to the appeal, may participate in the remand.
- B. The original decision-maker must affirm, modify, or reverse its original action based on the revised public record.

19.20.200 - Reconsideration.

- A. A party to the underlying decision may seek reconsideration only of a final decision by filing a written request alleging specific errors on a form provided by the department within 10 days of the date of decision.

- B. The decision-maker must consider the request without public comment or argument by the party filing the request. Reconsideration may be granted only when a material legal error has occurred or a material factual issue has been overlooked that would change the previous decision.
 - 1. If the request is denied, the previous action will become final.
 - 2. If the request is granted, the decision-maker may revise and reissue its decision or may call for argument in accordance with the procedures for closed-record appeals. If the decision is revised and the decision requires a Notice of Decision, the department must distribute the revised notice.

19.20.210 - Exhaustion of administrative remedies.

- A. No further administrative appeals are available when the final appeal shown in AMC 19.20.030 has been heard.
- B. A request for reconsideration is not required to exhaust administrative remedies.

19.20.220 - Departures.

- A. Overview and purpose. This title provides for a number of specific departure opportunities to development standards. The purpose is to provide applicants with the option of proposing alternative design treatments provided such departures meet the “purpose” of the particular standard and any additional departure criteria established for the particular departure opportunity.
- B. Departures are voluntary. This provision allows the flexibility for applicants to propose alternative designs on a voluntary basis, provided they meet the purpose of the standard and applicable departure criteria as noted above.
- C. Applicability. Departure opportunities are available only where noted for specific standards.
- D. Procedures. Permit applications that include departure requests go through the standard review procedures in this division depending on the application type.
- E. Approval criteria. Project applicants must successfully demonstrate to the decision-maker how the proposed departure meets the purpose(s) of the standard and other applicable departure criteria that applies to the specific standard.
- F. Documentation. The decision-maker must document the reasons for approving all departures (to be maintained with project application records) for the purpose of providing consistency in decision-making by the city. The department must provide a report on departures, which include departure applications and decisions, at a minimum interval of every two years.

19.20.230 - Framework development plans.

- A. **Purpose and applicability.** Framework development plans apply to proposals for any of the following:
 - 1. Establishing block frontage designations as established in AMC 19.61.180
 - 2. Obtaining preliminary approval for a large or phased development proposal that depicts its major development and design parameters (i.e. major circulation and infrastructure systems, open spaces, block frontage designations, allocation of categories of land uses and development intensities among portions of the development site, and phasing of development over time).

3. Adjusting the list of permitted uses in the MMU zone east of Q Avenue, as provided in the following sections:
 - a. Townhomes: AMC 19.43.010(G)(3)(c)
 - b. Multifamily: AMC 19.43.010(H)(3)(b)
 - c. Assisted living facility: AMC 19.43.020(C)(3)
- B. Procedures.** Framework development plan applications are subject to review procedures as established in AMC Chapter 19.20 Application Procedures. A framework development plan may be submitted and reviewed concurrently with other applications.
- C. Application requirements.** An application must be submitted on forms provided by the department and must demonstrate compliance with the approval criteria described in this section.
- D. Changes to approved framework development plan.** Subsequent development applications may incorporate minor changes to locations of circulation routes provided they meet the purposes of the plan, the Anacortes Comprehensive Plan, and applicable code sections. This also means that the changes would not significantly alter the development's general function, form, intensity, character, demand on public facilities, and impact on adjacent properties.
- E. Review criteria.**
 1. Plans must meet the goals and policies of the Anacortes Comprehensive Plan.
 2. Plans must meet the purposes and standards in AMC 19.61.180.
 3. Proposed layouts and circulation routes are consistent with the purposes and standards of AMC 19.54.020 (Block design and connectivity standards), AMC 19.62.050 (Internal pedestrian access and design), and AMC 19.62.060 (Vehicular circulation and parking).
- F. Conditions authorized.** In approving a framework development plan, the decision-maker may impose, in addition to regulations and standards expressly specified in this code, other conditions necessary to ensure compatibility with the review criteria associated with the specific proposal(s). These conditions must be associated with the specific land use, site planning, or building design element proposed to be altered through the framework development plan. These conditions may include, but are not limited to:
 1. Placing restrictions on permitted uses.
 2. Integrating design parameters on circulation and streetscape design elements.
 3. Integrating supplemental building massing standards.
 4. Integrating supplemental screening and landscaping standards.
- G. Recording.** The framework development plan must be recorded with the Skagit County Auditor's office prior to the issuance of a building permit for any development on the site. The recorded framework development plan must be a covenant running with the land and shall be binding on the assigns, heirs and successors of the applicant. The framework development plan must be in a form approved by the Director and the City Attorney.
- H. Expiration.** The decision-maker must develop an appropriate expiration date for an approved framework development plan.

Chapter 19.22, Concurrency, is amended as follows:

Chapter 19.22 - CONCURRENCY

19.22.010 - Purpose.

- A. To ensure that transportation improvements or strategies to accommodate the impacts of development are provided concurrent with the development
- B. To ensure that public facilities and services necessary to support development will be adequate to serve the development without decreasing service levels below adopted minimum standards.
- C. Concurrency for most urban public facilities and services is assured by the manner in which the city comprehensive plan and its functional plans are integrated, implemented and monitored. The following public facilities and services, termed “concurrency facilities and services,” however, need to be analyzed on a site-specific basis: water, waste-water, stormwater, transportation, police protection, and fire protection. This chapter describes concurrency management systems for the city.
- D. To provide a framework for determining facilities and services needs and to provide a basis for meeting those needs through capital facilities planning.
- E. To provide for the evaluation of requests for development to ensure that adequate facilities can be provided within a reasonable time of the development impact.

19.22.020 - Definitions.

For the purposes of this chapter, the following words have the following meanings:

“Adequate” means at or above the adopted level of service standards.

“Available facility capacity” means capacity in a concurrency facility that is currently available for use without requiring facility construction, expansion or modification.

“Concurrency facilities and services” means facilities and services for which concurrency is required in accordance with the provisions of this chapter. They are water, waste-water, stormwater, transportation, police protection, and fire protection. The City of Anacortes is the service provider for all of these facilities and services for the entire area within its limits.

“Concurrency test” means the comparison of an applicant’s impact on concurrency facilities to the capacity of the concurrency facilities.

“Concurrent with development (concurrent)” means that improvements or strategies are in place at the time of development or that financial commitment is in place to complete the improvements or strategies within six years.

“Level of service (LOS) standard” means an established minimum capacity of public facilities or services that must be provided per unit of demand or other appropriate measure of need. For transportation, an A through F scale is frequently used to reflect level of service and to designate a LOS standard.

19.22.030 – Applicability

- A. This chapter applies to all development except the following:

1. Development types which create no additional impacts on concurrency facilities or services including, but not limited to:
 - a. Any addition or accessory structure to a residence with no change in use or increase in the number of dwelling units.
 - b. Interior renovations with no change in use or increase in number of dwelling units.
 - c. Interior completion of a structure for use(s) with the same or less intensity as the existing use or a previously approved use.
 - d. Replacement structure with no change in use or increase in number of dwelling units.
 - e. Temporary construction trailers.
 - f. Driveway, resurfacing or parking lot paving.
 - g. Reroofing of structures.
 - h. Demolitions.
 - i. Any other permit or approval that the Director determines has no impact on a concurrency facility or service.
- B. The following development permits are exempt from the requirements of this chapter:
 1. Accessory dwelling units.
 2. Boundary line adjustment.
 3. Final plats (if a concurrency test was conducted for the corresponding preliminary plat permit).
 4. Rezone.
 5. Street vacation.
 6. Temporary use permit.
 7. Variance.

19.22.040 – Project concurrency review.

- A. Development is prohibited, and all applications therefore must be denied, if the development would cause the level of service on a concurrency facility or service to decline below adopted levels of service standards, unless the improvements or strategies to accommodate the new development are made concurrent with the development, subject to the provisions of subsection 19.22.050(C).
 1. For potable water, sewer/on-site sewage disposal and stormwater management, only available capacity or capacity that can be provided prior to the actual use of the facility will be used.
- B. If a proposed development would cause the level of service to decline below adopted level of service standards for an affected facility, the proposed development may nonetheless be approved if the Director finds that an improvement will be completed that will result in meeting adopted level of service standards of all affected concurrency facilities at the time of development, or that a financial commitment is in place to complete the improvement or implement the strategy within six years.

- C. All development approvals must include a finding as to the application of this chapter, and those approvals for which concurrency improvements are required under this chapter must be expressly conditioned thereon.

19.22.050 – Concurrency test.

- A. In conducting the concurrency test, the City must use the level of service standards adopted in the Capital Facilities Element of the Comprehensive Plan.
- B. Procedures. The concurrency test for concurrency facilities will be performed in the processing of the development permit and conducted by the Department in consultation with the Public Works Department.
- C. Test. Development applications must comply with either subsection (C)(1) or (C)(2) below:
 - 1. If the capacity of concurrency facilities is equal to or greater than the capacity required to maintain the level of service standard for the impact from the development application, the concurrency test is passed and is to be documented by the Director.
 - 2. If the available facility capacity of concurrency facilities is less than the capacity required to maintain the level of service standard for the impact from the development application, the concurrency test is not passed. The applicant may:
 - a. Accept a ninety-day reservation of available facility capacity on concurrency facilities and modify the application to reduce the need for planned facility capacity on concurrency facilities;
 - b. Accept a ninety-day reservation of available facility capacity on concurrency facilities and demonstrate to the service provider's satisfaction that the development will have a lower need for capacity than usual and, therefore, the available facility capacity is adequate;
 - c. Accept a ninety-day reservation of available facility capacity on concurrency facilities and arrange with the service provider for the provision of the additional capacity of concurrency facilities required; or
 - d. Appeal the results of the concurrency test in accordance with the procedures for the applicable underlying permit, per AMC 19.20.030.

19.22.060 – Phased development.

- A. When a development is proposed in phases, or construction is proposed to occur over a period greater than three years, concurrency facilities and services impacts must be reviewed as part of environmental review.
- B. The city and the proponent of the development must enter into an agreement identifying the improvements or strategies that will be required with each phase or time period of development to meet the concurrency facilities and service requirements.
- C. All implementing permits, including but not limited to subdivision and building permits, must be conditioned that the improvements identified in the agreement are made concurrent with construction during such phase or time period or that a financial commitment is in place to complete the improvements or strategies within six years of construction.

Chapter 19.24, *Public Improvements*, is repealed.

Chapter 19.28, *Permit Revision and Expiration*, is amended as follows:

Chapter 19.28 - PERMIT REVISION & EXPIRATION

19.28.010 - Permit revision.

- A. Type of review. A major revision to an approved permit requires a new application. A minor revision to an approved permit may be approved by the director. The director may condition approval to ensure compliance with this section.
- B. Types of revisions.
1. A major revision is any revision other than a minor revision, or a revision that does not qualify as a minor revision when considered cumulatively with other minor revisions since initial issuance of the permit.
 2. A minor revision is a revision that does not:
 - a. Increase the area of the use by more than ten-percent;
 - b. Increase the intensity of the use in a way that significantly affects the surrounding area in terms of traffic, noise, hours of operation, parking, or other impacts;
 - c. Increase the number of lots, dwelling units, or density;
 - d. Decrease the quality or amount of open space;
 - e. Result in any significant environmental impact not adequately reviewed or mitigated by previous documents;
 - f. Expand onto property not included in the original proposal.
- C. A permit revision may not extend the time for expiration.

19.28.020 - Permit expiration.

- A. Expiration Schedule. Permits and approvals have the following initial terms until expiration, and may be extended the number of times indicated for the length of extension indicated.

Table 19.28.020			
Permit terms and extensions.			
Type of Permit or Approval	Initial Term	Number of Allowed Extensions	Length of Each Extension
Boundary line adjustment	1 year to record	0	n/a
Building permits	18 months	1	18 months
Clearing, grading, grubbing	1 year to complete work	1	6 months
Conditional use permit	5 years to establish use	1	1 year
Fence permit	18 months	1	18 months

Table 19.28.020 Permit terms and extensions.			
Type of Permit or Approval	Initial Term	Number of Allowed Extensions	Length of Each Extension
Framework development plan	No expiration, unless set forth in approved plan	n/a	n/a
Preliminary plat, short plat, binding site plan	Time to submit final plat is as established in RCW 58.17.140.	0	n/a
Reasonable use exception	5 years to establish use	1	1 year
Shoreline exemption	1 year per SMP	0	n/a
Shoreline permits	2 years to commence construction; 5 years maximum. See WAC 173-27-090(4)	1	1 year
Sign permit	18 months	1	18 months
Site plan review	18 months to apply for building permit	1	18 months
Special use permit	See applicable code section		
Variance	5 years to establish use	1	1 year
Wetland delineation verification	5 years from city approval	0	n/a

- B. Shortening Permit Term. The City may, when issuing a decision, require a shorter expiration period than that indicated in subsection (A) when the nature of the specific development is such that the normal expiration period is unreasonable or would adversely affect the health, safety, or general welfare of people working or residing in the area of the proposal. The decision-maker may adopt time limits as a part of action on shoreline permits, in accordance with WAC 173-27-090.
- C. Commencement of Permit Term. The term for a permit will commence on the date of the final decision; except that in the event the decision is appealed, the effective date will be the date of decision on appeal. The term for a shoreline permit will commence on the effective date of the permit as defined in WAC 173-27-090.
- D. When Permit Expires.
1. A permit issued under this title will expire if, on the date the permit expires, the project sponsor has not performed the work indicated in Table 19.28.020-1 or fulfilled the requirements of the applicable permit.
 2. Exception. The initial permit term does not include the time during which a permit was not actually pursued by construction because of pending litigation related to the permit or because the applicant was diligently pursuing permits from other agencies necessary for construction.
- E. Extension of Land Use Applications. An extension may be granted by the director for one year if the applicant has attempted in good faith to complete the proposed development activity necessary to meet the conditions of approval.
- F. Extension of Shoreline Permits. In accordance with Section 18.16.130.

DIVISION 3 - PERMITS

New Chapter 19.30, *Site Plan Review*, is added as follows:

Chapter 19.30 – SITE PLAN REVIEW

19.30.010 - Purpose.

To ensure that site plans are reviewed to achieve the following purposes:

- A. Compliance with the provisions of the AMC and all other applicable laws.
- B. Coordination, as is reasonable and appropriate, with other known or anticipated development on private properties in the area and with known and anticipated right-of-way and other public projects in the area.
- C. The encouragement of proposals that embody good design principles that will result in high quality development on the subject property.
- D. The adequacy of streets and utilities in the area of the subject property to serve the anticipated demand from the proposal.
- E. Determination that the proposed street access to the subject property is the suitable location and configuration for access.
- F. To ensure that low impact development (LID) principles and best management practices (BMPs) are integrated into site design.

19.30.020 - Applicability.

All non-subdivision development proposals will be subject to site plan review and approval except: repair, maintenance, and interior remodeling.

19.30.030 - Application requirements.

- A. An application must be submitted to the department on forms provided by the department and include applicable fees and all required information in the application submittal checklist.
- B. Site plan review applications are reviewed per AMC Chapter 19.20 Application Procedures.
- C. The department may optionally request a three-dimensional visualization of proposed development that will exceed a building height of 40-feet to help determine compliance with applicable building design standards (AMC Chapter 19.63).

19.30.040 - Review criteria.

- A. Conformance with all other applicable laws, ordinances and regulations.
- B. Conformance with AMC Chapter 15.32 Underground Utilities.
- C. Conformance with AMC Chapter 19.22 Concurrency.
- D. Conformance with the applicable zoning provisions of Division 4, including:
 - 1. AMC Chapter 19.41 Allowed Uses.

2. AMC Chapter 19.42 Form & Intensity Standards.
 3. The applicable use standards of AMC Chapters 19.43-48.
- E. Conformance with the applicable community design provisions of Division 5, including:
1. AMC Chapter 19.51 Public Street Improvements Required.
 2. AMC Chapter 19.52 Public Street Design.
 3. AMC Chapter 19.53 Private Driveways & Access.
 4. AMC Chapter 19.54 Subdivision Design & Block Structure.
- F. Conformance with the applicable project design provisions of Division 6, including:
1. AMC Chapter 19.61 Block Frontage Standards.
 2. AMC Chapter 19.62 Site Planning.
 3. AMC Chapter 19.63 Building Design.
 4. AMC Chapter 19.64 Parking.
 5. AMC Chapter 19.65 Landscaping.
 6. AMC Chapter 19.66 Fences, Walls & Hedges.
 7. AMC Chapter 19.67 Signs.
 8. AMC Chapter 19.69 Standards, Generally.
- G. Conformance with other applicable environmental provisions, including:
1. AMC Chapter 17.70 Critical Area Regulations.
 2. AMC Chapter 18.04 State Environmental Policy Act.
 2. AMC Chapter 18.16 Shoreline Master Plan.
 3. AMC Chapter 19.76 Stormwater.
 4. AMC Chapter 19.78 Clearing & Grading.

19.30.050 - Vesting

Approval of a site plan does not vest the site plan. See AMC 19.20.070.

Chapter 19.32, Land Divisions (Reserved), is amended as follows:

Chapter 19.32 - LAND DIVISIONS

19.32.010 - Purpose.

- A. To provide criteria, regulations, processes, and standards to govern the division of land within the city.
- B. To ensure that public facilities and services necessary to support development are adequate to serve development at the time development occurs.

- C. To promote the public health, safety, and general welfare of the city in accordance with standards established by the state subdivision law, as established by RCW 58.17.010.
- D. To guide the future growth and development of the city in accordance with the goals and policies of Anacortes Comprehensive Plan.

19.32.020 - Applicability.

- A. This chapter applies to all divisions or redivisions of land applied for after the effective date of the ordinance codified in this chapter, except as listed in subsection (B) below. Subdivisions, short subdivisions, binding site plans, unit lot subdivisions, plat alterations, and plat vacations are all considered divisions or redivisions of land for purposes of this chapter.
- B. This chapter does not apply to:
 - 1. Cemeteries and other burial plots while used for that purpose.
 - 2. Divisions of land into lots or tracts each of which is five acres or larger if the land is not capable of description as a fraction of a section of land, including the area bordering on a street or road which would be bounded by the centerline of the street or road and the side lot lines of the lot running perpendicular to such center line.
 - 3. Divisions made by testamentary provisions, or the laws of descent.
 - 4. Divisions for the purpose of lease when no residential structure other than manufactured homes or travel trailers are permitted to be placed upon the land and an enforceable, binding site plan has been approved in accordance with the binding site plan provisions of this chapter, and which:
 - a. Identifies and shows the areas and location of all streets, roads, improvements, utilities, and open spaces.
 - b. Contains inscriptions or attachments setting forth the limitations and conditions for the use of the land as are established by the City Council.
 - 5. Divisions made in connection with acquisition of land by the city, including divisions made by deed for road widening purposes, provided that such land may be accepted on behalf of the city by action of City Council.
 - 6. Adjustments of boundary lines in accordance with AMC Chapter 19.34 Boundary Line Adjustments.
 - 7. Divisions of land into lots or tracts less than three acres that is recorded in accordance with 58.09 RCW and is used or to be used for the purpose of establishing a site for construction and operation of consumer-owned or investor-owned electric utility facilities per RCW 58.17.040(9).
 - 8. Divisions of land for the purpose of leasing land for facilities providing personal wireless services while used for that purpose.
 - 9. Divisions of land for the purpose of dedicating to the public such tracts of lands for open spaces, drainage ways, roads, alleys, easements, parks, playgrounds, sites for schools, school grounds, water supplies, sanitary wastes and other general purposes that may be required to protect the public health, safety and welfare.
 - 10. Condominiums, pursuant to RCW 58.17.040(7).

19.32.030 - Preliminary land division approval - Application requirements.

- A. Preliminary approval. All land division applications must be submitted in conformance with AMC 19.20.110 and contain the following:
1. Application. A completed application form and application fees.
 2. Title report. A title report issued within 30 days of application, showing all persons having ownership interest, a legal description describing exterior boundary of the land to be subdivided and listing all encumbrances affecting the land.
 3. SEPA. A completed and signed environmental (SEPA) checklist if the division of land is not exempt under WAC 197-11-800 and AMC Chapter 18.04, State Environmental Policy Act.
 4. Grading. A preliminary grading plan in accordance with AMC Chapter 19.78 Clearing & Grading and showing proposed cuts and fills for public improvements and private development, including transitions between the subject and adjacent properties.
 5. Stormwater.
 - a. A preliminary stormwater management plan including runoff calculations, documentation that the minimum technical requirements of the Stormwater Management Manual for Western Washington, as adopted by the city, have been met, upstream and downstream analysis, a maintenance plan for any new stormwater facilities and existing and proposed drainage facilities for the site and adjacent areas as specified by the engineer, and feasibility analysis of using LID facilities, all consistent with AMC Chapter 19.76 Stormwater.
 - b. The results of a (wet and dry season) soil analysis of the project site to determine the feasibility of on-site stormwater infiltration.
 6. A tree preservation plan with AMC Chapter 16.50 Tree Preservation.
 7. Supplemental studies and reports. Any related information and/or studies identified in the preapplication conference meeting, or deemed necessary by the director, including but not limited to a traffic study, geotechnical report, critical areas report and mitigation plan, and landscape plans.
 8. Preliminary plans. A set of full size plans containing the following information (multiple sheets may be used in order to provide clarity):
 - a. The name of the proposed project, if any.
 - b. The name, address, seal and signature of the land surveyor who prepared the preliminary plat map.
 - c. The date the preliminary plat map was prepared or revised, the scale, north arrow, and quarter section, section, township and range.
 - d. Full and correct legal description of lands being subdivided.
 - e. A vicinity sketch clearly showing the location of the property.
 - f. Accurate lines to scale showing the parcel to be subdivided, the block lines, and the lot lines.
 - g. Dimensions and numbers or description for each lot and tract.
 - h. Total acreage and square-feet of land to be divided and the land area by acreage and square-feet of each of the proposed lots.

- i. Density calculations indicating maximum and minimum density requirements, if applicable, for the proposal and including density bonus calculations, if applicable.
 - j. Existing zoning and zoning boundaries on the site and immediately adjacent property.
 - k. Municipal boundaries, township lines, and section lines.
 - l. Setback lines for all proposed lots having unusual shape, steep topography, critical areas, wetlands or other environmental or unusual limitations on its building site.
 - m. Location, width, and names of all existing and proposed streets or other public ways within or adjacent to the proposed subdivision. Road profiles may be required.
 - n. Location of existing and proposed improvements such as stormwater facilities, sidewalks, utilities, power poles, etc., within the boundaries of the lands being subdivided and adjacent lots and right-of-way.
 - o. Location of existing and proposed easements or tracts to be dedicated for any public purpose or for the common use of the property owners of the lands being divided.
 - p. Location of existing structures, septic tanks, drain fields, wells and other improvements located on the site and within 50-feet of the development; and whether such structures are proposed to remain on the property.
 - q. Shorelines and critical areas as defined in AMC Chapter 17.70 Critical Area Regulations and AMC Chapter 18.16 Shoreline Master Plan.
 - r. A current topographic survey. Contour lines in areas to be developed must be at two-foot intervals, or as specified by the city engineer. Five-foot intervals may be used in areas not to be developed. All contour lines must be extended into adjacent properties at least 300-feet to show the topographical relationship of adjacent property to the proposed development.
 - s. A legend identifying all existing and proposed boundary lines, buffers, drainage facilities and utilities, roadway sections, erosion control facilities, grading and critical areas, landscape features, and other required items specified above.
 - t. A stormwater site plan prepared pursuant to SWMMWW Vol. 1 Technical Requirements December 2014 Chapter 3 – Preparation of Stormwater Site Plans, or comparable requirements in a later SWMMWW as amended by the Washington Department of Ecology.
9. Reduced-size plans. A reduced size vicinity map and site plan showing proposed lot layout (suitable for public notice purposes).
10. Detailed requirements. The director is authorized to provide more detailed requirements for each of the items required for submittal of a complete preliminary plat or final plat application, including size, scale, number of copies, and content.

19.32.040 - Preliminary land division approval - Criteria for decision.

Each proposed preliminary land division must be reviewed to ensure that:

- A. The proposal conforms to the requirements of this chapter and RCW 58.17.
- B. The proposal conforms to the form and intensity standards in AMC Chapter 19.42 Form & Intensity Standards for the zone in which the property is located. Proposals using the unit lot subdivision process must conform to the applicable use standards for the proposed use type in AMC 19.43.010.

- C. The proposal conforms to the community design standards in AMC Division 5, including:
 - 1. AMC Chapter 19.51 Public Street Improvements Required.
 - 2. AMC Chapter 19.52 Public Street Design.
 - 3. AMC Chapter 19.53 Private Driveways & Access.
 - 4. AMC Chapter 19.54 Subdivision Design & Block Structure.
- D. The proposal conforms to the standards of:
 - 1. AMC Chapter 16.50 Tree Preservation.
 - 2. AMC Chapter 17.70 Critical Area Regulations.
 - 3. AMC Chapter 19.22 Concurrency.
 - 4. AMC Chapter 19.76 Stormwater, including stormwater infiltration when feasible.
- E. The proposed land division:
 - 1. Makes adequate provision for parks, recreation, and playgrounds.
 - 2. Makes adequate provision for schools and school grounds.
 - 3. Makes adequate provisions for sidewalks and other planning features that meet the requirements of this title and that provide safe walking conditions for students who walk to and from school.
 - 4. Serves the public interest and makes appropriate provisions for the public health, safety, and welfare.
- F. Lack of compliance with the criteria in subsections (A) through (E) above will be grounds for denial of a proposed land division or for the issuance of conditions necessary to more fully satisfy the criteria.
- G. Phasing. Where a land division is to be developed in phases with a final plat approved and recorded separately for each phase, the following applies:
 - 1. The applicant must request approval of phasing in the preliminary land division application.
 - 2. Each separate phase is required to meet the requirements of the criteria above and all other applicable city codes when considered independently from any other phase.
 - 3. Where an applicant requests phasing after preliminary land division approval has been granted, phasing may be approved only through modification of the preliminary subdivision approval using the preliminary land division approval procedures in AMC 19.20.030.

19.32.050 - Procedures for review - Specific land division types.

A. Preliminary short subdivision procedures.

- 1. Approval process. Short subdivisions follow the procedures established in AMC 19.20.030.
- 2. Effect of preliminary approval. Preliminary approval constitutes authorization for the applicant to develop the required facilities and improvements, upon review and approval of construction drawings by the Public Works Department. All such facilities and improvements must be completed or have a performance assurance guarantee posted to ensure completion as provided in AMC 19.51.070, prior to recording of the short subdivision. All development of a

short subdivision must be subject to any conditions imposed by the city on the short subdivision approval.

3. Revision and expiration. Short subdivisions follow the revision and expiration procedures established in AMC Chapter 19.28 Permit Revision & Expiration.
4. Recording. All short subdivisions must be recorded in compliance with the following:
 - a. Prior to recording, the applicant must submit the final short plat map to the city for signatures per AMC 19.32.050(C) and 19.32.060.
 - b. Recording required. No short subdivision may be recorded unless approved as provided in this chapter. A copy of an approved short subdivision must be filed for record with the Skagit County Auditor, and one reproducible copy must be furnished to the city.
5. Restriction on further division. Land within an approved and recorded short subdivision may not be further subdivided within a period of five years from the date of final approval if such further division would result in more than nine lots within the original short subdivision boundaries. Any division that would result in more than nine lots within the original short subdivision within the five-year period may be accomplished only by following the process for preliminary and final long subdivision approval in this section.

B. Preliminary long subdivision procedures.

1. Approval process. Preliminary long subdivisions follow the procedures established in AMC 19.20.030.
2. Effect of preliminary approval. Preliminary approval constitutes authorization for the applicant to develop the required facilities and improvements, upon review and approval of construction drawings by the Public Works Department. All such facilities and improvements must be completed or have a performance assurance posted to ensure completion as provided in AMC 19.51.070, prior to recording of the long subdivision. All development must be subject to any conditions imposed by the city on the preliminary long subdivision approval.
3. Revisions and expiration. Long subdivisions follow the revision and expiration procedures established in AMC Chapter 19.28 Permit Revision & Expiration.

C. Final subdivision procedures.

1. Final plats must be submitted in accordance with AMC 19.32.060-.070.
2. Review. The final plat must be reviewed to ensure that the following have been completed:
 - a. The proposed final plat meets all standards established by state law and this section relating to the final plat's drawings and subdivision improvements.
 - b. The proposed final plat bears the certificates and statements of approval required by this section.
 - c. A current title insurance report furnished by the subdivider confirms the title of the land in the proposed subdivision is vested in the name of the owners whose signatures appear on the final plat.
 - d. The legal description of the plat boundary on the current title insurance report agrees with the legal description on the final plat.

- e. The facilities and improvements required to be provided by the subdivider have been completed or, alternatively, that the subdivider has provided a surety in an amount commensurate with improvements remaining to be completed per AMC 19.51.070.
 - f. The surveyor has certified that all survey monument lot corners are in place and visible.
 - g. The final plat contains a dedication to the public of all common improvements, including but not limited to streets, roads, sewage disposal systems, storm drainage systems, and water supply systems which were a condition of approval. The intention to dedicate must be evidenced by the owner's presentment of a final plat showing the dedication, and the acceptance by the city must be evidenced by the approval of the final plat.
3. Review of final long subdivisions. The city council must review the final plat at a public meeting, according to the review criteria for final plats in AMC 19.32.070. No public hearing is required. If the City Council approves the final plat, the Mayor is authorized to inscribe and execute the written approval on the face of the plat map. If the City Council denies the final plat, the final plat will be returned to the applicant with reasons for denial and conditions for compliance.
 4. Review of final short subdivisions. The Director must review the final short plat according to the criteria for final plats set forth in AMC 19.32.070.
 5. Recording. All final plats must be recorded in compliance with the following:
 - a. Fees and performance assurance. Prior to recording, the applicant must submit the original final plat drawings together with the plat checking fees. Unless all required improvements have been constructed prior to final plat approval, the applicant must also submit all required performance assurances to guarantee completion of the improvements as required by AMC 19.51.070.
 - b. Recording required. No final plat may be recorded unless approved as provided in this section. The original of an approved final plat must be filed for record with the Skagit County Auditor.
 - c. Time limit. All final plats must be recorded within 60 days after final approval is granted by the city. Approval must expire if the final plat is not recorded within this period.

D. Unit lot subdivisions.

1. Approval process. Unit lot subdivisions follow the procedures established in AMC 19.20.030 for short subdivision or long subdivision, according to the number of unit lots proposed. Final unit lot subdivisions of ten or more lots follow the procedures for final long subdivision in subsection (C).
2. Compliance with prior approvals. Sites developed or proposed to be developed with duplexes, triplexes, cottages and townhouses per the standards in AMC 19.43.010 may be subdivided into individual unit lots as provided herein. The development as a whole must conform to the regulations applicable to the site and zone and to applicable plans that were granted approval through provisions of this code.
3. Development on individual unit lots is not required to conform with all development standards that typically apply to individual lots as long as the parent lot conforms to all such development standards.
4. Subsequent platting actions, additions, or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.

5. Access easements, joint use and maintenance agreements, and covenants, conditions and restrictions (CC&Rs) identifying the rights and responsibilities of property owners and/or the homeowners' association must be executed for use and maintenance of common garage, parking and vehicle access areas; underground utilities; common open space; exterior building façades and roofs; and other similar features, must be recorded with the Skagit County Auditor.
6. Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use the parking is formalized by an easement recorded with the Skagit County Auditor.
7. Notes must be placed on the face of the plat or short plat as recorded with the Skagit County Auditor to acknowledge the following:
 - a. Approval of the design of the unit on each of the lots was granted by the review of the development, as a whole, on the parent lot per the standards of AMC Chapter 19.43 Residential Uses.
 - b. Development, redevelopment, or rehabilitation of structures on each unit lot is subject to review and approval of plans that are consistent with the design of the surrounding structures on the parent lot as approved by the city through subject file number as stated in subsection (D)(7)(a) above.
8. Effect of preliminary approval. Preliminary approval constitutes authorization for the applicant to develop the required facilities and improvements, upon review and approval of construction drawings by the Public Works Department. All development must be subject to any conditions imposed by the city on the preliminary approval.
9. Revision and expiration. Unit lot subdivisions follow the revision and expiration procedures established in AMC Chapter 19.28 Permit Revision & Expiration.

E. Binding site plans.

1. Division of land using the binding site plan process is limited to:
 - a. Divisions for sale or lease of property in mixed-use or industrial zones.
 - b. Divisions for the purpose of lease when no residential structures other than manufactured homes or travel trailers are permitted to be placed on the land.
 - c. Divisions of land into lots or tracts made under the provisions of the Horizontal Properties Regimes Act (RCW Ch. 64.32) or the Condominium Act (RCW CH. 64.34).
2. Approval process. Binding site plans follow the procedures established in AMC 19.20.030.
3. Post-approval requirements. The following requirements apply to proposals submitted under this section:
 - a. All provisions, conditions, and requirements of the binding site plan are legally enforceable on the purchaser or any person acquiring a lease or other ownership interest of any lot, parcel, or tract created pursuant to the binding site plan. A sale, transfer, or lease of any lot, tract, or parcel that does not conform to the requirements of the binding site plan approval, will be considered a violation of this chapter.
 - b. All development must be in conformity with the approved binding site plan and any existing or subsequent applicable permit approval. Each binding site plan document must reference the requirement for compliance with any existing or subsequent permit approval.

- c. Revision and expiration. Binding site plans must follow the revision and expiration procedures established in AMC Chapter 19.28 Permit Revision & Expiration.
- d. Approved binding site plans may contain any easements, restrictions, covenants, or conditions as would a subdivision approved by the city.
- 4. Recording. All final plats must be recorded in compliance with the following:
 - a. Fees and performance assurance. Prior to recording, the applicant must submit the original final plat drawings together with the plat checking fees. Unless all required improvements have been constructed prior to final plat approval, the applicant must also submit all required performance assurances to guarantee completion of the improvements as required by AMC 19.51.070.
 - b. Recording required. No final plat may be recorded unless approved as provided in this section. The original of an approved final plat must be filed for record with the Skagit County Auditor.
 - c. Time limit. All final plats must be recorded within 60 days after final approval is granted by the city. Approval must expire if the final plat is not recorded within this period.

19.32.060 - Final plat application requirements.

- A. Applications for final plat approval will be accepted only when all of the following conditions have been satisfied:
 - 1. All plans, specifications, as-built drawings, and documents relating to required public improvements have been approved and accepted by the city engineer.
 - 2. All deeds, conveyances, covenants, dedications, indemnities, restrictions, and agreements have been approved by the City Attorney.
 - 3. All fees are paid and accepted, all voluntary contributions are accepted and approved, and all security devices are approved and effective.
 - 4. All improvements and other conditions required by the preliminary plat approval have been installed and approved, or have been bonded in accordance with this Title.
 - 5. All sewage disposal, water supply, stormwater and other utility systems are functioning properly and are determined to be adequate.
 - 6. All required certifications by the owner, financial institutions, and surveyor are signed.
 - 7. A title report, completed within 30 days preceding submittal of a complete final plat, is provided showing ownership and all other interests in the land described and shown on the final plat is in the name of the person signing the owner's certificate.
 - 8. A completed Stormwater Site Plan and a Stormwater Maintenance Plan for all stormwater elements of the plat.
- B. Final plat maps must be prepared in accordance with the following:
 - 1. A land surveyor registered in the state of Washington must prepare or supervise the preparation of the final plat, pursuant to RCW 58.04.003, and must certify and sign the map.

2. A land surveyor registered in the State of Washington must survey the land to be divided, and as much of the sections in which the land is located as is needed to properly orient the land within the sections. The survey must comply with applicable state and city standards.
- C. The following information must be included on all final plat maps:
1. The full and complete legal description of all land included in the plat.
 2. The name of the plat.
 3. Locations and names, without abbreviation, of all streets, public areas, and easements within and adjoining the plat.
 4. True north point on each sheet which depicts property included in the plat
 5. The scale, uniform and of sufficient size for good legibility, on each sheet which depicts property included in the plat
 6. The length and bearings of all straight lines, radii, arcs and semi-tangents of all curves.
 7. Centerline data on streets and easements, including bearings and distances.
 8. All dimensions along the lines of each lot and tract, in feet and decimals of a foot to the nearest hundredth, with the true bearings and any other data necessary for the location of any boundary line in the field.
 9. Centerline data, width and sidelines of all easements, restrictions, and rights-of-way to which lots and tracts are subject.
 10. Easements for storm drains, sewers, utilities and all other purposes must be denoted by broken lines.
 11. The maximum impervious surface allowed for each lot as determined by the calculations in the stormwater report for the subdivision.
 12. Provisions approved by the city attorney, ensuring access to storm drainage facilities and public access to trails or sidewalks if required as a condition of preliminary plat approval.
 13. Contiguous plats, by name or if unplatted, so noted.
 14. City and county boundaries crossing or adjoining the subdivision.
 15. All lots must be numbered in sequence and provided with an address as provided by the City's address coordinator.
 16. Each lot must be shown entirely on one sheet.
 17. All points which were used as ties to establish the boundaries of the tract.
 18. The location, size and shape of all permanent control monuments found and established at the controlling corners on the perimeter and within the plat and all monuments or other evidence used as ties to establish the plat boundaries.
 19. Accurate boundaries of all areas to be dedicated or reserved for public use or to be committed for the common use of property owners within the subdivision. All dedications and reservations must be stated on the plat together with appropriate recording references as required by the director.

20. All required dedications, endorsements, covenants, affidavits, and certificates must be stated and shown on the face of the plat.
 21. The section, township and range.
 22. Conditions of approval of the preliminary plat including but not limited to dedications, reservations, open space tracts, critical areas and buffers, LID features, stormwater requirements and homeowners' association obligations.
 23. Homeowners' association documents, condominium declarations, and other similar documents required or permitted by the preliminary plat.
 24. Names and addresses of subdivider(s) and surveyor(s) on each sheet.
 25. The number of the sheet and total number of sheets on each sheet.
 26. Other information the director deems necessary.
- D. Certificates. The following certificates must be shown on the final plat map. Certifications by the owner, financial institutions and surveyor must be signed before the final plat is submitted for city signatures.
1. Surveyor. The surveyor's seal and signature on the plat along with a statement certifying that:
 - a. The plat was prepared by the surveyor or under their supervision;
 - b. The plat is a true and correct representation of the land and has been thoroughly surveyed as required by this chapter;
 - c. The legal description is a full and correct description of the land to be divided; and
 - d. Monumentation and lot corner stakes as required by the city engineer and this chapter have been or will be set.
 2. Owner. The owner of any interest in and the holder of any lien or encumbrance upon the land proposed for subdivision must certify that the proposed final plat is submitted with their consent and there is no objection thereto.
 3. Dedications. A statement and certificate of dedication by the owner, acknowledged by a notary, and acceptable to the city attorney, for all areas to be dedicated to or for the benefit of the public. This includes dedication of City stormwater facilities and access easements when required by AMC Chapter 19.76 Stormwater.
 4. Owner's covenant. The owner must grant to the city a covenant acceptable to the city and releasing, indemnifying and holding the city harmless from any and all claims for damages, liabilities, or injunctive relief of whatever nature arising from the design, construction, operation and maintenance of the plat and all associated improvements.
 5. Waiver of access. If required by the conditions of preliminary plat approval, a waiver by the owner of direct access to any street from any property.
 6. Roads not dedicated. A statement by the owner and clear visual indication on the plat of every street, way, road, sidewalk or the similar facility that is not dedicated to the public, and specifying the maintenance and inspection responsibility therefor.
 7. City engineer. A statement to be signed by the city engineer accepting the survey data, dedications and reservations, the layout of streets and other rights-of-way, design of bridges, sewage and water system, all other utilities, and all other public improvements.

8. Director. A statement to be signed by the director that the final plat conforms to the approved preliminary plat and all conditions of the preliminary approval.
 9. County treasurer. A statement to be signed by the county treasurer that all taxes and assessments for which the land to be divided may be liable as of the date of the signing of the statement have been paid in full.
 10. City treasurer. A statement to be signed by the city treasurer that all assessments, fees and contributions have been paid in full or secured in accordance with this title.
 11. Council approval. For long subdivision final plats only, a statement that the City Council has approved the final plat, to be signed by the mayor and city clerk following final action of the City Council.
- E. The surveyor must set monuments at street intersections, lot and block corners, boundary angle points, points in curves in streets, points of tangents in streets, points of intersection in streets, controlling corners on the boundaries of land and at other points as required by the city engineer. The type of monument and method of setting will be specified by the city engineer.

19.32.070 - Review criteria for approval of final subdivisions.

No final subdivision may be approved unless the final subdivision:

- A. Substantially conforms to all terms, conditions, and provisions of preliminary approval.
- B. Contains a dedication to the public of all common improvements including but not limited to streets, roads, sewage disposal systems, storm drainage systems, and water supply systems which were a condition of approval. The intention to dedicate is evidenced by the owner's presentment of final plat showing the dedication, and the acceptance by the City is evidenced by the approval of the final plat.
- C. Meets the requirements of this chapter, applicable state laws, and all other local ordinances adopted by the City which were in effect at the time a complete application for the preliminary plat approval was filed.

19.32.080 - Subdivision alteration and vacation.

Requests for subdivision alterations or subdivision vacations are reviewed and processed according to the procedures and criteria outlined in RCW 58.17.212 thru .218.

19.32.090 - Violations - Penalty.

- A. Any violation of any provision of this chapter constitutes a civil violation under AMC Title 20 for which a monetary penalty may be assessed and abatement may be required as provided therein.
- B. This chapter must not be construed to relieve from or lessen the responsibility of any person owning any land or building, constructing or modifying any subdivisions in the City for damages to anyone injured or damaged either in person or property by any defect therein; nor may the City or any agent thereof be held as assuming such liability by reason of preliminary or final approval or by issuance of any permits or certificates authorized herein.

Chapter 19.34, Boundary Line Adjustments (Reserved), is amended as follows:

Chapter 19.34 - BOUNDARY LINE ADJUSTMENTS

19.34.010 - Purpose.

The purpose of this Chapter is to establish criteria for the review and approval of boundary line adjustments.

19.34.030 - Application requirements.

- A. An application must be submitted to the department on forms provided by the department and include applicable fees, Record of Survey, and all required information in the application submittal checklist.
- B. Boundary line adjustments are reviewed per AMC 19.20 Application Procedures.

19.34.020 - Review criteria.

- A. A boundary line adjustment may be used to:
 - 1. Resolve boundary line issues, such as encroachments, between two lots.
 - 2. To consolidate two or more lots.
 - 3. Other minor adjustments to boundary lines that meet the requirements and purpose of this chapter.
- B. In order to approve a boundary line adjustment, the decision-maker must find that the boundary line adjustment will not:
 - 1. Create any additional lot.
 - 2. Alter the underlying plat pattern such as changing the general orientation of lots or lot access.
 - 3. Result in the entire relocation of lots from one area to another.
 - 4. Result in avoiding public improvement requirements that would be associated with a replat or other new land division approval, or an obligation to pay latecomer fees.
 - 5. Require the creation of new streets or private roads, or require dedication of public right-of-way, or creation of access easements.
 - 6. Diminish or impair existing or future drainage, water supply, or sanitary sewage disposal.
 - 7. Result in a lot that contains insufficient area and dimensions to meet the minimum lot size for the applicable zone.
 - 8. Amend or act contrary to the conditions of approval for property that is part of an existing plat or short subdivision.
 - 9. Result in a lot without adequate vehicular access, including access for emergency response vehicles.
 - 10. Result in a lot having more than one zoning or land use designation.
 - 11. Result in a lot located partially within the city limits and partially within unincorporated Skagit County.

- C. A proposed boundary line adjustment that does not meet all the criteria of this section is processed under the appropriate land division requirements (AMC Chapter 19.32 Land Divisions).

19.34.050 - Final approval and recording.

- A. The decision-maker is authorized and granted the discretion to require, as a condition of approval, that the boundary line adjustment record of survey include other relevant parcel boundaries and, site features.
- B. Approval of the boundary line adjustment is not final until all of the following requirements are met:
1. There is compliance with the requirements of this chapter.
 2. The surveyor preparing the Record of Survey finds or sets monuments at all corners and angle points of the adjusted lots. At the discretion of the City, witness corners and reference monuments may be used when impracticable to monument the actual corners.
 3. Each adjusted lot must have a unique identifier on the Record of Survey that has not been previously used or associated, in any way, with the adjusted parcels.
 4. The County treasurer has certified that all taxes on the land have been fully paid and discharged consistent with applicable requirements.
 5. The record of survey is prepared by a Washington State licensed land surveyor in accordance with Chapter 332-130 WAC and Chapter 58.09 RCW.
 6. A final Record of Survey has been approved by the director and filed for record by the applicant with the Skagit County Auditor.

Chapter 19.36 – CONDITIONAL USES

No change.

Chapter 19.38 – VARIANCES

No change.

DIVISION 4 - ZONING AND LAND USES

Chapter 19.40, Zoning (Reserved), is amended as follows:

Chapter 19.40 - ZONES

19.40.010 - Generally.

- A. **Purpose.** The city is divided into zones to assist in orderly community development, conserve the value of property, and safeguard the public welfare by:
1. Implementing the Anacortes Comprehensive Plan policies through land-use regulations.
 2. Providing for adequate public facilities and services in conjunction with development.
 3. Providing an efficient and compatible relationship of land uses and zones.

4. Providing for a transportation system that offers greater options, mobility, safety, and access in support of the City's growth strategy.
5. Conserving the City's natural resources and attractions.

B. Establishment of the Official Zoning Map.

1. The location and boundaries of zones established by this title are shown and maintained as part of the City's Geographic Information System (GIS) under the direction of the director. The Zoning GIS layer constitutes the City of Anacortes's Official Zoning Map and is part of this title. All notations, references, and other information shown must have the same force and effect as if fully described in this title.
2. At the direction of City Council, the director is authorized to revise the Official Zoning Map. No unauthorized person may alter or modify the Official Zoning Map. The revision may be made only after following the applicable process for a site-specific rezone or zone boundary determination (see Table 19.20.030).
3. The Planning, Community & Economic Development Department must maintain digital or printed copies of the Official Zoning Map and maintain records of superseded official maps.

C. Zoning map interpretation. When uncertainty exists as to boundaries of any land use zone shown on the Official Zoning Map, the following rules apply:

1. Where a boundary is indicated as approximately following the center line of streets, alleys, railroads, or highways, the actual center line must be construed to be the boundary.
2. Where a zone boundary is indicated as approximately following the lot or tract lines and the map is scaled at not more than 20-feet from the lot or tract lines, the actual lot or tract lines must be construed to be the boundaries of such zone.
3. Where a zone boundary divides a lot or tract, the boundary must be determined by map scaling unless the actual dimensions are shown on the map.
4. Where boundaries are indicated as following lines of ordinary high water, government or meander line, the lines must be considered to be the actual boundaries, and, if they should change, the boundaries must be considered to move with them.
5. Where a public right-of-way is vacated, the vacated area must have the zone classification of the adjoining property that it merges with.
6. Zone boundary determination. In case uncertainty exists which cannot be determined by application of the foregoing rules, a zoning boundary determination must be made as established in Table 19.20.030. The decision must be guided by the standards in subsections (1) through (5) of this subsection, the intent and language of the Anacortes Comprehensive Plan, and the purpose statement of the zones where boundaries are in question.

19.40.020 - Establishment of zones.

1. Establishment of zones. In order to regulate uses of land, buildings and structures in conformance with the policies of the comprehensive land use plan, the city is divided into the residential zones in AMC 19.40.030, mixed-use zones in AMC 19.40.040, and industrial zones in AMC 19.40.050.
2. The purpose statements for each zone and map designation in the following sections must be used to guide the application of the zones and designations to all lands in the city. The purpose

statements also must guide interpretation and application of land use regulations within the zones and designations, and any changes to the range of permitted uses within each zone through amendments to this title.

Table 19.40.020		
List of zones.		
Zone Name	Abbreviation	Comprehensive Plan Designation
RESIDENTIAL ZONES (AMC 19.40.030)		
Residential Low Density 1	R1	Residential Low Density 1
Residential Low Density 2	R2	Residential Low Density 2
Residential Low Density 2A	R2A	Residential Low Density 2
Residential Medium Density 3	R3	Residential Medium Density
Residential Medium Density 3A	R3A	Residential Medium Density
Old Town	OT	Old Town
Residential High Density 4	R4	Residential High Density
Residential High Density 4A	R4A	Residential High Density
MIXED-USE ZONES (AMC 19.40.040)		
Central Business District	CBD	Central Business District
Commercial	C	Commercial
Marine Mixed-Use	MMU	Marine Mixed-Use
Commercial Marine	CM	Commercial Marine
Commercial Marine 2	CM2	Commercial Marine
Public Use	P	Public Use
INDUSTRIAL ZONES (AMC 19.40.050)		
Light Manufacturing	LM	Light Manufacturing
Light Manufacturing 1	LM1	Light Manufacturing
Manufacturing and Shipping	MS	Manufacturing and Shipping
Heavy Manufacturing	HM	Heavy Manufacturing
Industrial	I	Industrial
Aeronautical Zone	AZ	Aeronautical Zone
OVERLAY DESIGNATIONS (AMC 19.40.060)		
Medical Overlay	MED-O	Medical Overlay
Live/Work Overlay	LW-O	Live/Work Overlay
Mixed-Use Business Overlay	MUB-O	Mixed-Use Business Overlay

19.40.030 - Residential zones established.

A. Residential Low Density 1 (R1)

1. This designation provides for low density residential development in the southern end of the City that is inappropriate for more intensive urban development due to topography, the

frequent presence of wetlands, the high cost and difficulty in extending public facilities, and the desire to create a lower intensity transitional area between the city and the surrounding forest and hillsides.

2. Use of this zone is appropriate for areas designated Residential Low Density 1 in the Comprehensive Plan.

B. Residential Low Density 2 (R2)

1. This designation provides for low density residential development in mostly established neighborhoods generally west of Anacopper Mine Road and the area generally between the Airport and Little Cranberry ACFL, and south of West 6th Street, Minnesota Avenue, and West 8th Place. These areas are inappropriate for more intensive urban development due to the established character of the area and/or due to the areas' separation from commercial services.
2. Use of this zone is appropriate for areas designated Residential Low Density 2 in the Comprehensive Plan.

C. Residential Low Density 2A (R2A)

1. This designation provides for low density residential development in established neighborhoods generally east of Anacopper Mine Road. These areas are inappropriate for more intensive urban development due to the established character of the area.
2. Use of this zone is appropriate for areas designated Residential Low Density 2 in the Comprehensive Plan and generally east of Anacopper Mine Road.

D. Residential Medium Density 3 (R3)

1. This designation provides for moderate density residential neighborhoods on lands that are suitable for urban development. These areas are conveniently located in relation to traffic routes, public utilities and community facilities.
2. Use of this zone is appropriate for areas designated Residential Medium Density in the Comprehensive Plan.

E. Residential Medium Density 3A (R3A)

1. This designation provides for moderate density residential uses in areas characterized by a historical pattern of smaller (generally 3,000-square-foot) lots. These areas are conveniently located in relation to traffic routes, public utilities and community facilities.
2. Use of this zone is appropriate for areas designated Residential Medium Density in the Comprehensive Plan.

E. Old Town (OT)

1. This designation recognizes the unique heritage, scale, and character of the oldest residential area of the city by establishing standards to maintain the scale and character of the area.
2. Use of this zone is appropriate for areas designated Old Town in the Comprehensive Plan.

F. Residential High Density 4 (R4)

1. This designation provides for urbanized areas with high density residential uses within walking distance of public transit and commercial/employment areas and/or community facilities. This designation creates a transition from high intensity uses, such as commercial or industrial development, to lower intensity residential areas.

2. Use of this zone is appropriate for areas designated Residential High Density in the Comprehensive Plan.

G. Residential High Density 4A (R4A)

1. This designation provides for special urbanized areas with an established mixture of single-family dwellings and low density multifamily uses.
2. Use of this zone is appropriate for areas designated Residential High Density in the Comprehensive Plan.

19.40.040 - Mixed-use zones established.

A. Central Business District (CBD)

1. This designation applies to the existing downtown commercial district in Anacortes. The purpose of the zone is to reinforce downtown as the center of commercial, civic, and cultural activities within the city. The CBD zone is expected to accommodate new development while reinforcing and enhancing its historic pedestrian-friendly character and scale.
2. Use of this zone is appropriate for areas designated Central Business District in the Comprehensive Plan.

B. Commercial (C)

1. This designation provides for a wide variety of general-service and retail commercial uses, and mixed-uses serving local and regional residents and the traveling public.
2. Use of this zone is appropriate for areas designated Commercial in the Comprehensive Plan.

C. Marine Mixed-Use (MMU)

1. This designation provides for a special mix of commercial, cultural, recreational, and residential uses in a high amenity area along the waterfront or with special waterfront relationship. The design of uses is intended to emphasize the unique marine setting by providing marine access and views from public spaces and establishing/maintaining a pedestrian-friendly character.
2. Use of this zone is appropriate for areas designated Marine Mixed-Use in the Comprehensive Plan.

D. Commercial Marine (CM)

1. This designation is established in recognition of the unique and irreplaceable nature of certain marine sites in Anacortes and provides for marine-oriented uses and commercial and industrial enterprises where orientation to navigable waterways and the tourism trade is of primary importance.
2. Use of this zone is appropriate for areas designated Commercial Marine in the Comprehensive Plan.

E. Commercial Marine 2 (CM2)

1. This designation is established in recognition of the unique and irreplaceable nature of certain marine sites in Anacortes and provides for marine-oriented uses and commercial and industrial enterprises where orientation to navigable waterways is of primary importance. This designation provides for a mix of commercial and industrial uses.

2. Use of this zone is appropriate for areas designated Commercial Marine in the Comprehensive Plan.

F. Public Use (P)

1. This designation is to allow for common public uses where the need arises and uses will not create a nuisance or interfere with existing uses.
2. Use of this zone is appropriate for any designation within the City provided the site is appropriately located to accommodate common public uses.

19.40.050 - Industrial zones established.

A. Light Manufacturing (LM)

1. This designation provides for a mix of industrial structures and uses which do not create noise, smoke, odors, or other objectionable nuisances or hazards detrimental to uses in the LM zone or surrounding zones.
2. Use of this zone is appropriate for areas designated Light Manufacturing in the Comprehensive Plan.

B. Light Manufacturing 1 (LM1)

1. This designation provides for a mix of industrial structures and uses, service and limited retail uses that minimize external visual or physical impacts on adjacent properties and generally do not compete with uses in the CBD and C zones. It is intended primarily to accommodate industrial type uses that do not need water access or proximity to the central business district or to the Commercial Avenue corridor.
2. Use of this zone is appropriate for areas designated Light Manufacturing in the Comprehensive Plan.

C. Manufacturing and Shipping (MS)

1. This designation provides for manufacturing and shipping uses that can utilize the deep waters of Guemes Channel and uses supplementary to and compatible with the principal uses.
2. Use of this zone is appropriate for areas designated Manufacturing and Shipping in the Comprehensive Plan.

D. Heavy Manufacturing (HM)

1. This designation provides for heavy manufacturing and closely related uses in the March Point area. To avoid unnecessary regulations on heavy manufacturing, regulations for this zone are intended to provide protection principally against effects harmful to other zones.
2. Use of this zone is appropriate for areas designated Heavy Manufacturing in the Comprehensive Plan.

E. 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.

F. Aeronautical Zone (AZ)

1. This designation provides for the Anacortes Airport and associated uses. The purpose of the AZ zone is to provide for the siting and development of the Anacortes Airport, an essential public facility as defined in Chapter 36.70A RCW, and related facilities.
2. Use of this zone is appropriate for areas designated Aeronautical Zone in the Comprehensive Plan.

19.40.060 - Overlay designations established.

A. Purpose. Some areas within the city have unique characteristics, special land uses, and/or land use objectives that call for an overlay designation. Overlays impose restrictions on a specific geographic area within an existing zone or zones. Property in an overlay remains subject to the restrictions and limitations of the underlying zone and the overlay regulations act to supplement but not replace the regulations of the underlying zone.

B. Medical Overlay (MED-O)

This overlay designation provides for coordinated expansion of Island Hospital and growth of medical support uses in the immediate vicinity while minimizing the impacts on surrounding residential uses.

C. Live/Work Overlay (LW-O)

This overlay designation provides the opportunity to combine living and working spaces in individual units, provided the scale and impact of such non-residential uses is limited. This designation is appropriate for select R-3 and R-4 zones that are adjacent to mixed use and industrial zones.

D. Mixed-Use Business Overlay (MUB-O)

This overlay designation provides the opportunity to integrate non-residential uses together with residential uses. Such uses must be limited to those uses that minimize external or physical impacts on residential uses. Non-residential uses may be developed as a single use site or building or integrated with residential uses within a single building or on the same site. This designation is appropriate for select R-3 and R-4 zones that are adjacent to mixed-use or industrial zones.

19.40.070 - Zoning of annexed land.

All annexations must be enacted with the land use designation and zone pre-designated in the Comprehensive Plan land use map and the Official Zoning Map. Generally, land within the city's urban growth boundary that is annexed to the city and is located north of South March Point Road must be zoned Heavy Manufacturing (HM) and land within the city's urban growth boundary that is annexed to the city and is located south of South March Point Road must be zoned Light Manufacturing 1 (LM1). The precise locations of these boundary lines are shown on the Official Zoning Map. In the event that the urban growth boundary is extended to other areas in the future, the zoning for such areas must be pre-designated by the City Council at the time the extension is approved.

New Chapter 19.41, Allowed Uses, is added as follows:

Chapter 19.41 - ALLOWED USES

19.41.010 - Purpose.

The purpose of this chapter is to establish the uses generally permitted in each zone which are compatible with the purpose of the zone and other uses allowed within the zone.

19.41.020 - Classification of uses.

A. Use categories.

1. In order to regulate uses, categories of uses have been established. Use categories provide a systematic basis for assigning land uses to appropriate categories with other similar uses. Use categories classify land uses and activities based on common functional, product, or physical characteristics.
2. Characteristics include the type and amount of activity, the hours of operation, the type of customers or residents, how goods or services are sold or delivered, likely impact on surrounding properties, and site conditions.
3. Use category definitions are included in AMC Chapters 19.43-46.
4. Where a use category contains a list of included uses, the list is to be considered example uses, and not all-inclusive. The director has the responsibility for categorizing all uses.

B. Principal uses. Allowed principal uses by zone are listed in Tables 19.41.040-050. Principal uses are grouped into categories of uses.

C. Accessory uses. Accessory uses are allowed in conjunction with a permitted principal use as established in AMC Chapter 19.47 Accessory Uses & Structures.

D. Temporary uses. Temporary uses are allowed as established in AMC Chapter 19.48 Temporary Uses.

19.41.030 - Key to the use table.

The use tables in this chapter determine whether a use is allowed in a zone.

A. Permitted use (P).

Where the letter "P" appears in the use tables, the subject use is permitted. "Permitted" uses are those that do not require discretionary land use approval permits, but may require building permits, shoreline permits, or other permits required by AMC Chapter 19.14 International Codes.

B. Conditional use (C).

Where the letter "C" appears in the use tables, the subject use is allowed subject to the conditional use review procedures specified in AMC 19.20.030 Types of review and AMC Chapter 19.36 Conditional Uses.

C. Use not permitted ().

Where no symbol appears in the use tables, the subject use is prohibited in that zone.

D. Special use limitations (X).

For uses containing a superscript ^(X), refer to the code reference in the right column next to the superscript ^(X).

E. Unclassified uses.

Where a proposed use is not classified in the use tables and sections below, the director must apply the use provisions of a use most similar in scale and associated level of impacts. Where the director finds that there is no such similar use, the director must make a determination in writing on whether the use should be permitted, conditionally permitted, or prohibited, based on the purpose of the applicable zone, the mixture of permitted, conditional, and prohibited uses, and the scale and projected impacts of the proposed use. Special criteria in helping to determine whether a use is appropriate for the zone:

1. Consider the scale and type of buildings compared to other permitted uses in the zone.
2. Consider the amount, type, and pattern of vehicular traffic anticipated for the use.
3. Consider the expected outdoor uses and activities associated with the use.
4. Consider the expected noises, odors, emissions, and unique visual impacts associated with the use.

19.41.040 - Principal uses permitted in residential zones.

Table 19.41.040 below provides the list of permitted principal uses in residential zones.

NOTE: Accessory uses are not shown in these Principal Use charts. See AMC Chapter 19.47 Accessory Uses and Structures for applicable accessory use provisions.

Table 19.41.040 Principal uses permitted in residential zones.									
Principal Use	R1	R2	R2A	R3	R3A	R4	R4A	OT	Reference
RESIDENTIAL									
Household Living, as listed below									AMC 19.43.010(A)
Single-family	P	P	P	P	P	P	P	P	AMC 19.43.010(B)
Single-family, small lot				P	P	P	P		AMC 19.43.010(C)
Cottage housing		P	P	P	P	P	P		AMC 19.43.010(D)
Duplex		C	P	P	P	P	P	P	AMC 19.43.010(E)
Triplex				C	P	P	P		AMC 19.43.010(F)
Townhouse				C	P	P	P		AMC 19.43.010(G)
Multifamily, 4 units				C	P	P	P		AMC 19.43.010(H) and (I)
Multifamily, 5 or more units						P	P		AMC 19.43.010(H) and (I)
Live-work									AMC 19.43.010(J)
Group Living, as listed below									AMC 19.43.020(A)
Adult family home	P	P	P	P	P	P	P	P	AMC 19.43.020(B)
Assisted living facility				C	C	P	C		AMC 19.43.020(C)
Nursing homes						C			AMC 19.43.020(D)

Table 19.41.040 Principal uses permitted in residential zones.									
Principal Use	R1	R2	R2A	R3	R3A	R4	R4A	OT	Reference
Rooming houses				C	C	P	P	C	AMC 19.43.020(E)
COMMERCIAL									
Day Care, as listed below									AMC 19.44.010(A)
Day care I facilities	P	P	P	P	P	P	P	P	AMC 19.44.010(B)
Day care II facilities			C	C	C	C	C	C	AMC 19.44.010(B)
General-service, except as listed below									AMC 19.44.020(A)
Public safety facility	C	C	C	C	C	C	C	C	AMC 19.44.020(E)
Medical, except as listed below				C ^(X)	C ^(X)				AMC 19.44.030(A) (X) AMC 19.44.030(B)
Hospital									AMC 19.44.030(C)
Office									AMC 19.44.040(A)
Overnight Lodging, except as listed below									AMC 19.44.050(A)
Bed & breakfast	C	C	C	C	C	P	P	C	AMC 19.44.050(B)
Parking	C ^(X)	C ^(X)	C ^(X)	C ^(X)	C ^(X)	C ^(X)	C ^(X)	C ^(X)	AMC 19.44.060(A) (X) AMC 19.44.060(B)
Passenger Terminal									AMC 19.44.070(A)
Personal Service, except as listed below									AMC 19.44.080(A)
Beauty salons						C	C		AMC 19.44.080(D)
Recreation, Indoor									AMC 19.44.090(A)
Recreation, Outdoor									AMC 19.44.100
Restaurant/Bar									AMC 19.44.110(A)
Retail Sales, except as listed below									AMC 19.44.120(A)
Neighborhood grocery store		C	C	C	C	C	C	C	AMC 19.44.120(E)
Vehicle Sales/Rental									AMC 19.44.130(A)
INDUSTRIAL									
All industrial uses									AMC Chapter 19.45
PUBLIC, INSTITUTIONAL & OPEN SPACE USES									
Agriculture, except as listed below	P ^(X)								AMC 19.46.010(A) (X) AMC 19.46.010(B)
Nurseries	C	C	C	C	C	C	C		AMC 19.46.010(E)
Civic, As listed below and based on gross floor area (GFA)									AMC 19.46.020(A-B)

Table 19.41.040 Principal uses permitted in residential zones.									
Principal Use	R1	R2	R2A	R3	R3A	R4	R4A	OT	Reference
<10,000sf GFA		P	P	P	P	P	P	P	
10,000-20,000sf GFA		C	C	C	C	C	C		
>20,000sf GFA									
Special civic uses:									AMC 19.46.020(C)
Cemetery/columbarium									AMC 19.46.020(C)(1)
College, community college, or university									AMC 19.46.020(C)(2)
Community center				C	C	C	C		AMC 19.46.020(C)(3)
Museum									AMC 19.46.020(C)(4)
Private recreational, civic, social and/or cultural clubs				C	C	C	C		AMC 19.46.020(C)(5)
Schools, public or private (K-12)	C	C	C	C	C	C	C	C	AMC 19.46.020(C)(6)
Parks, Plazas, Open Spaces, & Natural Areas	P	P	P	P	P	P	P	P	AMC 19.46.030
Utilities, as listed below									AMC 19.46.040
Utilities, major	C	C	C	C	C	C	C	C	AMC 19.46.040(A)
Utilities, minor	P	P	P	P	P	P	P	P	AMC 19.46.040(B)
Sustainable energy generation system									AMC 19.46.040(C)
Wireless Telecommunications Towers & Antennas	See AMC Chapter 19.68 Wireless Service Facilities								

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

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

Table 19.41.050 Principal uses permitted in mixed-use and industrial zones.											
Principal Use	CBD	C	MMU	CM	CM2	LM	LM1	MS	I	HM	Reference
RESIDENTIAL											
<i>Note: Residential uses are not allowed on the ground floor facing a designated Storefront Street (see AMC Chapter 19.61). Lobbies for multifamily uses and live-work dwelling units are an exception, provided the units meet the standards in AMC 19.61.060.</i>											
Household Living, as listed below											AMC 19.43.010(A)
Single-family	C ^(X)	C ^(X)				C	P ^(X)				AMC 19.43.010(B) (X) AMC 19.43.010(B)(2)
Single-family, small lot											AMC 19.43.010(C)
Cottage housing											AMC 19.43.010(D)
Duplex											AMC 19.43.010(E)
Triplex											AMC 19.43.010(F)
Townhouse	P	P ^(X)	P ^(X)								AMC 19.43.010(G) (X) AMC 19.43.010(G)(3)
Multifamily dwellings, 4 or more units	P	P ^(X)	P ^(X)	C ^(X)		C		C ^(X)			AMC 19.43.010(H) (X) AMC 19.43.010(H)(3-6)
Live-work	P	P	P					C			AMC 19.43.010(J)
Group Living, as listed below											AMC 19.43.020(A)
Adult family home	P ^(X)	P ^(X)				P ^(X)	P				AMC 19.43.020(B) (X) AMC 19.43.020(B)(2)
Assisted living facility	P	P	P								AMC 19.43.020(C)
Nursing homes	C	C	C								AMC 19.43.020(D)
Rooming houses											AMC 19.43.020(E)
COMMERCIAL											
Day Care, as listed below											AMC 19.44.010(A)
Day care I facilities	P	P	P	P	P	P	P				AMC 19.44.010(B)
Day care II facilities	P	P	P	P			P				AMC 19.44.010(B)
General-service, except as listed below	P	P	P	P	P		P				AMC 19.44.020(A)
Heavy service		P					P			P	AMC 19.44.020(C)
Public safety facility	C	P	C	P	C	P	P	C	P	P	AMC 19.44.020(E)

Table 19.41.050 Principal uses permitted in mixed-use and industrial zones.											
Principal Use	CBD	C	MMU	CM	CM2	LM	LM1	MS	I	HM	Reference
Medical, As listed below and based on gross floor area (GFA):											AMC 19.44.030(A)
<10,000sf GFA	P	P	P								
10,000-20,000sf GFA	C	C	C								
>20,000sf GFA											
Hospital		C									AMC 19.44.030(C)
Office	P	P	P	P	P ^(X)		P ^(X)	P	P ^(X)	P	AMC 19.44.040(A) (^X) AMC 19.44.040(B)
Overnight Lodging	P	P	P	P		C					AMC 19.44.050(A)
Parking	C	P	P	P	P	P	P	P	P	P	AMC 19.44.060(A)
Passenger terminal except as listed below	P	P	P	P	C	P					AMC 19.44.070(A)
Aeronautical use											AMC 19.41.080(A)(2)
Personal Service, except as listed below	P	P	P								AMC 19.44.080(A)
Animal care - indoor	C	P					P				AMC 19.44.080(B)
Animal care - outdoor		C					P				AMC 19.44.080(C)
Recreation, Indoor As listed below and based on net floor area (NFA):											AMC 19.44.090(A)
<10,000sf NFA	P	P	P	P							
10,000 to 20,000sf NFA	C	C	P	C							
>20,000sf NFA	C	C	C	C							
Special indoor recreation uses:											AMC 19.44.090(B)
Adult concessions		P ^(X)					P ^(X)		P	P ^(X)	AMC 19.44.090(B)(1)
Shooting range							P				AMC 19.44.090(B)(2)
Recreation, Outdoor, except as listed below							P ^(X)				AMC 19.44.100(A-B)
Campground				C			C				AMC 19.44.100(C)
Golf course							P				AMC 19.44.100(D)
Marinas & boat moorage			P	P	P	P	C	C	C		AMC 19.44.100(E)
Recreational vehicle park				C							AMC 19.44.100(F)
Shooting range											AMC 19.44.100(G)
Restaurant/Bar	P	P	P	P	C	P		C			AMC 19.44.110(A)

Table 19.41.050 Principal uses permitted in mixed-use and industrial zones.											
Principal Use	CBD	C	MMU	CM	CM2	LM	LM1	MS	I	HM	Reference
Food truck	P	P	P	P	P	P	P	P	P	P	AMC 19.44.110(C)
Retail Sales, As listed below and based on net floor area (NFA)/individual use:											AMC 19.44.120
<5,000sf NFA	P	P	P	P	P		p(x)	P		p(x)	(x) AMC 19.44.120(D)
5,000-25,000sf NFA	P	P	P	P				C			
25,001-50,000sf NFA	P	P	P								
>50,000sf NFA											
Special retail sales uses:											AMC 19.44.120(F)
Heavy retail		C					P			P	AMC 19.44.120(F)(1)
Marijuana, retail		p(x)					P				AMC 19.44.120(F)(2) (x) AMC 19.44.120(F)(2)(b)
Gas station		P	C				P				AMC 19.44.120(F)(3)
Vehicle Sales/Rental, except as listed below		P					P				AMC 19.44.130(A-B)
Marine sales/rental		P	P	P	P		P	P	P		AMC 19.44.130(C)
INDUSTRIAL											
Heavy Industrial, except as listed below					C			P	P	P	AMC 19.45.010(A) AMC 19.69.060
Petroleum and oil refineries					C					P	
Chemical manufacturing					C					P	
Light Industrial, except as listed below		C	C		C	P	P	P	P	P	AMC 19.45.020(A) AMC 19.69.060
Marijuana, processing		p(x)					P				AMC 19.45.020(B) (x) AMC 19.44.120(B)(2)
Light Manufacturing, except as listed below		C	C		C	P	P	P	P	P	AMC 19.45.030(A)
Artisan manufacturing	P	P	P	P	P	P	P	P	P	P	AMC 19.45.030(B)
Research & Development	p(x)	p(x)	p(x)	P	P	P	P	P	P	P	AMC 19.45.040(A) (x) AMC 19.45.040(B)
Self-Service Storage		p(x)		P			P				AMC 19.45.050(A) (x) AMC 19.45.050(B)
Warehouse & Distribution					C	P	P	P	P	P	AMC 19.45.060(A)
Waste Related Services, except as listed below											AMC 19.45.070(A)

Table 19.41.050 Principal uses permitted in mixed-use and industrial zones.											
Principal Use	CBD	C	MMU	CM	CM2	LM	LM1	MS	I	HM	Reference
Recycling facility							P		P	P	AMC 19.45.070(B)
Water-oriented industrial uses except as listed below			C	P	P	P		P	P	P	AMC 19.45.080(A)
Dry stack boat storage			C	P	P				P	P	AMC 19.45.080(B)
Boat launch facility			P	P	P	P		P	P	P	AMC 19.45.080(C)
Wholesale Trade							P				AMC 19.45.090(A)
PUBLIC, INSTITUTIONAL & OPEN SPACE USES											
Agriculture, except as listed below											AMC 19.46.010(A)
Aquaculture						C	P				AMC 19.46.010(C)
Marijuana, production		p ^(x)					P				AMC 19.46.010(D) ^(x) AMC 19.46.010(D)(2)(b)
Nurseries		C					P				AMC 19.46.010(E)
Civic, Except as listed below and based on gross floor area (GFA):											AMC 19.46.020(A-B)
<10,000sf GFA	P	P	P	P							
10,000-20,000sf GFA	P	P	P	P							
>20,000sf GFA	P	P	P	P							
Special civic uses:											AMC 19.46.020(C)
Cemetery/columbarium											AMC 19.46.020(C)(1)
College, community college, or university											AMC 19.46.020(C)(2)
Community center	P	P	P	P					C		AMC 19.46.020(C)(3)
Museum	P	P	P	P				C			AMC 19.46.020(C)(4)
Private recreational, civic, social and/or cultural clubs	P	P	P	P	P		P				AMC 19.46.020(C)(5)
Schools, public or private (K-12)	C	C	C								AMC 19.46.020(C)(6)
Parks, Plazas, Open Spaces, and Natural Areas	P	P	P	P	P	P	P	P	P	P	AMC 19.46.030(A-B)
Utilities											AMC 19.46.040
Utilities, major	C	C	C	C	C	C	C	C	C	C	AMC 19.46.040(A)
Utilities, minor	P	P	P	P	P	P	P	P	P	P	AMC 19.46.040(B)

Table 19.41.050 Principal uses permitted in mixed-use and industrial zones.											
Principal Use	CBD	C	MMU	CM	CM2	LM	LM1	MS	I	HM	Reference
Sustainable energy generation system		C	C	C	C	C	P	P	P	P	AMC 19.46.040(C)
Wireless Telecommunications Towers & Antennas	See AMC Chapter 19.68 Wireless Service Facilities										

19.41.060 - Landmark buildings.

A conditional use permit is required for landmark buildings to contain a use not otherwise allowed within the underlying zone.

19.41.070 - Public Use zone uses.

A. Permitted uses.

1. Public parks, open space, and natural areas per AMC 19.46.030.
2. Single-family residences are permitted with the following conditions:
 - a. Single-family dwellings provided such use complies with the form and intensity standards of the R2A zone.
 - b. Single-family dwellings will be permitted only on property contained in the public use zone that has been continuously in private ownership since November 18, 1991.
3. Minor utilities as established in AMC 19.46.040.

B. Accessory uses. See AMC Chapter 19.47 for accessory use and structure standards.

C. Conditional uses.

1. Civic uses as established in AMC 19.46.020.
2. Uses common to activities of public nonprofit organizations such as meeting halls and sports fields.
3. Major utilities and sustainable energy generation systems as established in AMC 19.46.040.
4. Single-family residences which are related to a principal use, such as a church rectory or a park manager's residence.
5. Parking as a principal use per AMC 19.44.060.
6. Funeral homes associated with a cemetery.
7. Campgrounds per AMC 19.44.100(C). Campgrounds are not permitted in public use zones north of 41st Street and east of A Avenue.

19.41.080 - Aeronautical zone uses.

A. Permitted uses.

1. Airport operational facilities, fueling facilities, hangars, airport terminal facilities, fencing structures up to eight-feet, and buffers. In addition, any light manufacturing use or uses involving processing or storage of goods provided the processes or equipment employed, or goods stored, processed, or sold must be limited to those uses which are not objectionable by reason of hazards, odor, dust, smoke, cinders, fumes, noise, vibration, glare, refuse matter, or water carried waste.
2. "Aeronautical use," which is defined and must mean those uses such as (i) aircraft hangars, (ii) aircraft tie-downs, (iii) aircraft parking areas, taxi areas, and maneuver areas, (iv) aircraft storage, (v) light manufacturing, as defined in the Anacortes zoning code, provided such individual facilities do not exceed 12,500-square-feet of gross floor area, (vi) aircraft related businesses, (vii) offices use, bathrooms, parking, and other such uses in support of the aeronautical uses; provided that any of the structures that may house any of the foregoing uses must not exceed 35-feet in height, and, in addition, (viii) maintenance of any of the foregoing uses and related facilities and improvements, including paved areas, drainage ways, etc. This term must not include any living or sleeping quarters except as allowed per (C)(2) below. All aeronautical uses must be a permitted use within the aeronautical area (as the term is defined in the development agreement) without further mitigation or approval, except as may be specified in the development agreement.
3. Removal of any obstruction for compliance with FAR Part 77 requirements
4. Aircraft operations on the ground and in the air, including takeoff, landing, flight patterns, air traffic corridors, volume of air traffic, altitudes of air traffic, flight schedules, types, sizes and purposes of aircraft and related issues. Such uses must not be subject to any city mitigation requirements, notwithstanding any other provisions of this Code.
5. Other than the port's perimeter fence and operational safety fence, to be located as shown on Exhibit "A" of the development agreement, and the removal of FAR Part 77 obstructions, as shown on Exhibit "C" of the development agreement, there must be no permitted uses allowed within the Anacopper Future Process Area, except through the conditional use process until after completion of the planning process for that area. The construction of the fences and the FAR Part 77 obstruction removals in the Anacopper Future Process Area, must be subject to the landscaping and wetland mitigation contained in the development agreement, or plans approved by the city.

B. Accessory uses. Any use customarily incidental to the permitted principal use. No residential use is permitted, except for caretaker quarters through the conditional use process.

C. Conditional uses.

1. Buildings and structures between 35-50-feet in height; caretaker units.
2. Overnight facilities for use by pilots.
3. Restaurants.
4. Light manufacturing exceeding 12,500-square-feet of gross floor area per use.

5. Any building or structure excluded from being located within the Rockwell Reserve and Panhandle Reserve Areas, provided that the city may deny such permit if the criteria for a conditional use permit are not met.
6. Within the Anacopper Future Process Area, as defined in the development agreement, any use that is listed as a permitted use within the aeronautical area as defined in the development agreement must be a conditionally permitted use within the Anacopper Future Process Area, subject to the imposition of reasonable mitigation and compliance with wetland regulations.
7. Within the North Aviation Area, as defined in the development agreement, any use (other than ongoing airport operations) that is listed as a permitted use within the aeronautical area as defined in the development agreement must be a conditionally permitted use within the North Aviation Area.

D. Special requirements.

1. For uses other than aeronautical uses (aircraft operations, repair and related activities), odor, dust, smoke, cinders, fumes, noise, vibration or light must be investigated by the city based on a complaint or when detected by appropriate and certified test equipment approved by the city and the port when operated by a technician certified to use such equipment located in an adjacent residential zone.
2. Any uses that are legally permitted by the city and specifically allowed by the airport sponsor on the date of the adoption of this zoning, which become nonconforming uses upon adoption of this chapter, must be “grandfathered” until such time as the use is abandoned by the operator. Any nonconforming structure must be “grandfathered” until such time as the structure is abandoned by the owner of the structure or that such structure is destroyed by fire, storm, or “act of God” (more than seventy-five-percent of the occupied space of the structure is no longer capable of re-occupancy for the use and purpose prior to the act causing the destruction) and is not repaired within one year of destruction. Any destruction of a structure that is proximately caused as a result of any act that would be considered a crime, such as arson, malicious mischief, or other crimes, must not be considered destroyed for these purposes, unless such structure is not repaired or replaced within two years of destruction. Upon any of those such occurrences that cause the use and/or structure to no longer be of legal nonconforming use, the use must no longer be allowed and any such structure must be brought into conformity with this chapter, including compliance with the requirements of any applicable development agreement; or if no such agreement is applicable, then the then published setbacks and all other limitations, except that runways, taxiways, navigational aids and lighting must not become nonconforming under any circumstance other than through changes to FAR regulations.
3. All development at the Anacortes Airport is subject to all applicable impact fees and general facility charges at the time of building permit issuance.
4. Fences. Because of the special security needs to prevent accidents to children, pedestrians, pilots, passengers, and animals, fencing of types and at locations as required by FAA regulations, or as determined necessary by the port, are authorized subject to mitigation as required in the development agreement.
5. Landscaping. Due to establishment of the Rockwell Reserve and Panhandle Reserve Areas as defined in the development agreement, landscaping must not be mandatory or required within the aeronautical area of the development agreement. The city planning director must allow for the removal of loose debris, including trash, leaves, twigs, and other foreign objects which are

prone to being spread by the wind, without mitigation. All landscaping within the sub-area must be required to be designed to minimize hazards. It is the intent of this section to allow the port significant flexibility in complying with city landscaping requirements.

E. Cumulative impact.

The cumulative impact of development of the property within the sub-area must be reviewed through the SEPA processes related to such development. This SEPA review process may be phased, focusing only on one developable area at a time, deferring areas identified as future process areas to later SEPA review.

19.41.090 - Overlay designation uses.

A. Medical Overlay.

1. Supplemental permitted uses include:
 - a. Medical uses per AMC 19.44.030.
 - b. Group living uses per AMC 19.43.020.

B. Live/work Overlay. Supplemental permitted uses include live-work dwellings as defined in AMC 19.43.010(J). The following additional uses may occur within such live-work dwellings provided they do not feature outdoor service and storage uses that go beyond the typical needs of a single-family use:

1. General-service use category [19.44.020(A)], except for automobile-oriented uses such as but not limited to fuel stations, vehicle repair and detailing, and vehicle cleaning.
2. Office use category [19.44.040(A)].
2. Personal service use category [19.44.080(A)].
3. Retail sales category [19.44.120(A)].
4. Light manufacturing use category [19.45.030(A)].

C. Mixed-Use Business Overlay. Supplemental permitted uses include:

1. Artisan manufacturing per AMC 19.45.030(B).
2. Day care II facilities per AMC 19.44.010(B).
3. Restaurant/bar establishments per AMC 19.44.110(A) with less than 1,000-square-feet of enclosed dining area.
4. General-service establishments per AMC 19.44.020, except:
 - a. Heavy service uses per AMC 19.44.010(C).
 - b. Establishments with more than 2,500-square-feet of net floor area.
5. Nurseries per AMC 19.46.010(E).
6. Office uses per AMC 19.44.040.
7. Personal service establishments per AMC 19.44.080 with less than 2,500-square-feet of net floor area.
8. Retail with less than 5,000-square-feet of net floor area.

New Chapter 19.42, Uses, is retitled Chapter 19.42, Form and Intensity Standards, and amended as follows:

Chapter 19.42 - FORM & INTENSITY STANDARDS

19.42.010 - Generally.

A. Purpose.

1. To promote forms of development that reinforce and/or enhance the desired character of Anacortes residential neighborhoods, business districts, and industrial zones.
2. To promote compatibility between developments.
3. To minimize environmental impacts of development.

B. Key to the form and intensity standards tables.

1. The form and intensity standards tables address the form and intensity of development specific to individual zones. The zone is located on the vertical columns and the form/intensity topic being addressed is located on the horizontal rows.
2. Where an AMC reference appears after the form and intensity measure, then the use or development is subject to standards in that section or chapter.
3. For standards containing a superscript ^(x), refer to the code reference in the right column next to the superscript ^(x).
4. If a cell is blank (), then there are no standards for the particular measure or it is not applicable to the zone.
5. AMC 19.42.040-160 provide clarification and exceptions to the form and intensity standards tables below.

19.42.020 - Form and intensity standards for residential zones.

The following table describes the form and intensity standards in residential zones. Supplemental form and intensity standards apply to the Old Town zone per AMC 19.42.170.

Table 19.42.020									
Form and intensity standards for residential zones.									
Measure	R1	R2	R2A	R3	R3A	R4	R4A	OT	Conditions/Reference
LOT SIZE & DEVELOPMENT INTENSITY									
Lot size for single-family dwelling, minimum (square-feet) (AMC 19.42.080)	15,000	7,500	6,000	4,500	3,000	3,000	3,000	6,000	See AMC 19.43.010(C) for standards for lots <5,000sf.
Lot size for duplex, minimum (square-feet) (AMC 19.42.080)		9,000	9,000	7,500	5,000	4,200	4,200	7,500	See AMC 19.43.010(E) for duplex standards.

Table 19.42.020									
Form and intensity standards for residential zones.									
Measure	R1	R2	R2A	R3	R3A	R4	R4A	OT	Conditions/Reference
Additional lot size needed for additional dwelling unit beyond duplex, minimum (square-feet) (AMC 19.42.080)				2,500	2,000		1,200		See AMC 19.43.010(F) and (G) for applicable housing type standards
Minimum lot width circle									Applies to each newly created lot in residential zones. See AMC 19.42.090 for minimum lot width circle calculation and exceptions.
Lot with alley access (feet)	100	60	50	35	25	25	25	45	
Lot without alley access (feet)	100	60	50	40	30	30	30	50	
Density maximum (dwelling units/gross acre)	2	4	6	See lot size min. above		None	18	9	See AMC 19.42.100 for calculating density
Lot coverage, maximum percentage	35%	35%	40%	50%	50%	50%	50%	35% ^(x)	See AMC 19.42.110 for clarification of lot coverage standards. ^(x) See AMC 19.42.160(A) for additional lot coverage standards in the OT zone.
Landscaped area, minimum percentage	20%	20%	20%	20%	20%	20%	20%	20%	See AMC 19.65 for landscaping standards
HEIGHT – PRINCIPAL STRUCTURES									
Height, maximum (feet)	35	35	35	35	35	40	35	25 ^(x)	See AMC 19.42.120 for building height exceptions and modifications ^(x) See AMC 19.42.160(B) for height exceptions in the OT zone.
Height, maximum with bonus						50			See AMC 19.42.050 for building height bonuses in the R4 zone.

Table 19.42.020									
Form and intensity standards for residential zones.									
Measure	R1	R2	R2A	R3	R3A	R4	R4A	OT	Conditions/Reference
SETBACKS (feet)									
NOTE: The setbacks below apply to principal and accessory structures, except where accessory structure setbacks are modified by 19.47.020(B).									
NOTE: For multifamily projects, also see AMC 19.62.030, Relationship to adjacent properties.									
Street setback, minimum	20	20	20	20	20	10	10	20	AMC 19.42.130(B)
Street setback - garage, minimum	25	20	20	20	20	20	20	25 ^(x)	AMC 19.42.130(B) AMC 19.42.150(B) ^(x) See AMC 19.42.160(D) for additional garage setback standards in the OT zone.
Side street setback, minimum	20	10	10	10	10	10	10	10 ^(x)	AMC 19.42.130(B) ^(x) See AMC 19.42.160(C) for additional setback standards in the OT zone.
Interior side setback, minimum	10	5	5	5	5	5	5	5 ^(x)	AMC 19.42.130(C) ^(x) See AMC 19.42.160(C) for additional setback standards in the OT zone.
Interior side setback - upper floors, minimum	10	7.5	7.5	7.5	7.5	7.5	7.5	7.5	AMC 19.42.130(D)
Rear setback, minimum	20	20	20	20	20	10	10	20	AMC 19.42.130(E)

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

The following table describes the form and intensity standards in mixed-use and industrial zones. Form and intensity standards for the Aeronautical zone are located in AMC 19.42.170 and for the Public Use zone in 19.42.180.

Table 19.42.030											
Form and intensity standards for mixed-use and industrial zones.											
Measure	CBD	C	MMU	CM	CM2	LM	LM1	MS	I	HM	Conditions/ Reference
LOT SIZE & DEVELOPMENT INTENSITY											
Density minimum (dwelling units/gross acre)	15	15	15 ^(x)								See AMC 19.42.100 ^(x) East of Q Avenue only
Maximum building size without a conditional use permit (gross floor area)				200,000			300, 000		200, 000		
Landscaped area, minimum percentage	10%	10%	10%	15%	15%	10%	10%		10%	10%	See AMC19.65.030 for landscaped area provisions
HEIGHT (feet) – PRINCIPAL STRUCTURES											
Height, base maximum	50	40	35-45	35	50	35-50	50	50	50	50	See AMC 19.42.120 for building height exceptions and modifications
Height, maximum with bonus	65 ^(x)	50	50-65 ^(x)	50		50 ^(y)					See AMC 19.42.050- .070 ^(x) AMC 19.42.120(C)(7) ^(y) AMC 19.42.120(C)(1)
SETBACKS (feet)											
NOTE: The setbacks below apply to principal structures, unless otherwise noted, except where accessory structure setbacks are modified by 19.47.020(B).											

Table 19.42.030											
Form and intensity standards for mixed-use and industrial zones.											
Measure	CBD	C	MMU	CM	CM2	LM	LM1	MS	I	HM	Conditions/ Reference
Street setback, minimum	0	0	0	10	10	10	10	10	15	15	See AMC 19.42.130(B) for street setback measurements See AMC 19.42.150 for possible setback modifications Also see AMC Chapter 19.61 Block Frontage Standards
<i>NOTE: Most non-residential and multifamily development must conform to block frontage standards of Chapter 19.61, which affect the street setbacks.</i>											
Interior side setback, minimum	0 ^{(X) (Y) (Z)}	0 ^{(X) (Y)}	0 ^{(X) (Y)}	0 ^{(X) (Y)}	0 ^(Y)	10 ^{(X) (Y)}	10 ^(Y)	10 ^(Y)	10 ^(Y)	10 ^(Y)	AMC 19.42.130(C) ^(X) AMC 19.62.030(C) regarding multifamily uses along internal property lines ^(Y) AMC 19.42.150(C) regarding setbacks to adjoining residential zones ^(Z) AMC 19.42.150(D) when site abuts OT- zoned property
Rear setback, minimum	0	0	0	0	0	10	10	10	10	10	AMC 19.42.130(E), Also see AMC 19.62.030, Relationship to adjacent properties
Accessory building setbacks (where they differ from setbacks above)											
Interior side setback, minimum	0	0	0	0	0	3-5 [see AMC 19.47.020(B) for details & exceptions]					
Rear setback, minimum	0	0	0	0	0	0-10 [see AMC 19.47.020(B) for details & exceptions]					

19.42.040 - Bonus incentives, generally.

A. Purpose.

To offer flexibility to allowable density or height in strategic zones in exchange for the integration of permanent open space or affordable housing units.

B. Applicability.

1. The bonus incentive provisions of this chapter apply to the following situations:
 - b. Height bonuses in the R4, C, and CBD zones as established in table 19.41.030 (see AMC 19.42.050).
 - c. Height bonuses in several mixed-use and industrial zones (see AMC 19.42.060-070).
2. The provisions of this section are optional.

19.42.050 - Bonus incentives in the R4, C, and CBD zones.

- A. Purpose.** To allow flexibility in building height in exchange for the integration of affordable dwelling units into the development.
- B. Applicability.** Height bonuses are available to development in the R4, C, and CBD zones as established in Chapter 19.42 Form and Intensity Standards provided it complies with one of the affordable housing options in this section.
- C. Option 1: Small units.** Developments where at least 25-percent of the total dwelling units contain no more than 600-square-feet of gross floor area qualify for the height bonus.
- D. Option 2: Affordable units.** Developments that integrate affordable dwelling units per the standards below qualify for the height bonus.
1. For every three dwelling units occupying floor area above the base height limit, at least one affordable dwelling unit must be integrated into the development. Dwelling units larger than 1,400-square-feet (leasable/living area, excluding common hallways) qualify as two standard dwelling units. Note: Applicable floor area over base height limit refers to any floor to ceiling space of applicable dwelling units or shared recreational or amenity space that exceeds the base height limit established in Tables 19.42.020-030. See Figure 19.42.050 for an example.
 2. For every 2,000-square-feet of shared recreational or amenity space that is integrated into floor area that occupies space above the base height limit, at least one affordable dwelling must be integrated into the development.

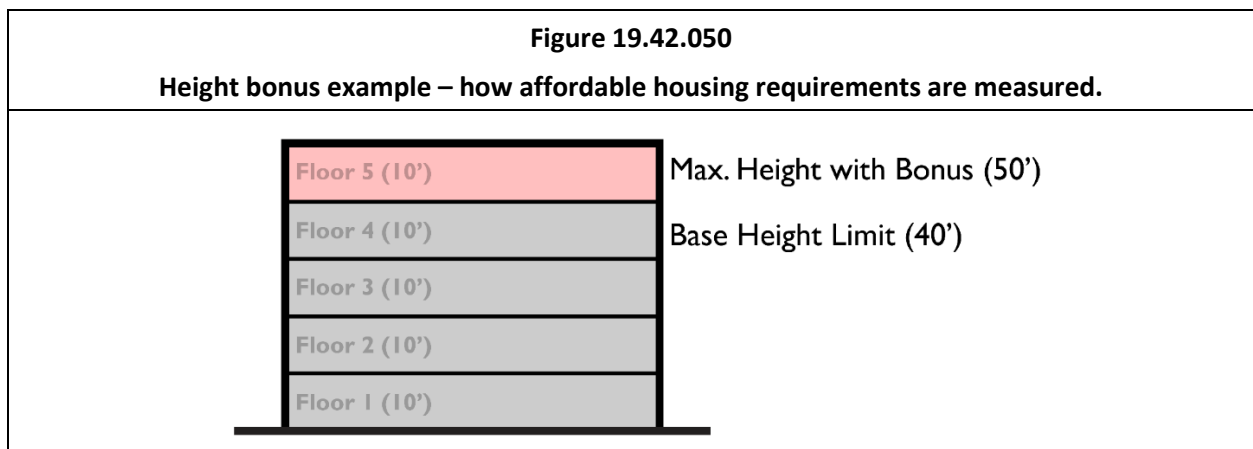


Figure 19.42.050**Height bonus example – how affordable housing requirements are measured.**

The example building in the R4 zone contains one floor that exceeds the base height limit. The table below illustrates what is included on each floor and the number of required affordable units that are required to be integrated.

Floor	Floor statistics	Number of required affordable units (to be integrated on any floor in the building)
5	2 dwelling units (average 2,250sf) + 3,000sf shared recreation/amenity space	= 2 affordable units min.
4	8 dwelling units (average 938sf)	None required
3	10 dwelling units (average 750sf)	
2	10 dwelling units (average 750sf)	
1	10 dwelling units (average 750sf)	
Total		= 2 affordable units min.

3. Income limit and affordability.
 - a. Dwelling units that qualify as affordable housing must be affordable to households whose annual income does not exceed 50-percent of median income [see subsection (3) below] for rental units or 80-percent of median income for owner-occupied housing, adjusted for household size, and no more than 30-percent of monthly household income is paid for monthly housing expenses [see subsection (2) below].
 - b. Housing expenses for ownership include mortgage and mortgage insurance, property taxes, property insurance, and homeowner dues. Housing expenses for rental housing include rent and appropriate utility allowances.
 - c. The median income for the Mount Vernon-Anacortes Metropolitan Statistical Area (MSA) is determined by the Secretary of Housing and Urban Development under Section 8(f)(3) of the United States Housing Act of 1937, as amended. If programs under said Section 8(f)(3) are terminated, median income is determined under the method used by the Secretary prior to such termination. In the event that HUD no longer publishes median income figures for the Mount Vernon-Anacortes MSA, the city may use any other method for determining the Skagit County median income, adjusted for household size.
4. Duration. Rental and ownership units must serve only income-eligible households for a minimum period of 50 years from the date of the certificate of occupancy.
5. Tenure. The tenure of the affordable housing units (ownership or rental) must be the same as the tenure for the rest of the housing units in the development.
6. Affordability agreement.
 - a. Prior to building permit issuance, an affordable housing agreement in a form approved by the director and City Attorney must be recorded with the Skagit County Auditor's office as a covenant running with the land and binding on the applicant, property owner, assigns, heirs and successors.

- b. The agreement must address the level and duration of affordability, tenant qualifications, reporting, monitoring, and any other topics related to the provision of the affordable housing units.
 - c. The City may, at its sole discretion, establish a monitoring fee for the affordable units to cover the costs to the City to review and process documents to maintain compliance with income and affordable restrictions of the agreement.
7. Location. The affordable unit(s) must be located within the development and above grade (no basement units).
 8. Size (bedroom). The affordable housing units must consist of a range of number of bedrooms that is comparable to units in the overall development.
 9. Size (net floor area). The size of the affordable housing units, if smaller than the other units with the same number of bedrooms in the development, must be approved by the director. If there is a proposal that the affordable units be smaller than the market rate units, in no case may the affordable housing units be less than 500-square-feet for a studio unit, 600-square-feet for a one-bedroom unit, 800-square-feet for a two-bedroom unit, or 1,000-square-feet for a three-bedroom unit.
 10. Design. The exterior design of the affordable housing units must be compatible and comparable with the rest of the dwelling units in the building/development and must comply with design standards specified in AMC Chapter 19.63. The interior finish and quality of construction of the affordable housing units must at a minimum be comparable to entry level rental or ownership housing in the city.
 11. Timing/Phasing. The affordable housing units must be available for occupancy in a time frame comparable to the availability of the rest of the dwelling units in the development.

19.42.060 - Bonus incentives in the CM zone.

A. Purpose. To allow flexibility in building height via:

1. Integration of affordable dwelling units into the development.
 2. Providing a review process to ensure that the additional building height would not have adverse impacts on the general vicinity.
- B. Developments seeking additional building height that integrate residential units must comply with height bonus provisions of AMC 19.42.050.
- C. Developments seeking additional building height that do not integrate residential units are subject to a conditional use permit per AMC Chapter 19.36 Conditional Uses. Special application requirements, criteria, and conditions:
1. Applicants must conduct a three-dimensional visual analysis to examine views of the development from surrounding streets, adjacent properties, and up to three other sites selected by the director to help ensure that the proposed building(s) do not adversely impact the general vicinity.
 2. The applicant must demonstrate how the building has been sited and designed to minimize visual impacts on sites specified in subsection (C)(1) above.
 3. Conditions may be imposed to ensure compatibility with the conditional use criteria and compliance with subsection (C)(1), including those in AMC 19.36.050 and the following:

- a. Changes in building depth, width.
- b. Additional building massing techniques (beyond minimum requirements in AMC 19.63.040), such as upper level building setbacks and/or additional building modulation or articulation treatments.

19.42.070 - Bonus incentives in the MMU zone.

A. Bonus incentives in the portion of the MMU zone west of Q Avenue. Such bonus height increases are subject to a conditional use permit per AMC Chapter 19.36 Conditional Uses. Special application requirements, criteria, and conditions:

- 1. Applicants must conduct a three-dimensional visual analysis to examine views of the development from at least three vantage points (including surrounding streets and other public vantage points as selected by the director) to help ensure that the proposed building(s) do not adversely impact the general vicinity.
- 2. The applicant must demonstrate how the building has been sited and designed to minimize visual impacts on sites specified in subsection (1) above.
- 3. Conditions may be imposed to ensure compatibility with the conditional use criteria, including those in AMC 19.36.050 and the following:
 - a. Changes in building depth, width.
 - b. Additional building massing techniques (beyond minimum requirements in AMC 19.63.040), such as upper level building setbacks and/or additional building modulation or articulation treatments.

B. Bonus incentives in the portion of the MMU zone east of Q Avenue. Buildings integrating one feature from the list below have a bonus height limit addition of ten-feet above the base height limit. Buildings integrating two features from the list below have a bonus height limit addition of 20-feet above the base height limit.

Table 19.42.070 Height bonus incentive features for the portion of the MMU zone east of Q Avenue.	
1	Integrate small units. Developments where at least 25-percent of the total dwelling units contain no more than 600-square-feet of gross floor area qualify for the height bonus.
2	Vertical mixed-use building design: Ground level spaces designed to accommodate non-residential uses must occupy at least 50% of the building's primary façade. Such spaces must be at least 50' deep and contain 13' minimum floor to ceiling heights. Residential lobbies and structured parking areas do not qualify as non-residential space for the purposes of this incentive option.

Table 19.42.070

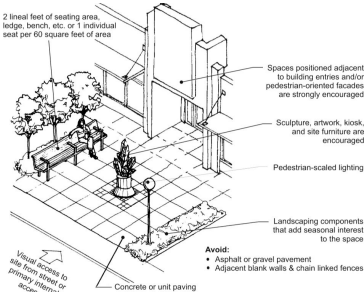
Height bonus incentive features for the portion of the MMU zone east of Q Avenue.

Examples



- 3 **Provide additional ground level pedestrian-oriented space** [meeting design requirements in AMC 19.62.040(C)] equal to at least 2% of the development site. Such space must be above and beyond minimum sidewalk, esplanade, and applicable pedestrian-oriented space requirements. This could include a small entry plaza (left image), or it could include a widened sidewalk (middle image).

Examples



- 4 **Provide space for a public park** equal to at least 5% of the gross floor area of the applicable building, but not less than 10,000sf in area, on a site agreed upon by, and dedicated to, the City. The space should be configured and located so it is able to incorporate common municipal park features such as playgrounds, fitness areas, picnic areas, pavilions, etc.

- 5 **Integrate ornamental stormwater management features.** Include creative and expressive techniques to celebrate stormwater management. The feature must be a significant visible design feature of the site and must include educational signage or a plaque explaining the incorporated stormwater techniques as determined and approved by the City. The design and management plan for the features must demonstrate long term success of the ornamental stormwater management element. See examples below.

Examples



Table 19.42.070

Height bonus incentive features for the portion of the MMU zone east of Q Avenue.

- 6 **Integrate visible landscaping elements on buildings.** This could include a combination of green walls and green roof elements integrated as a prominent visual feature of the building. To qualify, at least 50% of applicable roof areas or 5% of street facing façades must be vegetated. Reduced and/or a combination of green roof/walls may be acceptable provided the visible placement and high quality of the installations achieves the intent of the amenity feature. The design and management plan for the landscaping features must demonstrate long term success of the landscaping element. See examples below.

Examples



- 7 **Integration of permanent public art in visible location.** This could include murals, mosaics, sculptural elements, or gateway features that are clearly recognizable as public art as determined by the director in consultation with the City of Anacortes Arts Commission. Features may be located in a plaza, within the streetscape adjacent to the building, and/or on the building. Off-site features may be considered by the City provided they are placed within the Central Waterfront MMU zone. To qualify as an amenity, the estimated cost of the feature must be at least 1% of the construction cost of the development.

Example

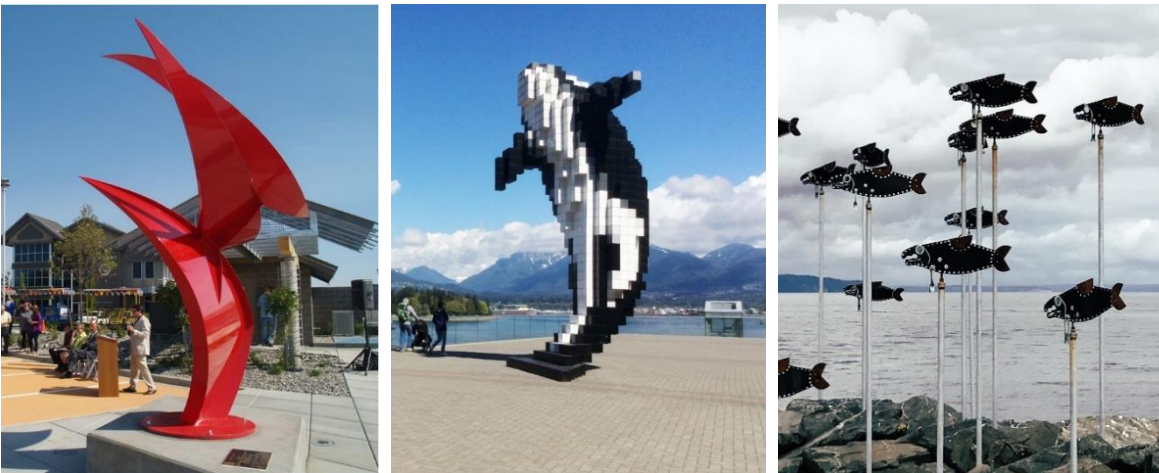


Table 19.42.070

Height bonus incentive features for the portion of the MMU zone east of Q Avenue.

- 8 Exceptional landscaping display in visible location.** The display must cover an area equal to at least 2% of the development site and function as a prominent visual feature of the development. The design and management plan for the landscaping display must demonstrate long term success of the landscaping elements. See examples below.

Example



- 9 Integrating brick as the primary cladding material on the building.** In order to qualify, brick must occupy at least 50% of the cladding on the street facing façades of the applicable building.

Example



- 10 Provide freely accessible public restrooms.** Must be available to the general public (not only commercial customers) and available daily.

Table 19.42.070 Height bonus incentive features for the portion of the MMU zone east of Q Avenue.	
11 Provide indoor meeting space available for free to the general public (3,000sf min.). See example below.	Example 
12 Other similar features that function as a permanent public amenity. Such features must be comparable in cost and public benefit to the features above.	

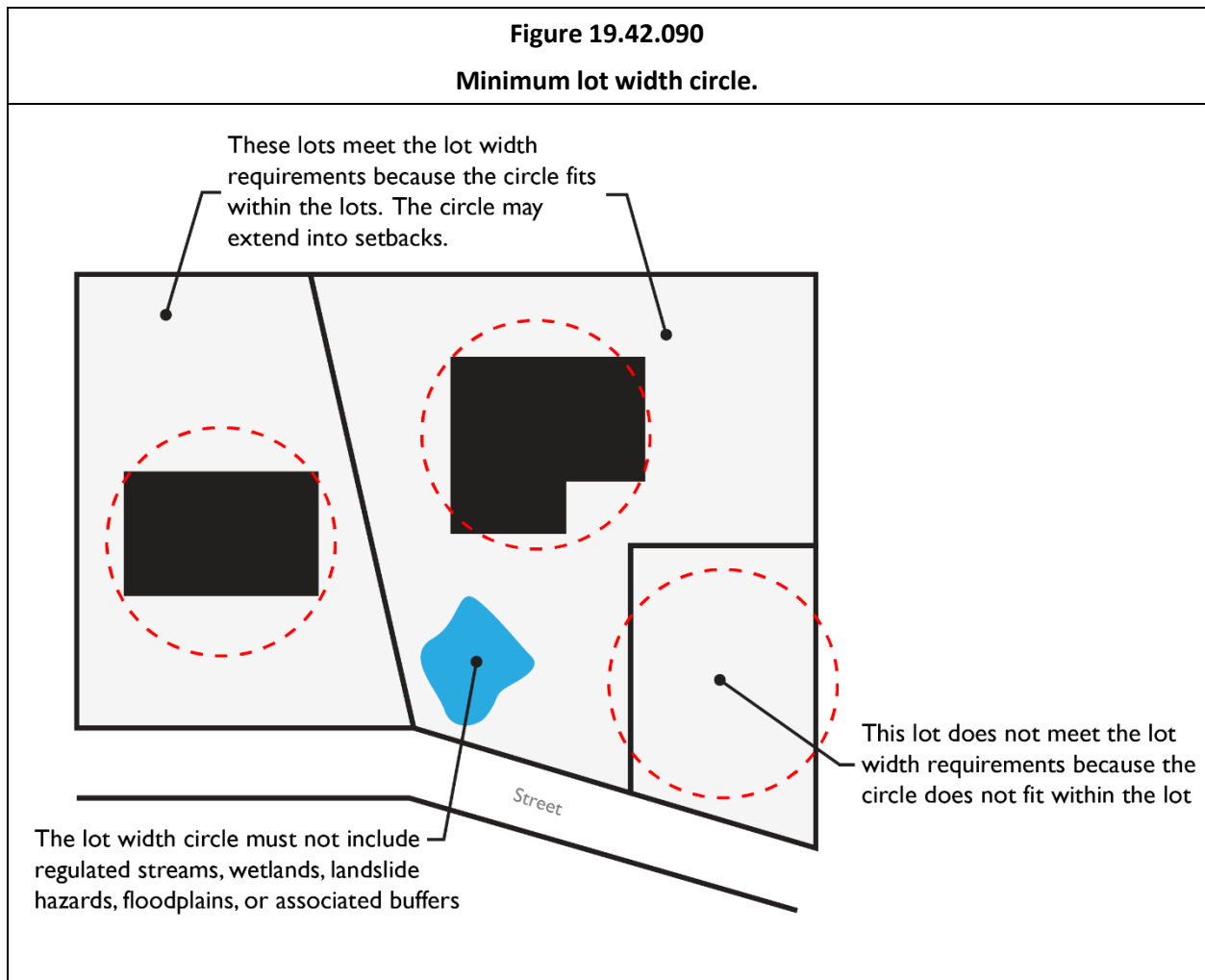
19.42.080 - Minimum lot size calculations.

Minimum lot size calculations are based on net lot area, rather than gross lot area. The following areas are excluded from the minimum lot area calculations:

- A. Street right-of-way, or other areas reserved or dedicated for public use (such as parks, open space, and stormwater facilities).
- B. Submerged lands, landslide hazard areas and buffers, regulated wetlands and buffers, and Type-1, 2, 3 and 4 streams and buffers.

19.42.090 - Minimum lot width circle calculation and exceptions.

- A. Purpose. The purpose of the minimum lot width circle requirement is to:
 - 1. Ensure that each lot is wide enough to maintain a consistent and compatible land use pattern in residential neighborhoods; and
 - 2. Ensure that a minimum buildable area is included in each lot created.
- B. Requirement. Table 19.42.020 identifies the minimum lot width circle diameter that must fit within each newly created lot in residential zones. This circle establishes that at least some portion of a lot must be at least as wide as the minimum lot width. The lot width circle must not include submerged lands, landslide hazard areas and buffers, regulated wetlands and buffers, and Category 1, 2, 3 and 4 streams and buffers.
- C. The following lots are exempt from minimum lot width circle standards: Duplexes, triplexes, cottage and townhouse developments, where individual units are subdivided into separate lots via unit lot subdivision.



19.42.100 - Density calculations.

A. Calculations for determining minimum density. The density minimum standard applies to single purpose residential developments (mixed-use developments are exempt). All site areas applicable to the residential development must be used in the calculation of minimum allowed residential density except the following:

1. Street right-of-way, or other areas reserved or dedicated for public use (such as parks, open space, and stormwater facilities).
2. Submerged lands, landslide hazard areas and buffers, regulated wetlands and buffers, and Type-1, 2, 3, and 4 streams and buffers.

B. Calculations for determining maximum density.

1. Maximum density for residential zones applies to all development with new residential dwelling units, unless otherwise noted herein.
2. Gross acreage of the site may be used in the calculation of the maximum allowed residential density (including half of existing street right-of-way around the perimeter of the site and any new street right-of-way internal to the site).

3. For the purpose of meeting maximum density requirements for subdivisions in applicable zones, final plats must specify the maximum number of dwelling units per lot.
- C. How to calculate density.** Minimum and maximum density for an individual site must be calculated by multiplying the total site acreage based on subsections (A) and/or (B) above by the minimum and maximum dwelling units per acre for the applicable zone. When calculation results in a fraction, the fraction must be rounded to the nearest whole number as follows:
1. Fractions of 0.50 and above must be rounded up.
 2. Fractions below 0.50 must be rounded down.
- D. Prohibited reduction.** Any portion of a lot that was used to calculate minimum compliance with the standards and regulations of this title must not be subsequently subdivided or segregated from such lot unless all portions of the resulting lots continue to meet the code requirements after the subdivision.

19.42.110 - Lot coverage calculations, exceptions, and modifications.

Lot coverage refers to the area of a lot which is covered by buildings and structures. Lot coverage calculation details and clarification:

- A. The area covered must be measured from the outside of external walls of enclosed spaces, from the outer edge of the floor of open decks and porches and from the supporting members of structures such as a carport which are not enclosed by walls.
- B. The roof overhang must not be included in the lot coverage unless it exceeds three-feet, in which case the portion of the roof overhang extending beyond three-feet must count as part of the lot coverage.
- C. Open beams and lattice work without a roof are not considered part of the lot coverage.
- D. Minor appurtenances such as bay windows, chimneys and trim not extending more than two-feet from the primary wall, and not extending the enclosed floor area must not count in lot coverage.
- E. Decks or patios on grade within an average height of 18-inches above grade must not count in lot coverage.
- F. For unusual structures, for example, communication towers, the director must determine the extent of lot coverage.
- H. Modification for all residential zones, except for R1: One detached accessory structure not exceeding 144-square-feet is permitted without counting as part of the lot coverage. The lot coverage of any additional accessory structures, or of any accessory structure exceeding 144-square-feet shall count as part of the percentage of lot coverage permitted in these zones.
- I. Modifications for townhouse and multifamily development in the R4 zone.
 1. Townhouses: Maximum lot coverage is 60-percent.
 2. Multifamily: Maximum lot coverage is 75-percent when at least 50-percent of the required parking is accommodated within and/or below the structure.

19.42.120 - Building height calculations, exceptions, and modifications.

A. Height measurement: Building height is measured to the highest point of the structure from the average of the natural topography at the foundation at the front of the building. Exceptions and clarifications:

1. In cases where the lot slopes downhill from the property line at the front of the building, the height is measured from the highest point of the house to the average of the natural grade directly under the building.
2. If the building site has frontage on two or more streets, the height is measured from the highest point of the building to the average of the natural grade directly under the building if the lot slopes downhill from the property line on either street frontage.
3. The allowable height is measured from the average of the natural or existing topography of the portion of the lot, parcel or tract of real property which will be directly under the proposed building.
4. Height requirements for buildings in shoreline jurisdictions are provided for in the Shoreline Master Program.
5. Calculation of the average grade level is made by averaging the elevations of the center of all exterior walls of the proposed building. Additionally, "natural or existing topography" is the topography of the lot, parcel or tract of real property immediately prior to any site preparation, grading, excavation, or filling. Where a tract of land is regraded for the purpose of a land division, the "natural or existing topography" is the grades as they exist at the time of recording of the final plat.

B. Exceptions. The following structures may be erected above the height limits established in Tables 19.42.020 and 19.42.030:

1. Roof structures housing or screening elevators, stairways, tanks, rooftop wind generators, ventilating fans or similar equipment required for building operation and maintenance may exceed the height limit by:
 - a. Up to ten feet in the R3, R3A, R4, R4A, mixed-use, and industrial zones, provided the area with the added height is limited to what is necessary to screen or enclose the use.
 - b. Up to 15-feet on buildings over four-stories in height where they allow access to shared roof decks that meet the requirements of AMC 19.62.040(B)(1)(e).

Such structures constructed for non-residential or multifamily uses are subject to screening standards in AMC 19.62.070(E).

2. Fire or parapet walls may exceed the height limit by up to five-feet in the R3, R3A, R4, and R4A zone and ten-feet in mixed-use and industrial zones.
3. Except as may otherwise be prohibited by the FAA Regulations, the height limitations of Tables 19.42.020 and 19.42.030 above do not apply to church spires, belfries, cupolas and domes not intended for residential purposes, or to monuments, water towers, observation towers, power transmission towers, silos, grain elevators, chimneys, smokestacks, derricks, conveyors, flag poles, radio, masts, aerials and similar structures.
4. In the HM zone, unoccupied structures may exceed 50-feet in height provided the minimum setbacks for the zone are increased by one foot for each foot of building height in excess of 50-feet.

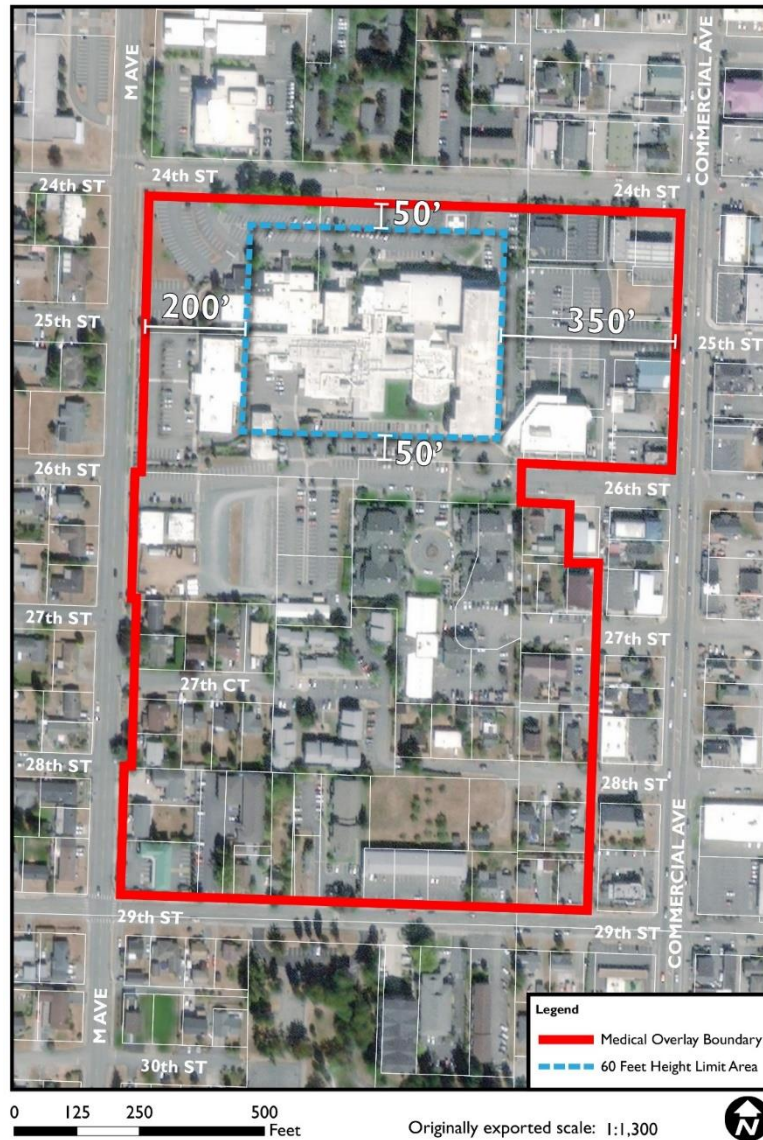
C. Modifications.

1. **The LM zone abutting the Guemes Channel.** Nonresidential structures over 35-feet in height may only be approved through the conditional use process. A conditional use permit for heights between 35 and 50-feet must only be granted for uses which are permitted uses in the zone, and where the specialized nature of the use is such that the operations, processes, and equipment cannot be accommodated in a building 35-feet or less in height. The applicant must show specifically why the additional height is needed. The conditional use permit must limit the height and area consistent with RCW 90.58.320 and to that which is reasonably necessary to accommodate the specific operations, processes, and equipment. All portions of the facility which do not have a specialized function requiring additional height must comply with the 35 foot height limit.
2. **LM1 zone.** The maximum height for residential structures is 35-feet.
3. **MS zone.** Temporary equipment used in the primary permitted use and not constituting a building or permanent enclosure, such as cranes or scaffolding, may exceed the maximum height. The director may authorize construction of fabric enclosures or temporary structures to contain particulates or shelter a vessel under construction which exceed 50-feet in height, provided that the permit is for a specified length of time for a specific project, and they are taken down at the conclusion of the specific work for which they were erected.
4. **MMU zone west of Q Avenue.** Base maximum height is 35-feet. The maximum height with bonus is 50-feet [see AMC 19.42.070(A) for applicable bonus provisions].
5. **MMU zone east of Q Avenue.** Base maximum height is 45-feet. The maximum height with bonus is 65-feet [see AMC 19.42.070(B) for applicable bonus provisions]. Buildings are also subject to special height, width, and orientation standards:
 - a. All buildings are subject to building massing and articulation standards in AMC 19.63.040.
 - b. Buildings up to four stories tall or no more than 50-feet tall are limited to 200-feet in width in the north-south direction.
 - c. Buildings taller than four stories or more than 50-feet tall are limited to 150-feet in width in the north-south direction.

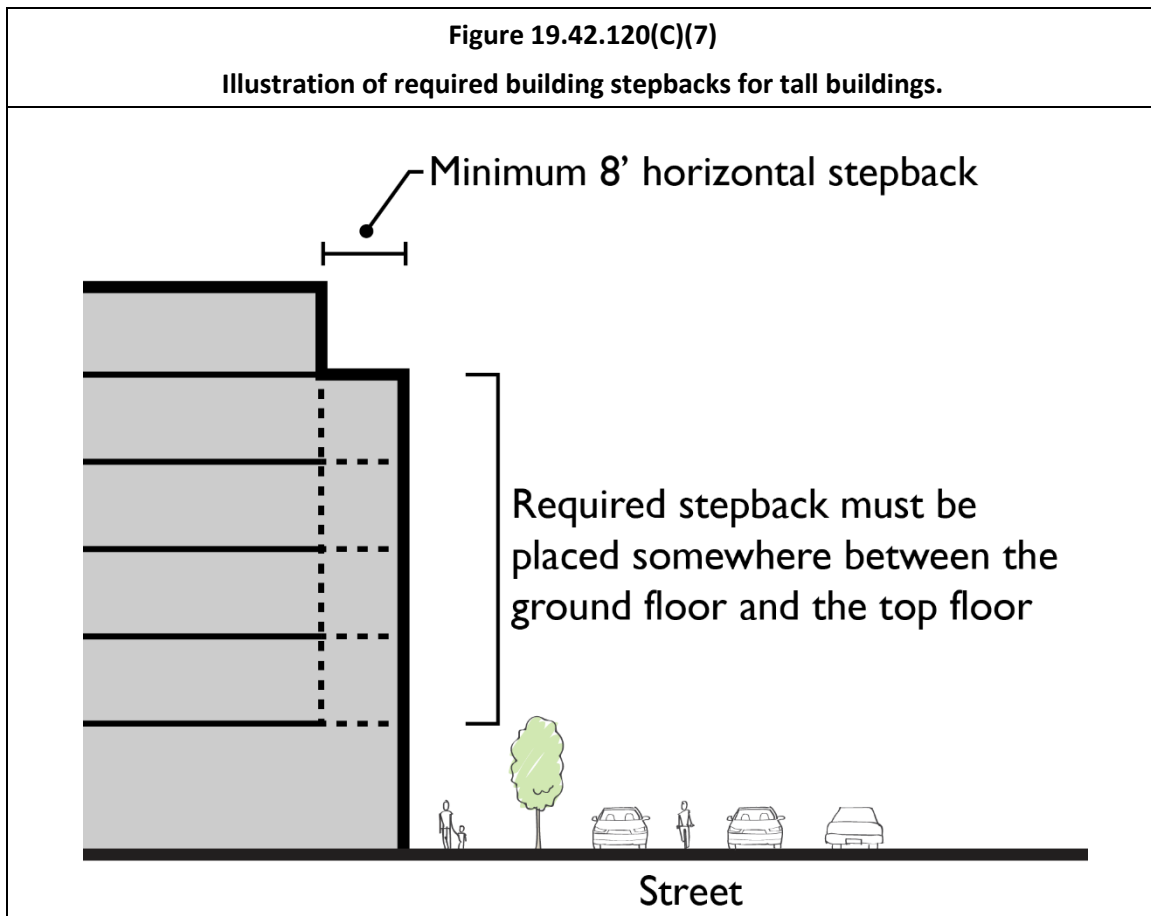
DEPARTURES to standards (b) and (c) above will be considered per AMC 19.20.220 provided site and building design features are included to reduce the perceived scale of such buildings, add visual interest, and enhance east-west pedestrian access and marine views.
6. **MED-O overlay.** The maximum height limit is 60-feet in the area bounded by the following lines [illustrated in Figure 19.42.120(C)(6)].
 - a. A line parallel to and 350-feet west of the Commercial Avenue west right-of-way edge.
 - b. A line parallel to and 50-feet north of the 26th Street north right-of-way edge.
 - c. A line parallel to and 200-feet east of the M Avenue east right-of-way edge.
 - d. A line parallel to and 50-feet south of the 24th Street south right-of-way edge.

Figure 19.42.120(C)(6)

MED-O boundary and 60-foot height limit area.



7. **CBD and MMU zone setback requirements.** For buildings which exceed the maximum base height in the CBD and MMU zones, buildings must incorporate a minimum horizontal setback of eight-feet along at least 75-percent of the façade. The required setback must be placed somewhere between the ground floor and the top floor. See Figure 19.42.120(C)(7) for an example.



- 8. CM2 zone.** The City may consider and approve building heights in excess of 50-feet through a conditional use permit process.

19.42.130 - Setback types and measurements.

The form and intensity standards tables in this chapter provide minimum standards for street, interior side, and rear setbacks. Clarification on how these setbacks are measured are provided below.

- A. Measurement.** All setbacks must be measured at right angles, or as near to right angles as possible, to the nearest property line in a plane horizontal to the ground. Setback directions must be determined as provided in subsections (B) through (E) below.

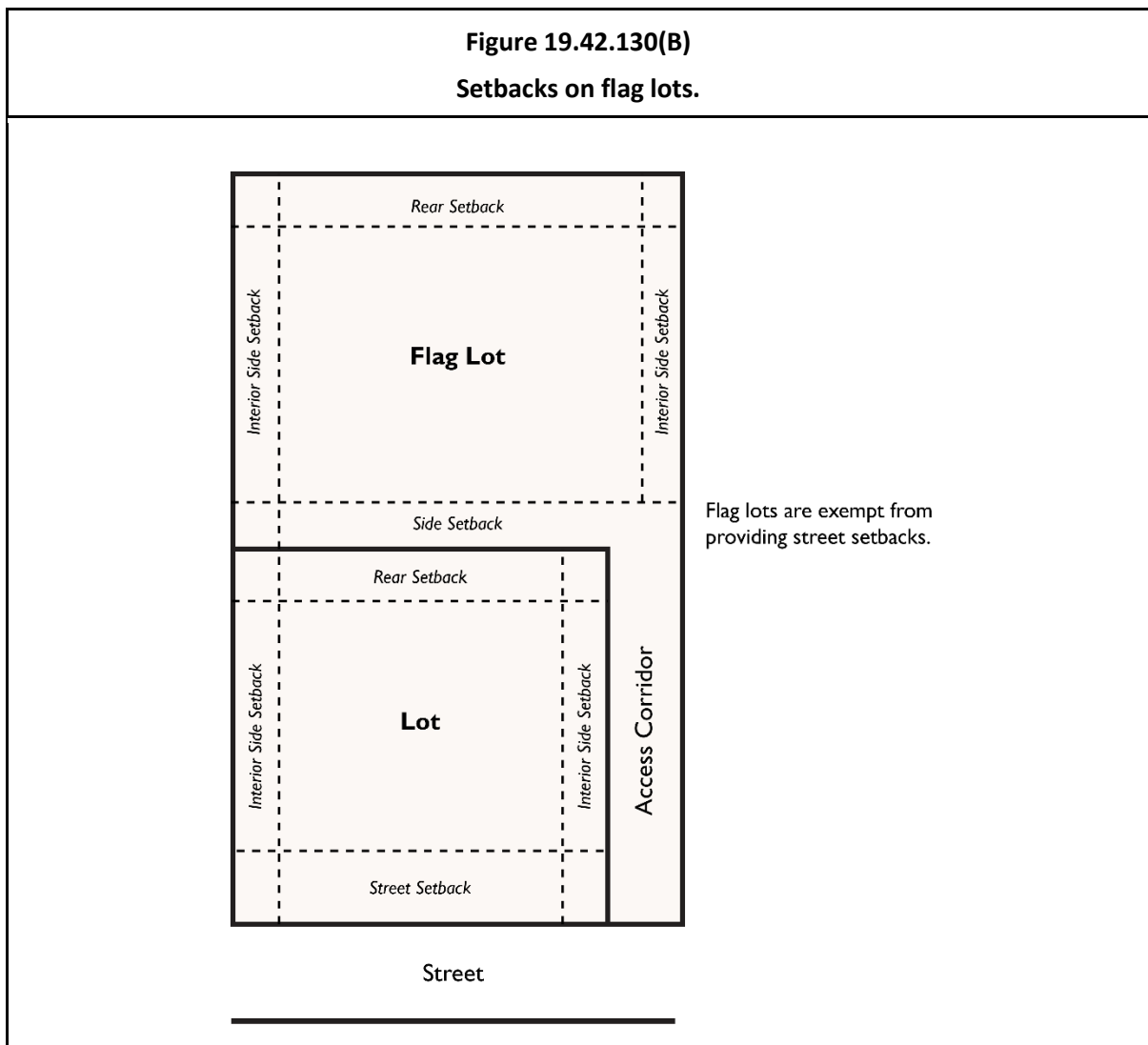
B. Street setbacks.

1. The street setback is measured from the street right-of-way to a line parallel to and measured perpendicularly from the street right-of-way at the depth prescribed for each zone.
2. For corner lots in residential zones, the street setback is measured from the street right-of-way that is the property's street address and primary access. The other lot frontage is referred to as the side street setback.
3. Street setbacks for garages apply to the front doors of individual private garages and do not apply to underground or aboveground parking structures shared by multiple residents or tenants.

- C. **Interior side setback.** The interior side setback is measured from the side lot line adjacent to another property or alley right-of-way to a line parallel to and measured perpendicularly from the side lot lines at the depth prescribed for each zone.

Exception: No interior side setback is required between individual units within a townhouse building, where allowed.

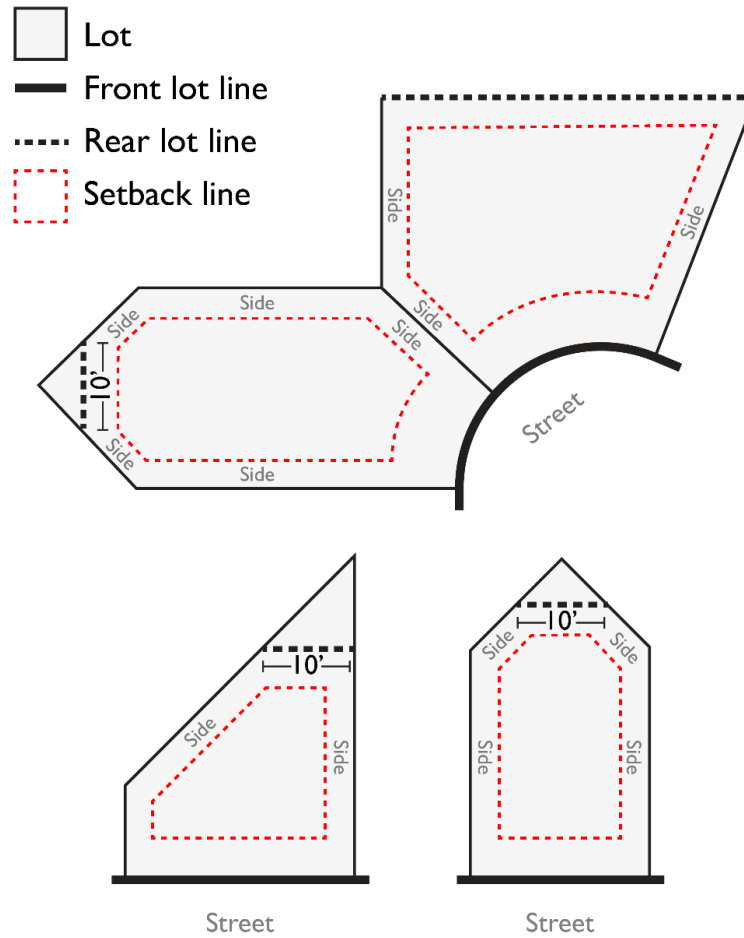
- D. **Interior side setback - upper floors.** The interior side setback for the portion of the building above the floor level of the second floor is measured as provided in subsection (C) above, except the measurement is to the portion of the structure above the floor level of the second floor. The additional second floor setback must not apply where the interior side lot line is along an alley
- E. **Rear setback.** The rear setback is measured from the rear lot line to a line parallel to and measured perpendicularly from the rear lot lines at the depth prescribed for each zone.
- F. **Setbacks for flag lots.** Flag lots are exempt from street setback requirements. Flag lots must have a rear lot line designated, typically opposite from the access corridor (the pole of the flag), and all other lot lines are considered side lot lines [see Figure 19.42.130(B)].



- G. Setbacks for lots served by shared driveways.** See 19.54.040(E) for applicable standards.
- H. Through lots.** For lots featuring streets on opposite ends, the street setback is measured from the street right-of-way that is the property's street address and primary access. The opposite lot frontage is considered the rear setback.
- I. Setback measurements for irregular lots.** Setback distances established for residential zones are based on rectangular lots. Nonrectangular lots, lots with three sides or more than four sides, curved property lines, and other nonstandard lots require special measurement techniques in order to achieve the purpose of setback requirements:
1. **Rear setbacks.** In the case of an irregularly shaped lot, a ten-foot line which is within the lot and parallel to and most distant from the front lot line must be considered the rear lot line for purposes of determining required setbacks and for interpretation of other provisions of this code (see illustration).
 2. **Interior side setbacks.** All lot lines which are not front or rear lot lines must be considered interior side lot lines for the purpose of measuring setbacks.
 3. **Determination by director.** Where a building site is situated in such that it is unclear which should be considered the front, rear, and sides, required setbacks must be as determined by the director in compliance with the following criterion: required setbacks must not permit the placement of buildings on the site in a manner that will constitute a grant of special privileges inconsistent with the limitations placed on other properties in the vicinity and incompatible with surrounding uses.

Figure 19.42.130(I)

Examples of determining setback lines on irregular lots.



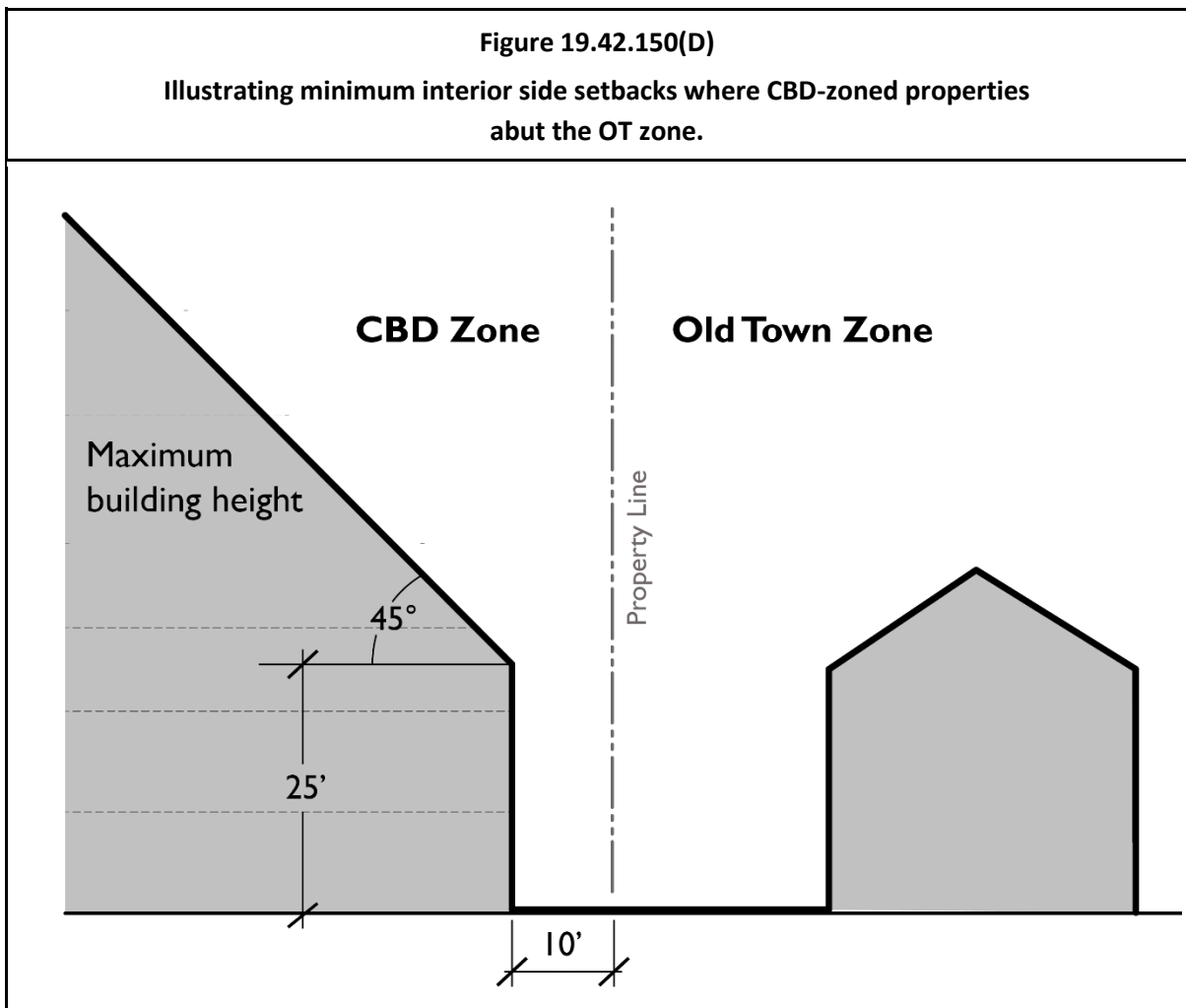
19.42.140 - Permitted projections into required setbacks.

The following structures may extend into or be located in required setbacks:

- A. Fireplace structures, bay or garden windows, or similar structures may project 30-inches into a street or rear setback, provided such projections are:
 - 1. Limited to two per building elevation.
 - 2. Not wider than ten-feet.
 - 3. Do not extend the floor area or foundation into the setback.
- B. Eaves, cornices, awnings, and window shades may not project more than:
 - 1. Three-feet into a street or rear setback.
 - 2. Two-feet into the interior side setback.
- C. Covered porches and entries may project up to six-feet into the street setback.
- D. Uncovered porches and decks may project up to six-feet into the street or rear setbacks.
- E. The following features are permitted within the required street setback:
 - 1. Mailboxes, newspaper boxes, and free neighborhood book exchange boxes.
 - 2. Fire hydrants and associated appendages.
 - 3. Bus shelters.
 - 4. Freestanding signs complying with AMC Chapter 19.67 Signs.
- F. The following features are permitted within any required setback:
 - 1. Utility poles and lines.
 - 2. Underground utilities and sprinkler systems.
 - 3. Light and flagpoles.
 - 4. Trellises and open, un-roofed gazebos not exceeding eight-feet in height.
 - 5. Electrical equipment cabinets and similar utility boxes and vaults.
 - 6. Stormwater facilities and elements of stormwater best management practices, unless a minimum setback is otherwise specified in this title or in the adopted stormwater management manual.
 - 7. Fences complying with AMC Chapter 19.66 Fences, Walls, and Hedges.
 - 8. Uncovered porches and decks not exceeding 18-inches average height above the finished grade.
 - 9. Rockeries and retaining walls in conformance with the standards in AMC 19.66.080.
 - 10. Enclosures for solid waste collection and storage when in compliance with the standards of AMC 19.62.070(B) and (C).
 - 11. Ramps added to an existing building for the specific purpose of accessibility for persons with disabilities when no other reasonable location is available
- G. No projections are allowed into a regional utility corridor, access easement, or utility easement.

19.42.150 - Setback modifications.

- A. A lot adjoining a planned street identified in the comprehensive plan, transportation plan, and/or capital improvement program must provide a street setback along the planned street meeting the same standards as though the street were already constructed.
- B. Several housing types feature special garage placement/setback requirements. See applicable provisions in AMC Chapter 19.43 Residential Uses for details.
- C. Along any mixed-use or industrial-zoned property line adjoining a residential zone with no intervening street or alley, the minimum setback must be the same as the applicable minimum setback for the adjacent zone.
- D. For CBD-zoned properties that abut the OT zone, the minimum interior side setback along such zone edge must be:
 - 1. 10-feet.
 - 2. For buildings over 25-feet in height, the minimum setback must increase at a 45-degree angle inward up to the maximum height in the CBD zone [see Figure 19.42.150(D) for clarification].



- E. The setbacks for Skyline #6 PUD must be one-half of the minimum setback of the underlying zone for street and interior side setbacks with a minimum of five-feet. The rear setback must be one-half of the minimum setback of the underlying zone except that for measurement purposes the width of community-owned property directly to the rear of each lot may be used for distance to property line measurement. This use of community owned property must not reduce the rear yard setback from property line to less than five-feet.

19.42.160 - Old Town supplemental form and intensity standards.

The provisions herein apply in addition to the form and intensity standards in Table 19.42.020. These standards seek to encourage sensitively designed infill in keeping with the existing character of Old Town. To maintain the scale of buildings currently existing in Old Town, it is important that the scale of surrounding buildings be taken into consideration when designing additions and new buildings.

- A. The principal building may cover up to 35-percent of the lot. Where there are multiple buildings on one lot, they are limited to 50-percent lot coverage.
- B. Exceptions to the height limit in Table 19.42.020: Maximum building height may be increased to a maximum of 30-feet if two conditions are met:
 - 1. The upper floor may not contain a floor area greater than 80-percent of the floor below.
 - 2. No exterior wall higher than 25-feet may be closer to an adjacent property line than 15-feet.
- C. If a structure covers more than 3,000-square-feet of land, or if two or more structures on a lot cover more than 4,000-square-feet of land, the following additional requirements apply:
 - 1. The minimum side yard setback is ten-feet.
 - 2. For each 200-square-feet of land coverage beyond the above limits, the minimum side yard setback must be increased by one foot.
- D. Detached garages must be set back a minimum of 50-feet from the street property line on a numbered street.
- E. No new driveway is permitted on a numbered street serviced by an alley. See AMC 19.53.030(B)(3) for driveway alley access standards.
- F. Any roof above 14-feet must have a minimum roof pitch of 4:12, except for roofs on porches, dormers, bay windows, and similar appurtenances.
- G. The maximum continuous wall length must be 40-feet. Buildings may be longer but must incorporate setbacks, recesses, porches, balconies, bay windows or offsets of at least 18-inches in depth and at least eight-feet in length and height so that no increment of wall exceeds 40-feet.

19.42.170 - Aeronautical zone form and intensity standards.

A. Minimum lot size.

No minimum.

B. Minimum setback requirements.

Within the AZ zone, all structures must be setback as follows:

- 1. Aeronautical area, as defined in the development agreement. No setback from the buffer areas. Due to the proximity of the aircraft operations areas to the existing property line of the

Anacortes Airport, a ten-foot setback on all other parts of the aeronautical area. If additional property is added to the aeronautical area, then the setback will be subject to change.

2. Anacopper Future Process Area and North Aviation Area, as defined in the development agreement; the setback will be determined as part of the conditional use process.

Notwithstanding the foregoing, within the Rockwell Reserve and Panhandle Reserve Areas, airport and aeronautical/aviation safety features, walking trails, and landscaping are permitted; within the ten-foot setback area, airport and aeronautical/aviation safety features, fencing structures up to eight-feet, and landscaping uses are permitted. Provided further, within the Anacopper Future Process Area and the North Aeronautical Area airport and aeronautical/aviation safety features, fencing structures up to eight-feet and landscaping, uses are permitted subject to the mitigation contained in the development agreement.

The exception set forth above for fences should be interpreted to mean that fences (along with landscaping) are permitted within the setback. Even if a fence is considered a “structure” under the building code due to a height over six-feet, it is still a “fence” under the exception and could be placed within the setback without a variance, conditional use permit, or any other discretionary permit required; provided, however, that compliance with an approved mitigation plan, required under subsection AMC 19.41.080(D)(5) is required. For example, airport property and/or facility security fencing over six-feet in height may be located along the perimeter of the property, or where deemed necessary by the entity operating an airport, to ensure adequate security of airport premises, but is subject to mitigation as provided herein.

This setback or buffer area is mitigation for development outside of the setback/buffer area, in addition to wetland and land clearing mitigation requirements.

C. Maximum density.

No maximum.

D. Maximum land coverage.

The maximum land coverage by buildings is 60-percent of the parcel size, as identified by the port, with such parcel size including any buffer or setback area not already allocated to another parcel. For the purposes of calculating the buildable area as required (open space requirement), the port may allocate any portion of the 75-foot buffer area within the Rockwell Reserve and Panhandle Reserve Areas that has not already been allocated to any portion of the aeronautical area being developed.

E. Maximum building height.

The maximum building height is 35-feet; provided, however, that buildings over 35-feet, but less than 50-feet or under, are subject to approval through the conditional use process and related criteria. Buildings above 50-feet are prohibited.

19.42.180 - Public Use zone form and intensity standards.

Single-family dwellings in the Public Use zone must comply with the form and intensity standards of the R2A zone. All other development in the Public Use zone is subject to the form and intensity standards of subsections (A) through (E) below.

A. Minimum lot size.

No minimum.

B. Minimum setback requirements.

No minimum, except development is subject to the block frontage standards (AMC Chapter 19.61 Block Frontage Standards) and the setback standard of 19.42.160(B).

C. Maximum density.

No maximum.

D. Maximum land coverage.

No maximum.

E. Maximum building height.

35-feet.

New Chapter 19.43, Residential Uses, is added as follows:

Chapter 19.43 - RESIDENTIAL USES

19.43.010 - Household living.

A. Household living use category.

Residential occupancy of a dwelling unit by a household. Household living includes the following uses.

1. Single-family.
2. Single-family, small lot.
3. Cottage housing.
4. Duplex.
5. Triplex.
6. Townhouse.
7. Multifamily, 4 or more units.
8. Live-work.

B. Single-family.

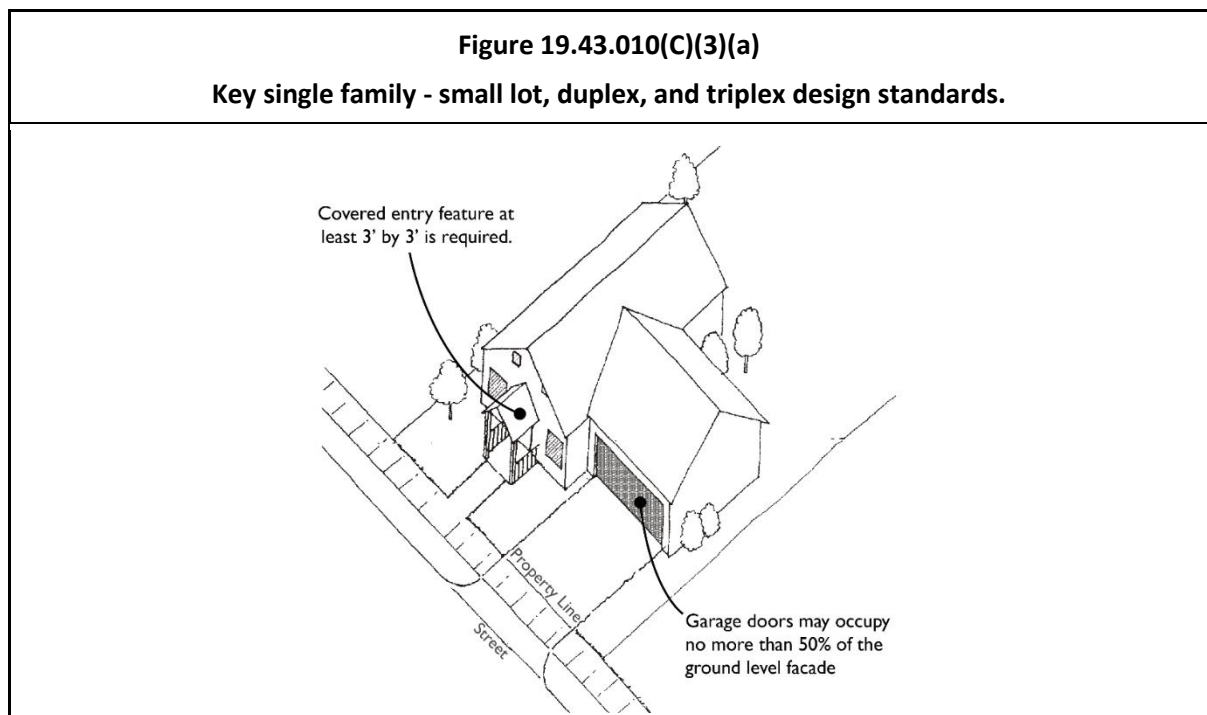
1. Definition. A detached dwelling that is entirely surrounded by open space on the same lot, and which is designed for and occupied exclusively by one family and the household employees of the family, if any.
2. District-specific standards.
 - a. In the CBD and C zones, no new single-family residences may be constructed. Single-family uses are conditionally permitted in these zones if in an existing building that was a single-family residence at some time in its past.
 - b. In the LM1 zone single-family uses are permitted only for existing platted lots. In no event will this allow a residential subdivision.
3. Standards - multiple single-family dwellings on one lot. Two or more single-family dwellings may be built on the same lot provided the applicable lot size standard (one dwelling unit/minimum lot area for single-family dwellings) is met. For example, if the minimum lot area for single-family dwellings is 7,500-square-feet, two single-family dwellings could be built on a 15,000-

square-foot lot. Applicants must demonstrate how the lot could be subdivided in the future consistent with the density and dimensional standards of this title.

4. Driveway and access easement standards: See AMC 19.53.030.

C. Single-family, small lot.

1. Definition. A detached single-family dwelling that is on a lot that has less than 5,000-square-feet in net lot area.
2. Purpose.
 - a. To enhance the character of the street and neighborhood.
 - b. To maintain “eyes on the street” for safety to pedestrians and to create a more welcoming and interesting streetscape.
 - c. To de-emphasize garages and driveways as major visual elements along the street.
 - d. To provide usable open space for residents.
3. Standards. The following standards apply in addition to the general single-family standards in AMC 19.43.010(B)(2-3).
 - a. Entry standards.
 - i. Clear and obvious pedestrian access between the sidewalk (or the street if there is no sidewalk) and the building entry is required for new dwellings. The driveway may be used for pedestrian access.
 - ii. All new dwellings must provide a covered pedestrian entry with minimum weather protection of three-feet by three-feet (a covered porch or recessed entry).



- b. Driveway access and garage standards.

- i. See AMC 19.53.030 for driveway and access easement standards.
- ii. Where the garage vehicle door(s) face the street, they may occupy no more than 50-percent of the ground-level façade facing the street. Garage doors may exceed this limit up to a maximum of 65-percent of the ground level façade facing the street provided at least two of the following design details are utilized:
 - (a) A decorative trellis over at least the entire width of the garage door(s).
 - (b) A window or windows are placed above the garage on a second story or attic wall.
 - (c) A balcony that extends out over the driveway.
 - (d) Utilizing all single vehicle car doors as an alternative to wider garage doors suitable for two car garages.
 - (e) Windows in the garage door.
 - (f) Decorative details on the garage door. Standard squares on a garage door will not qualify as a decorative detail.

Figure 19.43.010(C)(3)(b)(ii)
Garage design detail examples.



A decorative trellis over the garage door.

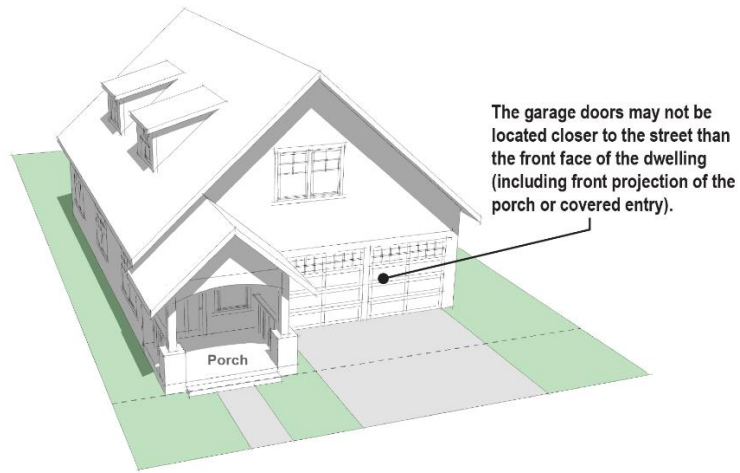


A balcony over the garage, single doors (instead of a wider double door), and windows above the garage on a second story.

- ii. Garage doors must not be placed in front of the front face of the dwelling. Lots containing slopes of at least ten-percent are exempt from this standard. For the purposes of this standard, “dwelling” includes:
 - (a) The front projection of a covered entry or porch.
 - (b) Livable floor area within the dwelling as determined by the director. For example, attic spaces, closet area or low ceiling height spaces located directly above a garage do not qualify as livable floor area.

Figure 19.43.010(C)(3)(b)(i)

Street setback standards for individual/private garages on small single-family lots.



The examples above comply with the standard, as the garage doors are not placed in front of the dwelling (including covered porch or living areas above the garage).



These examples do not comply with the standard. On the left, there is a “dwelling” space above the garage but the garage extends out in front of it. On the right, the garage extends beyond the front door and living areas.

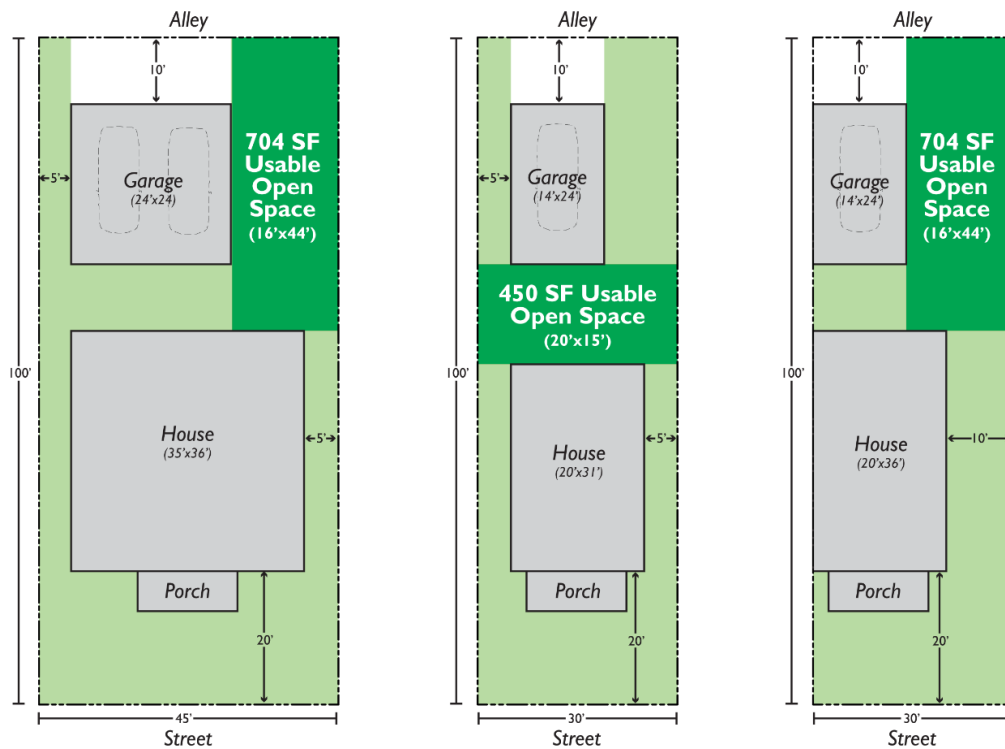
c. Standards for minimum useable open space for small alley-loaded lots.

- i. All new alley-loaded small lot dwelling units must provide a contiguous open space to the side or rear of the dwelling with a minimum dimension of 15-feet on all sides.
- ii. The open space(s) must be equivalent to 10-percent (minimum) of the lot area. For example, a 4,000-square foot lot would require a contiguous open space of at least 400-square-feet, or 20-feet by 20-feet in area.
- iii. Covered but unenclosed decks and porches may be used as a part of the usable open space provided they are a part of a space that meets the standards herein.
- iv. LID stormwater BMPs, like rain gardens, may be integrated in up to 25-percent of the minimum required usable open space area.
- v. Drive aisles must not count in the calculations for usable open space.
- vi. Additions must not create or increase any non-conformity with this standard.

Figure 19.43.010(C)(3)(c)

Examples of how to provide the minimum amount of usable open space.

See AMC 19.54.040(C) for zero lot line standards.



4,500 SF Lot

450 SF usable open space required

3,000 SF Lot

300 SF usable open space required

**3,000 SF Lot
Zero Lot Line**

300 SF usable open space required

D. Cottage housing.

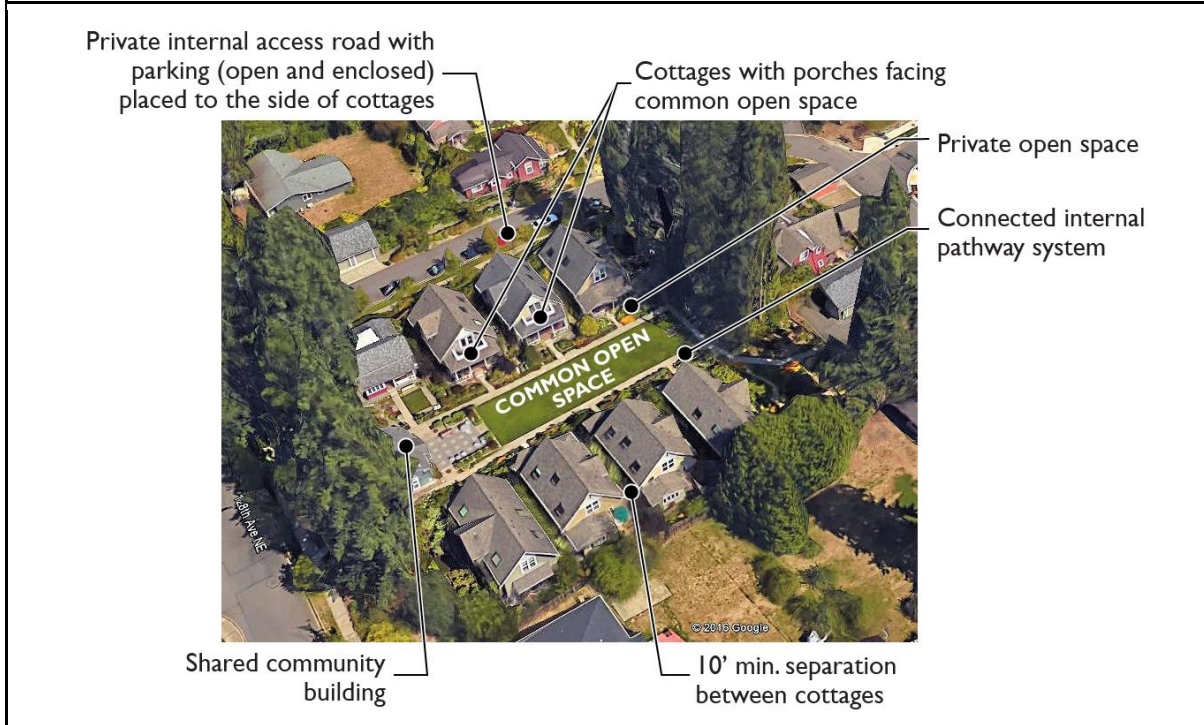
1. Definition. A small single-family dwelling that is clustered with other similar units sharing a common open space.
2. Purpose.
 - a. Provide opportunities for creative, diverse and high-quality infill development that is compatible with existing neighborhoods.
 - b. Promote housing affordability and greater choice by encouraging smaller and more diverse home sizes in accordance with the Anacortes Comprehensive Plan.
 - c. Support compatibility with existing neighborhoods by promoting high-quality design.
 - d. Support more efficient use of urban residential land.
 - e. Enhance the character of the residential neighborhood.
 - f. Provide usable open space for residents.

Figure 19.43.010(D)(1)

Cottage housing development examples.



Figure 19.43.010(D)(2)
Cottage housing site plan example.



3. Standards.

- a. Lot size. Cottages are exempt from minimum lot area and lot width circle standards provided they comply with density and design standards herein.
- b. Density. Due to the smaller relative size of cottage units, each cottage may be counted as one-half a dwelling unit for the purpose of calculating density. For example, a cluster of six cottages would be equivalent to three dwelling units.
- c. Minimum and maximum number of cottages.
 - i. Cottage housing developments must contain a minimum of three cottages.
 - ii. Three to 12 cottage structures may make up a cluster. There is no limit on the number of clusters provided all other standards are met.
 - iii. In the R3, R3A, R4, and R4A zones, attached duplex cottages are allowed.
- d. Setbacks and separation.
 - i. The minimum setbacks set forth in Table 19.42.020 apply to the development frontage and external side and rear property lines of the entire cottage development.
 - ii. Individual cottages must be separated from other cottages by at least ten-feet. Permitted projections into required interior side setback in AMC 19.42.140 apply.
 - iii. Cottages must be setback at least five-feet from any internal pedestrian path. Permitted projections into required street setback in AMC 19.42.140 apply.

- iv. Cottages must be setback at least ten-feet from any internal access lanes that provide access to four or more cottages. For access lanes serving less than four cottages, at least five-feet of separation is required between access lanes and cottages. Permitted projections into required street setback in AMC 19.42.140 apply for setbacks to internal access lanes.
- e. Building height.
 - i. Cottages have a maximum building height of 25-feet. All parts of the roof above 18-feet must be pitched with a minimum roof slope of 6:12.
 - ii. Accessory structures in cottage housing developments are subject to the standards in AMC 19.47.020.
- f. Cottage size. Cottages must contain no more than 1,200-square-feet gross floor area in total, not including attached garages.
- g. Entries.
 - i. Clear and obvious pedestrian access between the sidewalk (or the street if there is no sidewalk) and the building entry is required for new dwellings.
 - ii. All new dwellings must provide a covered pedestrian entry with minimum weather protection of three-feet by three-feet (a covered porch or recessed entry).
- h. Façade transparency. Transparent windows and/or doors are required on at least eight-percent of façades featuring the primary entrance and facing streets and common open spaces. For corner lots, this standard is only applied to the elevation containing the primary entrance.
- i. Common open space.
 - i. Minimum size. Common open space must be at least 400-square-feet per cottage.
 - ii. Minimum dimensions. Common open space must have no dimension less than 15-feet. Areas used to meet private open space requirements may not be double-counted as common open space.
 - iii. Elements. Common open space may include a lawn, courtyard, plaza, garden, or other shared central open space and may not include parking areas. Common open space must be useable and may not include critical areas or critical area buffers, including steep slopes. LID stormwater BMPs, like rain gardens, may be integrated in up to 25-percent of the minimum required usable open space area.
 - iv. Orientation. Common open space must have cottages abutting on at least two sides. At least 50-percent of the cottages in each cottage housing cluster must abut common open space. Cottages abutting the common open space must be oriented around and have the primary entrance face the common open space.
 - v. Access. Cottages must be within 100-feet walking distance of the common open space and feature a direct pedestrian connection to the common open space.
- j. Shared community buildings.
 - i. A shared community building may be integrated into the common open space area required in subsection (3)(i) above but must not be included in the minimum common open space area calculations.

- ii. Non-residential use. A shared community building may include uses such as, but not limited to, a multi-purpose entertainment space, recreation center, kitchen, library, storage space, workshop, or similar amenities that promote shared use and a sense of community. Commercial uses other than Day Care I [see AMC 19.44.010(B)(2)(a)] are prohibited.
 - iii. Residential use. A shared community building may contain one attached accessory dwelling unit (see AMC 19.47.030).
 - iv. Height. Shared community buildings have a maximum building height of 25-feet. All parts of the roof above 18-feet must be pitched with a minimum roof slope of 6:12.
 - v. Size. Shared community buildings have a maximum ground floor footprint of 1,200-square-feet.
 - vi. Other standards. Except for the height and size exceptions identified in subsections (iv) and (v) above, shared community buildings are subject to the accessory structure standards in AMC 19.47.020.
- k. Private open space.
 - i. Minimum size. The minimum private open space adjacent to each cottage must be at least 200-square-feet.
 - ii. Minimum dimensions. The private open space must have no dimension less than ten-feet.
 - iii. Access. The private open space must have direct access from the cottage via a door or porch.
 - iv. The required porch [see subsection (v) below] does not count as private open space for the size or dimension requirements of this section. The private open space is encouraged to be located between the cottage and the common open space.
 - v. Porches. Cottage façades facing the common open space or common pathway must feature a roofed porch at least 70-square-feet in size with a minimum dimension of seven-feet on any side. Cottages sited between a street and the common open space are also subject to the entry requirements in subsection (D)(3)(g) above.
 - vi. Private open space must be useable and may not include critical areas or critical area buffers, including steep slopes.
- l. Access and parking.
 - i. Driveway and access requirements are in AMC Chapter 19.53.
 - ii. Off-street parking standards, including guest parking provisions, are set forth in AMC 19.64.030-040.
 - iii. Parking areas must be located to the side or rear of cottage clusters. Parking must not be located between the street and cottages nor between cottages and common open space.
 - iv. Parking and access lanes must be screened from adjacent residential uses by landscaping or architectural screens. For parking areas and access abutting residential uses, at least five-feet of Type-A, B, or C Landscaping (see AMC 19.64.050) must be provided between the parking area and the abutting residential use.

v. Parking is encouraged to be consolidated under cover. Uncovered parking must be located in clusters of not more than five adjoining spaces (except where adjacent to an alley). Driveway space in front of private garages are exempt from this provision.

vi. Garages with a footprint of up to 300-square-feet may be attached to individual cottages provided all other standards herein are met. Such garages do not count toward the size limit of cottages. Such garages must not be located adjacent to the common open spaces.

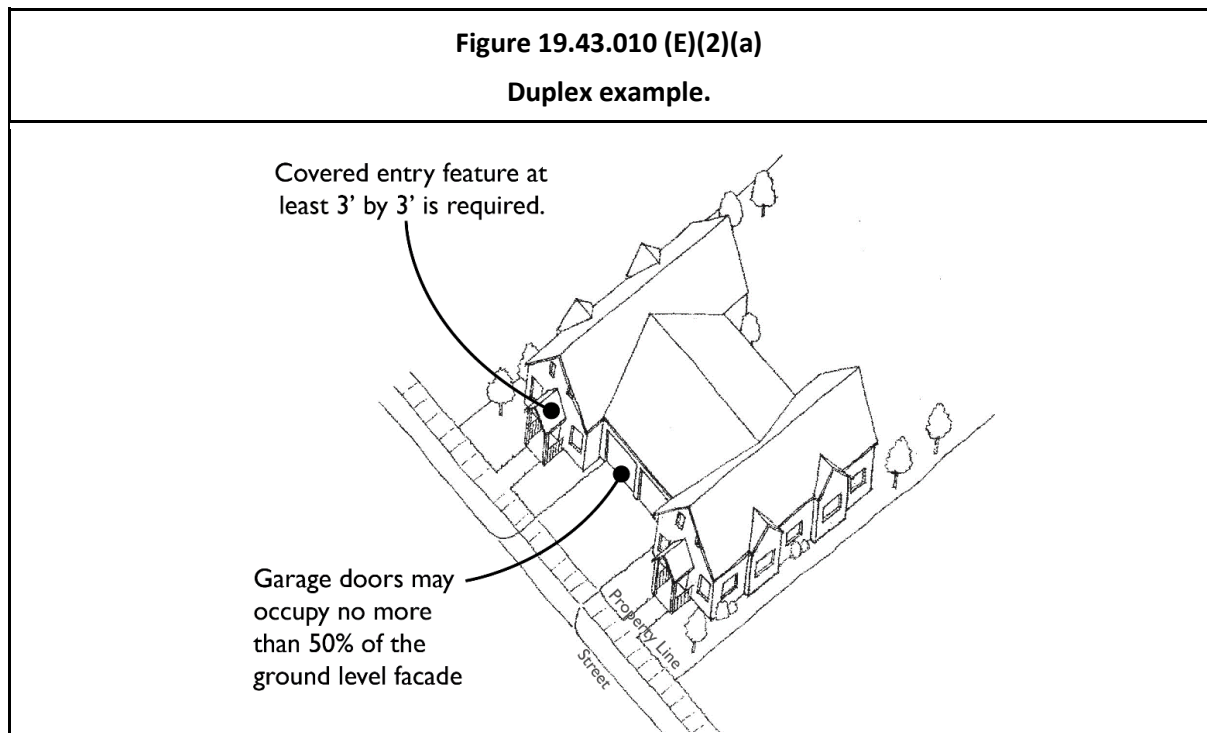
DEPARTURES to the garage/common open space standard will be considered provided the combination of the common open space design, garage location and design, and landscaping/architectural design features help to create a common open space that meets the purposes of the standards and the design mitigates the impact of the garages on the common open space.

m. Landscaping. The minimum landscaped area requirements per Table 19.42.020 apply to the whole cottage development rather than for individual cottage dwellings.

n. Accessory dwelling units are not permitted in cottage housing developments, except as provided in subsection (3)(j) above.

E. Duplex.

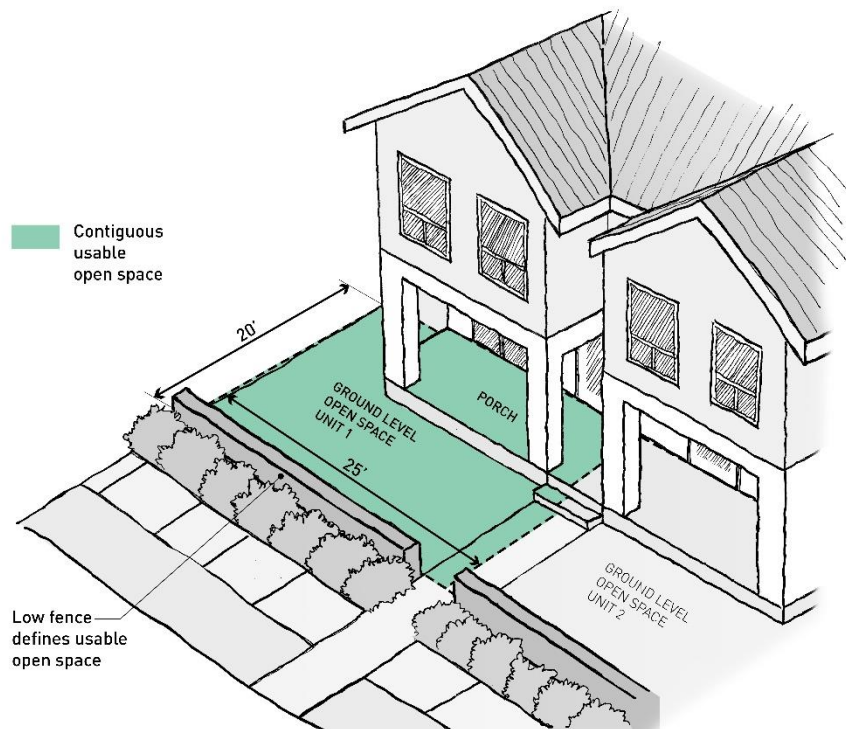
1. Definition. A building that is entirely surrounded by open space on the same lot and contains two dwelling units.
2. Standards.
 - a. Duplexes are subject to the entry and driveway access and garage standards for single-family small lot [AMC 19.43.010(C)(3)(a) and (b)]. The entries for individual units may be grouped (with a shared path connecting grouped entries to the sidewalk) or separated [as illustrated in Figure 19.43.010(E)].



- b. See AMC 19.53.030 for general driveway and access easement standards. Separate driveways are permitted for each unit provided each driveway is limited to 12-feet in width and meets driveway separation standards in AMC 19.53.030(D).
- c. Standards for minimum useable open space.
 - i. All new duplex units must provide a contiguous open space with a minimum dimension of 15-feet on all sides.
 - ii. The minimum collective size of usable open space is 10-percent of the lot area. For example, an 8,000-square foot lot would require at least 800-square-feet of usable open space, which could include separate 20-feet by 20-feet usable open spaces for each unit.
 - iii. Where the usable open space is configured within the street setback, the open space must be defined with a fence or wall (meeting the standards of AMC Chapter 19.66). See Figure 19.43.010(E)(2)(c) for an example.
 - iv. Covered but unenclosed decks and porches may be used as a part of the usable open space provided they are a part of a space that meets the standards herein.
 - v. LID stormwater BMPs, like rain gardens, may be integrated in up to 25-percent of the minimum required usable open space area.
 - vi. Drive aisles must not count in the calculations for usable open space.
 - vii. Additions must not create or increase any non-conformity with this standard.

Figure 19.43.010 (E)(2)(c)

Example of integrating a duplex's minimum usable open space into the street setback.



3. Multiple duplexes may be built on the same lot provided the minimum lot size per duplex is met (see AMC Table 19.42.020) and other standards above are met.

F. Triplex

1. Definition. A building that is entirely surrounded by open space on the same lot and contains three dwelling units.
2. Standards.
 - a. Triplexes are subject to the entry and driveway access and garage standards for single-family small lot [AMC 19.43.010(C)(3)(a) and (b)]. The entries for individual units may be grouped (including a shared path connecting grouped entries to the sidewalk) or separated.
 - b. See AMC 19.53.030 for general driveway and access easement standards. Separate driveways are permitted for each unit provided each driveway is limited to 12-feet in width and meets driveway separation standards in AMC 19.53.030(D).
 - c. Standards for minimum useable open space.
 - i. All new triplex units must provide a contiguous open space with a minimum dimension of 15-feet on all sides.
 - ii. The minimum collective size of usable open space is 10-percent of the lot area. For example, an 8,000-square foot lot would require at least 800-square-feet of usable open space, which could include separate 20-feet by 20-feet usable open spaces for each unit.
 - iii. Where the usable open space is configured within the street setback, the open space must be defined with a fence or wall (meeting the standards of AMC Chapter 19.66). See Figure 19.43.010(E)(2)(c) for an example.
 - iv. Covered but unenclosed decks and porches may be used as a part of the usable open space provided they are a part of a space that meets the standards herein.
 - v. LID stormwater BMPs, like rain gardens, may be integrated in up to 25-percent of the minimum required usable open space area.
 - vi. Drive aisles must not count in the calculations for usable open space.
 - vii. Additions must not create or increase any non-conformity with this standard.
3. Multiple triplexes may be built on the same lot provided the “additional lot size needed for additional dwelling unit beyond duplex, minimum”, per AMC Table 19.42.020, is met.

G. Townhouses.

1. Definition. A dwelling unit in a row of at least three such units in which each unit has its own front access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common walls.
2. Purpose.
 - a. To enhance the character of the street.
 - b. To maintain “eyes on the street” for safety to pedestrians and to create a more welcoming and interesting streetscape.
 - c. To de-emphasize garages and driveways as major visual elements along the street.
 - d. To provide usable open space for residents.
 - e. To reduce the apparent bulk and scale of large townhouse buildings.
 - f. To promote architectural variety that adds visual interest to the neighborhood.
3. Zone-specific standards.
 - a. R3 and R3A zone standards: Townhouse structures with up to four attached units are permitted by right in the R3A zone and conditionally permitted in the R3 zone. Townhouse structures with more than four attached units are prohibited in the R3 and R3A zones.
 - b. R4 and R4A zone standards: Townhouse developments have the following form and intensity adjustments from Table 19.42.020:
 - a. Maximum lot coverage: 60-percent.
 - b. Minimum landscaped area: 15-percent.
 - c. In the MMU zone east of Q Avenue, townhouses and other permitted residential uses within single purpose buildings may cover up to 60-percent of the site area (parcel or contiguous parcels held under common ownership) provided they meet access, site and building design standards in this title. Associated parking, landscaping, open space, and other facilities accessory to the residential uses are included within the site area limitation. The maximum percentage may be increased through a framework development plan (AMC 19.61.180).
 - d. C zone standards:
 - i. Townhouses that do not meet the standards for live-work dwellings that front on Commercial Avenue within the C zone are prohibited.
 - ii. Townhouses that don’t meet the standards for live-work dwellings are prohibited within the C zone south of 41st Street.
5. Setbacks. The minimum setbacks set forth in Table 19.42.020 apply to development frontage and external side and rear setbacks of the entire townhouse development. See AMC 19.42.140(C) for exemptions involving interior side setbacks for townhouses.
6. Entries.
 - a. Clear and obvious pedestrian access between the sidewalk (or the street if there is no sidewalk) and the building entry is required for new dwellings.

- b. All new dwellings must provide a covered pedestrian entry with minimum weather protection of three-feet by three-feet (a covered porch or recessed entry).
- c. For townhouses where the primary pedestrian access to the dwelling is from an alley or private internal vehicular access, buildings must emphasize individual pedestrian entrances over private garages by using both of the following measures:
 - i. Enhance entries with a trellis, small porch, or other architectural features that provides cover for a person entering the unit and a transitional space between outside and inside the dwelling.
 - ii. Provide a planted area in front of each pedestrian entry of at least 20-square-feet in area, with no dimension less than four-feet.

Alternative designs will be considered, provided they meet the purpose of the standards.

Figure 19.43.010(G)(6)

Acceptable and unacceptable examples of garage/entry configurations.

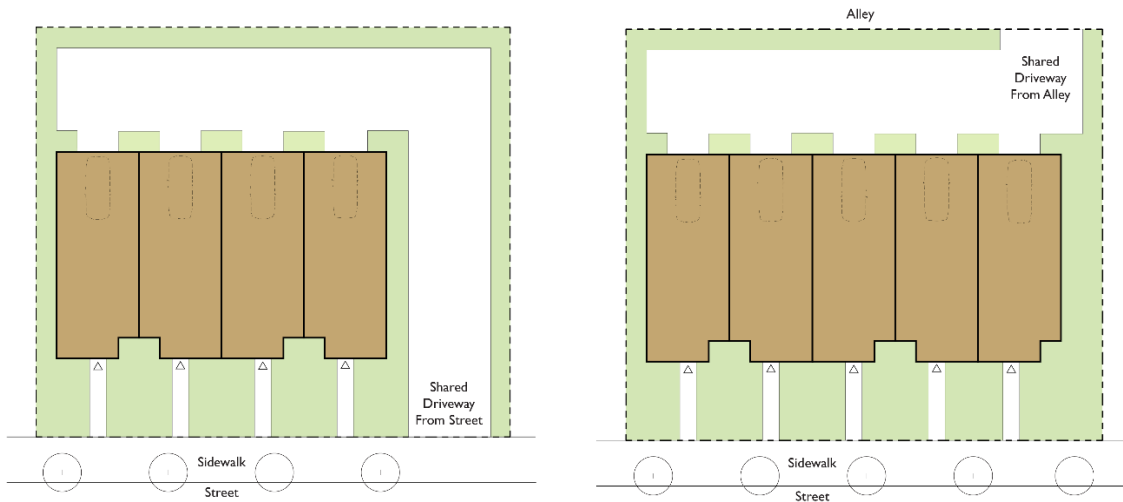


The left example features a landscaped area and a trellis to highlight the entry. In the middle image, the balconies and landscaped areas deemphasize the garage. In the right image, the lack of landscaping near the entries would not be allowed (where this is the primary pedestrian entry to the unit).

- 7. Façade transparency. Transparent windows and/or doors are required on at least eight-percent of façade area (all vertical surfaces of street-facing elevations). For corner lots, this standard is only applied to the elevation containing the dwelling entry.
- 8. Private garages facing the street - maximum garage widths:
 - i. Individual garages facing the street are not allowed for townhouse dwellings unless they are designed to meet driveway standards in AMC 19.53.030. Garages may be provided to the rear of the dwelling via alley access or shared driveway as depicted in Figure 19.43.010(G)(8).
 - ii. Individual garages facing the street (where allowed) are limited to 12-feet in width.

Figure 19.43.010(G)(8)

Townhouse development examples using side/rear vehicular access.



Both examples show a driveway with private garages placed to the rear of units. In the left image there is no alley and access is provided from the street. In the right image access from an alley is available and access is provided from the alley.

9. Access and parking:

- a. Off-street parking standards for townhouses are set forth in AMC 19.64.040 as a type of multifamily residential use (based on the number of bedrooms). Also see AMC 19.64.030(B) for guest parking standards.
- b. See AMC 19.53.030 for driveway and access standards.
- c. Internal drive aisle standards:
 - i. Must meet minimum widths and other standards such as turning radii of the city-adopted International Fire Code.
 - ii. Minimum building separation along uncovered internal drive aisles must be 24-feet. Projections into this minimum building separation standard are permitted for each building consistent with the “interior side setback” projections referenced in AMC 19.42.150. The purpose is to provide adequate vehicular turning radius, allow for landscaping elements on at least one side, and to provide adequate light and air on both sides of the dwelling units and vehicle areas, which often function as usable open space for residents.
 - iii. See AMC 19.53.050 for other internal circulation requirements.

10. Usable open space. Townhouse dwelling units must provide open space at least equal to ten-percent of the gross floor area. The required open space may be provided by one or more of the following:

- a. Private ground level open space that is directly adjacent and accessible to dwelling units. Such space must have minimum dimensions of at least 12-feet on all sides and be configured to accommodate human activity such as outdoor eating, gardening, toddler play, etc. Street

setbacks may be used to meet this standard, provided they are defined with a fence (meeting standards of AMC Chapter 19.66 Fences, Walls & Hedges).

- b. Balconies, roof decks or porches.
- c. Shared open space that meets the design requirements of AMC 19.62.040(B)(2), provided such space is visible and directly accessible to townhouse dwelling units.
- d. LID stormwater BMPs, like rain gardens, may be integrated in up to 25-percent of the minimum required usable open space area.

Individual private open spaces for one unit that exceed the open space standards may not be used to help meet the open space standards for other dwelling units. Shared open spaces that meet the standards of subsection (c) above, however, may be used to supplement private open spaces meeting subsections (a) and (b) above to help dwelling units meet the usable open space standards herein.

Figure 19.43.010(G)(10)

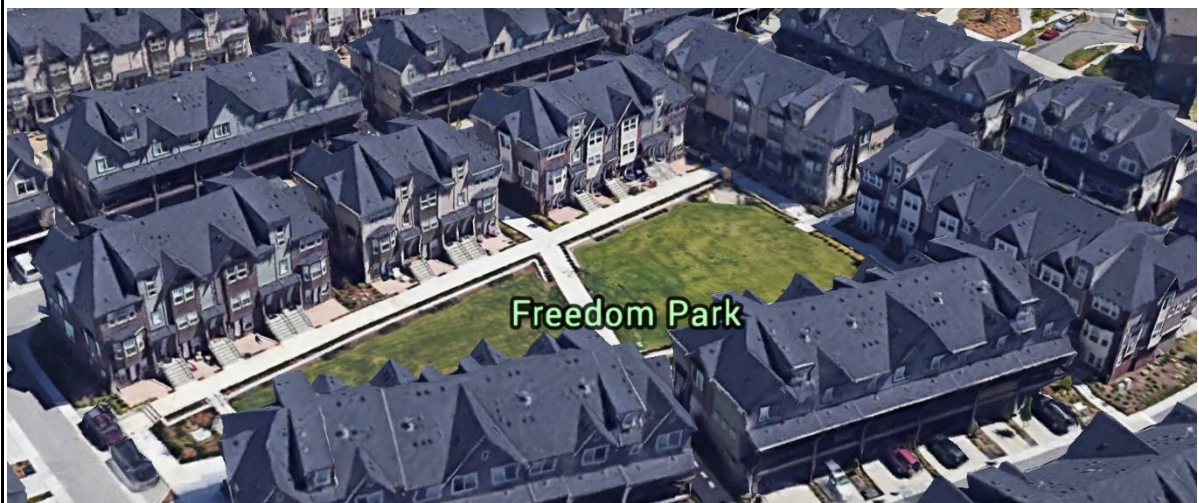
Examples of usable open space adjacent to townhouse units.



The townhouses above include private ground level open space (a) and balconies (b).



Private ground-level open spaces.



“Freedom Park” qualifies as shared open space and may be used to help those townhouses adjacent to the space meet their minimum usable open space requirements.

11. Building design.

- a. Townhouse articulation. Townhouse buildings must comply with residential building articulation standards in AMC 19.63.040(C) except that the articulation intervals must be no wider than the width of units in the building. Thus - if individual units are 15-feet wide, the building must include at least three articulation features for all façades facing a street, common or other shared open space, and common parking areas at intervals no greater than 15-feet.
- b. Repetition with variety. See Figures 19.43.010(G)(11)(a) and (b). Townhouse developments must employ one or more of the following “repetition with variety” articulation guidelines:
 - i. Reversing the elevation of two out of four dwellings [see Figure 19.43.010(G)(11)(a)].
 - ii. Providing different building elevations for external (units on the end or corner of a building) townhouse units (versus internal units) by changing the roofline, articulation, windows, and/or building modulation patterns.
 - iii. Adding a different dwelling design or different scale of the same design, such as adding a one-story version of the basic dwelling design where two-stories are typical (or a two-story design where three stories are typical).
 - iv. Other design treatments that add variety or provide special visual interest, such as different cladding materials, window sizes and groupings, roof slopes, porch designs, balconies, etc. While the variable use of color on buildings can be effective in reducing the perceived scale of the building and adding visual interest, color changes alone are not sufficient to meet the purpose of the standards.

Figure 19.43.010(G)(11)(a)

Acceptable townhouse configuration employing the repetition with variety concept.

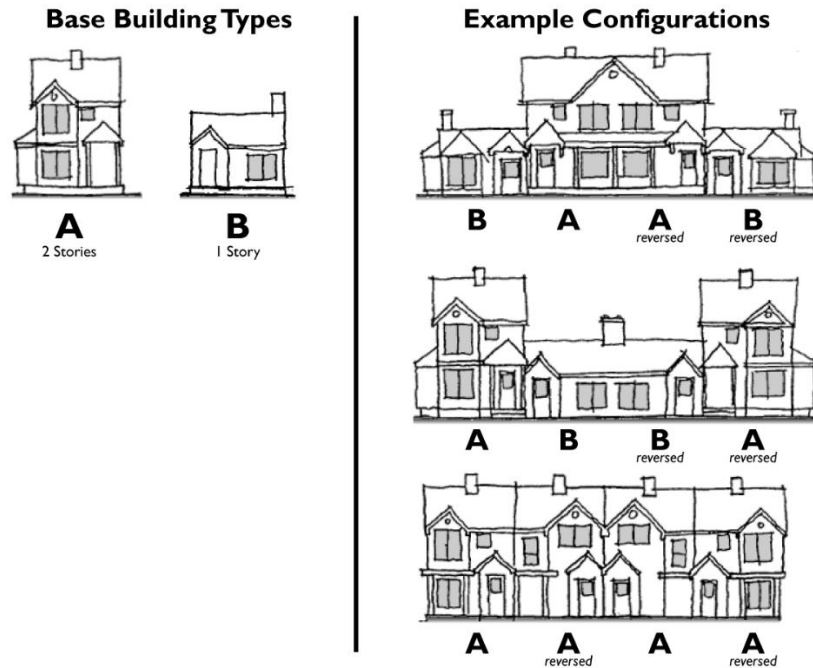


Figure 19.43.010(G)(11)(b)

Acceptable townhouse buildings integrating the “repetition with variety” guidelines.



The internal units in the left image each have distinct, but identical windows and roof forms. The outside unit is differentiated through the use of building materials, window design, unit size, and façade detailing. The internal and external units in the right example include reverse elevations.

H. Multifamily.

1. Definition. A building that contains four or more dwelling units. The term also includes any dwelling units that are within a mixed-use building.

2. Standards. Multifamily uses are subject to design provisions in Division 6, including block frontage standards, site planning, building design, and landscaping. See AMC 19.53.050 for internal circulation requirements.
3. MMU zone east of Q Avenue standards:
 - a. Multifamily dwellings are allowed on upper floors throughout the site.
 - b. Multifamily dwellings and other permitted residential uses within single-purpose residential buildings* may cover up to 60-percent of the site area (parcel or contiguous parcels held under common ownership) provided they meet access, site and building design standards in this title. Associated parking, landscaping, open space, and other facilities accessory to the residential uses are included within the site area limitation. The maximum percentage may be increased through a framework development plan (AMC 19.61.180).

* Mixed-use buildings that meet the following criteria are not considered a single-purpose residential building:

 - i. At least 50-percent of the ground level building frontage is designed to accommodate non-residential uses meeting the interior space requirements in subsections (ii) and (iii) below.
 - ii. Spaces feature 13-foot minimum floor to ceiling height.
 - iii. Spaces are at least 50-feet deep.
4. CM zone standards: Multifamily uses are conditionally permitted provided it can be demonstrated that the use will not weaken the zone's tourist or marine-oriented purpose, nor diminish the marine values inherent in the zone such as physical and visual access to waterways and shoreline. Multifamily units that are part of a mixed-use development incorporating commercial marine uses are permitted and single-purpose multifamily developments require a conditional use permit.
5. MS zone standards:
 - a. Multifamily dwellings are conditionally permitted west of Commercial Avenue and south of 2nd Street.
 - b. Residential units must be no larger than 800-square-feet each and constructed within a mixed-use development.
6. C zone standards:
 - a. Single-purpose multifamily uses that front on Commercial Avenue within the C zone are prohibited.
 - b. Single-purpose multifamily uses are prohibited within the C zone south of 41st Street.
7. R4 and R4A zone standards: Multifamily developments have the following form and intensity adjustments from Table 19.42.020, provided at least 50-percent of all required parking is located within and/or below the structure:
 - a. Maximum lot coverage: 75-percent.
 - b. Minimum landscaped area: 15-percent.

I. Multifamily, restricted.

1. Definition. A dwelling unit restricted to occupancy by a person or persons who satisfy one of the following requirements:
 - a. Meet the minimum age in the definition of “housing for older persons” contained in Section 3607(b)(2) of the Federal Fair Housing Act, as amended.
 - b. Their domestic partners and/or live-in caregivers are 55 years of age or older and/or disabled.
 - c. Are disabled or handicapped regardless of age.

J. Live-work.

1. Definition. A dwelling unit designed to accommodate a small commercial enterprise on the ground floor and a residential unit above and/or behind. A live-work unit may be designed as any type of household living dwelling unit.
2. Standards.
 - a. Permitted non-residential uses may be those that are permitted in the applicable zone or overlay designation as established by AMC Chapter 19.41 Allowed Uses.
 - b. See standards in other subsections of AMC 19.43.010 for the applicable dwelling type the live-work use resides in.
 - c. The non-residential use may occupy up to 50-percent of the gross floor area of the live-work dwelling.
 - d. The ground floor must be designed to accommodate non-residential uses. This includes an area along the building frontage with:
 - i. Minimum floor to ceiling height: 13-feet.
 - ii. Minimum interior depth: 20-feet.
 - e. The residential use and the non-residential use are subject to the provisions of AMC Chapter 19.64 Parking.

Exception: Where non-residential net floor area is less than 1,000-square-feet and where on-street parking is available along the site’s frontage, uses that require less than four spaces per 1,000-square-feet of net floor area per Table 19.64.040 are exempt from additional off-street parking spaces. For uses in the subject table where “Director decision” is specified, the applicant must supply documentation per AMC 19.64.040(B) that the actual parking demand for the proposed use is less than four spaces.

K. Manufactured home.

1. Definition. See RCW 35.63.160.
2. Standards. A manufactured home may be placed on any lot where new single-family residences are allowed and must meet the following requirements:
 - a. The manufactured home must be new.
 - b. The manufactured home must be set upon and attached to a permanent foundation, as specified by the manufacturer, and the space from the bottom of the home to the ground must be enclosed by concrete or a permanent wall finished with standard residential materials, which can be either load bearing or decorative.

- c. The manufactured home must comply with applicable design standards for single-family development.
- d. The manufactured home must comply with the state energy code.
- e. The manufactured home otherwise meets all other requirements for a designated manufactured home as defined in RCW 35.63.160.

This section does not override any legally recorded covenants or deed restrictions of record.

19.43.020 - Group living.

A. Group living use category.

Residential occupancy of a structure by a group of people that does not meet the definition of household living. Generally, group living facilities have a common eating area for residents and residents may receive care or training. Group living includes the following uses.

- 1. Adult family home.
- 2. Assisted living facility.
- 3. Nursing home.
- 4. Rooming house.

B. Adult family home.

- 1. Definition. A residential home in which a person or persons provide personal care, special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services. RCW 70.128.140 provides that adult family homes are treated the same as single-family homes under applicable regulations.
- 2. Standards.
 - a. An adult family home must be licensed under Chapter 70.128 RCW.
 - b. Use permissions in the CBD and C zones:
 - i. An adult family home is a permitted use when in an existing single family dwelling.
 - ii. An adult family home is conditionally permitted when within an existing building that was a single-family residence at some time in its past.
 - iii. An adult family home within a newly constructed single family dwelling is not allowed.
 - c. Use permissions in the LM zone:
 - i. An adult family home is a permitted use when in an existing single family dwelling.
 - iii. An adult family home within a newly constructed single family dwelling is conditionally permitted.

C. Assisted living facility.

- 1. Definition. A state-licensed multi-unit establishment which provides living quarters and a variety of limited personal care and at least a minimal amount of supportive health care to individuals who are unable to live independently due to infirmity of age, physical or mental handicap, but who do not need the skilled nursing care of a convalescent center or nursing home. Supportive health care may include health care monitoring, such as assistance with medication, but is

limited to health care services which may be provided by a boarding home licensed under Chapter 18.20 RCW. These facilities may consist of individual dwelling units with a full kitchen, partial kitchen or no kitchen. In addition, these facilities may have a communal dining area, recreational facilities (library, lounge, game room, open space), and/or laundry facilities. Assisted living facilities do not include adult family homes, as defined in Chapter 70.128 RCW.

2. Standards.

- a. Density. For the purpose of calculating maximum density in residential zones, one assisted living facility dwelling unit is counted as one-half of a dwelling unit.
- b. Design standards. For the purpose of meeting the project design standards of Division 6, except for AMC 19.64 Parking, this use is considered a multifamily use when interpreting applicability provisions.

3. MMU zone east of Q Avenue standards:

- a. Assisted living facilities are allowed on upper floors throughout the site.
- b. Assisted living facilities and other permitted residential uses within single purpose buildings may cover up to 60-percent of the site area (parcel or contiguous parcels held under common ownership) provided they meet access, site and building design standards in this title. Associated parking, landscaping, open space, and other facilities accessory to the residential uses are included within the site area limitation. The maximum percentage may be increased through a framework development plan (AMC 19.61.180).

D. Nursing home.

1. Definition. An establishment providing care for persons recovering from an illness or operation or persons made weak or disabled by illness or injury. Such establishments must be duly licensed by the state as a "nursing home" in accordance with current state statutes.

2. Standards.

- a. Design standards. For the purpose of meeting the project design standards of Division 6, except for AMC 19.64 Parking, this use is considered a multifamily use when interpreting applicability provisions.

E. Rooming house.

1. Definition. A dwelling, with a central kitchen and with more than one but fewer than nine boarders, with no more than nine sleeping rooms.

2. Standards.

- a. Design standards. For the purpose of meeting the project design standards of Division 6, except for AMC 19.64 Parking, this use is considered a multifamily use when interpreting applicability provisions.

New Chapter 19.44, Supplemental Use Criteria, is repealed and replaced by Chapter 19.44, Commercial Uses, as follows:

Chapter 19.44 - COMMERCIAL USES

19.44.010 - Day care.

A. Day care use category.

A facility providing care, protection and supervision of children or adults on a regular basis away from their primary residence. Care is typically provided to a given individual for fewer than 18 hours each day, although the facility may be open 24 hours each day. Day care includes the following uses:

1. Day care I facilities.
2. Day care II facilities.

B. Definition. An establishment for group care of nonresident adults or children. Specifically:

1. Day care includes child day care services, adult day care centers, and all of the following:
 - a. Adult day care, such as adult day health centers or social day care as defined by the Washington State Department of Social and Health Services.
 - b. Nursery schools for children under minimum age for education in public schools.
 - c. Privately conducted kindergartens or pre-kindergartens when not a part of a public or parochial school.
 - d. Programs covering before- and after-school care for school children.
2. Day care establishments are sub-classified as follows:
 - a. Day care I - a maximum of 12 adults or children in any 24-hour period, based within a residential dwelling, and as provided for in RCW 35a.63.215.
 - b. Day care II - over 12 adults or children in any 24-hour period or daycare as a principal use.

19.44.020 – General-service.

A. General-service use category.

Includes a category of uses whose primary activity is the provision of service, rental, and/or repair to boats, vehicles, appliances, tools, electronic equipment, machinery, and other similar products for personal, commercial, or civic use. Specific uses in this category include, but are not limited to:

1. Postal and courier services, post office.
2. Small boat sales, rental, and repair (small boats are less than 40-feet long, 8 ½-feet wide, and 14-feet tall).
3. Appliance repair.
4. Equipment rentals.
5. Electronic or equipment service.
6. Vehicle repair.
7. Commercial vehicle repair.
8. Municipal service facility.
9. Public safety facility.
10. Car wash.
11. Heavy service.

B. Standards for general-service uses with drive-through facilities.

1. Drive-through facilities are prohibited in the CBD zone.
2. Drive-through facilities are subject to the site design standards in AMC 19.62.060(D).

C. Heavy service.

1. Definition. General-service uses that have any exterior service activities or feature exterior storage areas that total greater than 15,000 gross-square-feet or occupy an area larger than the size of the use's principal building.

D. Municipal service facility.

1. Definition. An occupied facility supporting the external and internal operations provided by municipal government, including but not limited to maintenance of water, sewer, stormwater, roads, parks, vehicles, and facilities.

E. Public safety facility.

1. Definition. A facility for the provision of fire and rescue, medical, police, and emergency response services by a governmental entity.

19.44.030 - Medical.

A. Medical use category.

A facility providing medical or surgical care to patients. Some facilities may offer overnight care. This category includes, but is not limited to:

1. Blood plasma donation center.
2. Medical or dental laboratory.
3. Hospital, urgent care, or emergency medical office.
4. Medical office for dentist, chiropractor, osteopath, physician, or other medical practitioner.
5. Medical clinic.
6. Medical day care.

B. R3, R3A, R4, and R4A zone standards.

No new medical uses are allowed in the R3, R3A, R4, and R4A zones. Expansion of a neighborhood medical or dental office may only occur if such office was in existence and in operation as of the effective date of these regulations.

C. Hospital.

1. Definition. A building designed and used for medical and surgical diagnosis, treatment, and housing of persons under the care of doctors and nurses. Rest homes, nursing homes, convalescent homes, and clinics are not included.

19.44.040 - Office.

A. Office use category.

Activities conducted in an office setting and generally focusing on business, professional, or financial services. Office includes, but is not limited to:

1. Business services including, but not limited to, advertising, business management consulting, data processing, or collection agency.
2. Professional services including, but not limited to, lawyer, accountant, bookkeeper, engineer, architect, counseling, sales office, or travel agency.
3. Financial services including but not limited to, lender, investment or brokerage house, bank, call center, bail bonds, insurance adjuster, real estate or insurance agent, or mortgage agent.
4. Charitable institution (not providing housing or shelter).
5. City, county, state, or federal government office.
6. Radio, TV or recording studio, or utility office.
7. Trade, vocational, or business school.

B. CM2, LM1, and I zone standards.

In the CM2, LM1, and I zones office uses must be limited to no more than 50-percent of the ground level of the building. Exception: This subsection does not apply for office uses which are accessory to another permitted use.

19.44.050 - Overnight lodging.

A. Overnight lodging category.

Accommodations arranged for short term stays (less than 30 days). Overnight lodging includes, but is not limited to:

1. Bed and breakfast.
2. Hotel/motel.
3. Youth hostel.

B. Bed and breakfast.

1. Definition. A single-family residential unit which provides transient lodging, for compensation, by renting up to six sleeping room accommodations.
2. Purpose. This section is intended to ensure parking, impact on surrounding neighbors, health and safety, and other considerations limit any adverse impacts of bed and breakfasts on the surrounding neighborhood.
3. Requirements.
 - a. The owner must be the operator of the facility and must reside on the premises.
 - b. The owner's quarters and guest rooms must all be in the main building.
 - c. If located in a residential zone, the facility must be operated in such a manner as not to give the outward appearance of a business in the ordinary meaning of the term.

- d. The use must provide off-street parking, including parking for the primary residence per AMC Chapter 19.64 in addition to one parking space per guest room.

C. Hotel/motel.

1. Definition. A building or portion thereof designed or used for short-term rental of units for sleeping purposes, with or without cooking facilities, and which may include related accessory uses such as shared dining facilities, recreation facilities, and meeting facilities.

D. Hostel.

1. Definition. Relatively affordable overnight lodging with shared dormitory-style facilities.

19.44.060 - Parking

A. Parking use category.

Facilities that provide parking as a principal use.

B. Principal use parking standards in residential zones.

1. In the R1, R2, R2A, R3, R3A, R4A, and OT zones parking as a principal use is restricted to public parking supporting a public facility such as a library, park, or trail.
2. In the R4 zone parking as a principal use is restricted to lots abutting the C zone and supporting a mixed-use development in the C zone.

19.44.070 - Passenger terminal.

A. Passenger terminal use category.

Facilities for the takeoff and landing of planes and helicopters, and facilities for trains, boats, buses, taxis or limo services. Passenger terminal includes, but is not limited to:

1. Airport.
2. Airfield, landing strip.
3. Bus passenger terminal, multi-modal facility.
4. Heliport.
5. Railroad station.
6. Taxi dispatch center, limousine service.
7. Ferry terminal, passenger boat terminal.

B. Aeronautical use.

1. Definition. See AMC 19.41.080.

19.44.080 - Personal service.

A. Personal service use category.

Facilities involved in providing personal services to the general public. Personal service includes the following uses.

1. Animal care.
2. Beauty/hair salon.

3. Catering establishment.
4. Cleaning establishment, dry-cleaning or laundry drop-off facility, laundromat, washeteria.
5. Copy center.
6. Funeral home, funeral parlor, mortuary, undertaking establishment, crematorium, pet crematorium.
7. Optometrist.
8. Palmist, psychic, medium, fortune telling.
9. Tailor, milliner, upholsterer.
10. Tattoo parlor, body piercing.
11. Wedding chapel.

B. Animal care - indoor.

1. Definition. Any building or land used, designed, or arranged for the care of animals without outdoor activity. Includes animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, cattery, kennel, and animal day care.
2. Use standards. No outdoor activity associated with the care of animals is allowed. Also see AMC 6.06.090 Commercial kennels, catteries, pet shops and animal shelters—General conditions for applicable standards.

C. Animal care - outdoor.

1. Definition. Any building or land used, designed or arranged for the care of animals that includes outdoor activity. Includes animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, cattery, kennel, and animal day care.
2. Use standards:
 - a. Any structure which houses animals which is not fully enclosed and all animal runs must be located at least 100-feet from any lot line and 300 linear-feet from any pre-existing principal residential structure located on another lot.
 - b. All pens and kennels used for housing animals (excluding horses, ponies, and cows) must be surrounded by a black, dark green, or dark brown vinyl coated chain link fence not less than six-feet in height, and enclosed on top, or be located in an enclosed structure.

D. Beauty salons.

1. Definition. Any establishment where cosmetology services are provided, including hair care, nail care, and skin care.

E. Funeral home.

1. Definition. An establishment providing services such as preparing the human dead for burial and arranging and managing funerals, and may include limited caretaker facilities. This classification excludes cemeteries, crematoriums, and columbariums.

19.44.090 - Recreation, indoor.

A. Recreation, indoor use category.

Commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities in an indoor setting. The permissions for indoor recreation uses in Table 19.41.050 are based on size (net floor area), with a conditional use thresholds of 10,000-square-feet and 20,000-square-feet in some zones. The indoor recreation category includes, but is not limited to:

1. Adult concessions.
2. Amusement center, game arcade, children's amusement center.
3. Arena.
4. Billiard hall, pool hall.
5. Bingo parlor.
6. Bowling alley.
7. Convention center or conference center.
8. Dance, martial arts, music studio, classroom.
9. Health club.
10. Shooting range.
11. Sports academy.
12. Miniature golf facility.
13. Movie-theater or other indoor theater.
14. Skating rink or roller rink.
15. Swimming pool.
16. Extreme sports facility.

B. Special indoor recreation uses. The following uses fall under the "recreation, indoor" use category, but due to their unique attributes come with their own use permissions and standards. These uses are not subject to the net floor area parameters under the civic use permissions in Tables 19.42.020-.030.

1. Adult concessions.
 - a. Adult entertainment and retail taken together as "concession," and defined in Section 5.35.030, are recognized as being uses that may prove detrimental in certain circumstances to its surrounding neighborhoods and thereby requiring the following regulations.
 - b. Zone-specific requirements.
 - i. In the C zone, adult retail is only permitted south of 22nd street.
 - ii. In the LM1 zone, adult concessions are only permitted between Christiansen Road and Reservation Road.
 - iii. In the HM zone, adult entertainment are only permitted north of South March Point Road and east of Reservation Road.

- c. No adult concession may be located within the specified distance of the following uses:
 - i. One hundred-feet of any public or private school, or any trade or vocational school that on a regular basis has at least one student under the age of eighteen years.
 - ii. One hundred-feet of any religious institution.
 - iii. One hundred-feet of any park or any public facility or P zone.
 - iv. Three hundred-feet of another adult concession.
 - v. For adult entertainment, 100-feet of any residential zone.
 - vi. For adult retail, thirty-feet of any residential zone.
- d. The distance provided herein must be measured by following a straight line, without regard to intervening buildings, from the nearest point on the property line or the zone boundary to the specified concession.
- e. No person owning, operating or managing an adult concession or their employee or agent may invite, allow, or permit any person under the age of eighteen years to enter or remain on the premises of any concession.
- f. On the exterior of any concession there must be no window, marquee, or other display of any manner describing, identifying, depicting or portraying "specified anatomical areas", or "specified sexual activities" (see AMC 5.35.030 Definitions).
- g. Violation of the use provisions of this section is declared to be a public nuisance per se, which must be abated by a civil action only and not by criminal prosecution.
- h. Concession establishments may be identified with signs on the exterior of the establishment in accordance with AMC Chapter 19.67 Signs. All signs must comply with subsection (B)(6) hereof. No advertising, text, pictures or depictions may be permitted anywhere in the windows, on the site, sidewalk or street (A-board signs), store-front, marquee, or anywhere else other than on the approved signage. Terms such as "sale," etc., and other such advertising, as associated with mainstream advertising, may be accepted, subject to the interpretation of the planning director or her/his designee.
- i. There must be no more than one concession business operating in the same building, structure or portion thereof.
- j. Nothing in this section is intended to authorize, legalize, or permit the establishment, operation, or maintenance of any business, building or use which violates any ordinance or statute of the city of Anacortes, Skagit County, state of Washington, or the United States.
- k. Parking requirements. For adult concession facilities constructed after the effective date of this ordinance all parking must be visible from the public right-of-way. For adult entertainment facilities located in buildings constructed prior to the effective date of this ordinance, all parking should be visible from the public right-of-way. In cases of adult concession facilities located in buildings constructed prior to the effective date of this ordinance where this is not feasible, access to the parking must be in as direct a route as possible from the public right-of-way and the parking area must remain free and clear of visual obstructions at all times. Access to the exterior rear of the building must be denied to any persons other than employees and public officials during the performance of their respective duties and tasks by means of a fence, wall or other device approved by the city.

I. Lighting requirements.

- i. All on-site parking areas and premises entries of adult concession facilities must be illuminated from dusk until one hour past closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one foot-candle of light on the parking surface and/or pathways.
 - ii. All permitted on-site lighting, including signs, must be shaded and directed so as not to be visible from any residentially zoned property.
 - iii. An on-premises exterior lighting plan must be presented to the city for approval prior to the operation of any adult concession.
 - m. Where lighted signs and illuminated areas are permitted, such illuminating devices must be shaded and directed so as not to be visible from any residentially zoned property.
2. Shooting range, indoor.
- a. Definition. An indoor facility designed and improved to encompass shooting stations or firing lines, target areas, and/or other related components.

19.44.100 - Recreation, outdoor.

A. Outdoor recreation use category.

Commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities. Activities take place predominately outdoors or within outdoor structures. Outdoor recreation category includes, but is not limited to:

1. Drive-in theater.
2. Camp, campground, travel trailer park, recreational-vehicle park.
3. Extreme sports facility such as paintball, BMX, or skateboarding.
4. Golf course.
5. Outdoor commercial activity such as batting cage, golf driving range, amusement park, miniature golf facility, water-park.
6. Outdoor theater.
7. Outdoor sports or entertainment facility.
8. Riding stable.
9. Shooting range.
10. Racetrack.
11. Sports academy for active recreational or competitive sports.
12. Stadium, arena.

B. Outdoor recreation use standards.

A facility designed to accommodate 200 or more patrons at one time may only be allowed through securing a conditional use permit.

C. Campground.

1. Definition. An area to be used for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes, or similar movable or temporary sleeping quarters of any kind.

D. Golf course.

1. Definition. A facility providing a private or public golf recreation area designed for executive or regulation play along with accessory golf support facilities but excluding miniature golf.

E. Marinas and boat moorage.

1. Definition. A use of land involved in the operation of a marina including structures and activities normally integral to the operation of a marina, such as servicing, fueling, pumping-out, and chartering. Marinas may include accessory retail and equipment storage uses that directly support water-dependent activities per the Shoreline Master Program.

F. Recreational-vehicle-park (RV-park).

1. Definition. Land containing two or more campsites which are located, established, or maintained for occupancy by people in recreation vehicles or travel trailers which are used for recreation or vacation purposes.
2. Minimum standards. Recreational vehicle parks must meet the minimum standards of the Washington Department of Social and Health Services and the county health department.
3. Streets and recreational vehicle spaces. The arrangement, type, extent, width, grade, and location of all streets and sidewalks must be considered in their relation to existing and planned streets, topographical conditions, and public convenience and safety, and in their relation to the proposed uses of the land to be served by such streets. The RV-park must make appropriate provisions for:
 - a. Open spaces and landscaping.
 - b. Drainage ways.
 - c. Streets, alleys, sidewalks and other public ways.
 - d. Water service.
 - e. Sanitary waste disposal.
 - f. Parks and playgrounds.
 - h. Other utilities.

All recreational vehicle spaces must be provided with safe and convenient access from abutting streets or roads. Alignment and gradients of roads must be adapted to topography. Surfaces of roads must be smooth, hard, dense and well drained.

Exposed or disturbed ground surfaces in all parts of every recreational vehicle space must be covered with gravel or other material, or protected with a vegetative cover, to minimize erosion.

4. Internal design.
 - a. Recreational vehicle spaces must be arranged to facilitate placement and removal of vehicles from individual-spaces.
 - b. Accessory facilities must be designed and located for safe and convenient use by occupants of the park, but so as to inhibit their use by non-occupants.

- c. Recreational vehicle spaces must be separated from each other and from other structures to allow at least ten-feet separation between parked vehicles and structures.
 - d. The density must not exceed 20 recreational-vehicle spaces per acre of gross site area.
 - e. All recreational vehicle spaces should be located at least 25-feet from a public street or highway right-of-way and must be set back ten-feet from interior roadways.
 - f. The director may require that recreational vehicle parks located adjacent to industrial or commercial land uses provide screening such as fences or natural growth along the property boundary lines separating the park from such uses.
 - g. At least one-twelfth of the area of the recreational vehicle park must be developed for a park, open space, or playground area for use of the RV-park occupants. The area must be located so as to conveniently serve all patrons of the recreational vehicle park. Recreation areas may include space for recreation buildings and common facilities such as a laundry.
5. Water supply. The city engineer must require that any water supply system which is installed be designed to provide an adequate accessible water supply for fire protection purposes. The water supply system must meet standards published by the Insurance Services Office: Guide for Determination of Required Fire-Flow.
 6. Sewage disposal. All sewage disposal systems must meet the minimum standards of the Washington State Department of Social and Health Services, the Washington State Department of Ecology, and the county health department. The means for sewage disposal must be subject to approval by the city engineer.
 7. Solid waste. The recreational vehicle park developer must assure that provisions for collection and disposal of solid waste are available. The means for solid waste collection and disposal must be subject to approval by the city engineer.
 8. Required facilities. All recreational vehicle parks having more than eight spaces must have approved facilities for laundry, showers, and restrooms for users of the park.
 9. Retail sales. No retail sales uses are allowed within the park unless a specific site for such use, intended to primarily serve park users, is approved by the City Council as part of the conditional use permit.
 10. Ownership. In all cases the entire area of an RV-park must be maintained in single ownership.

G. Shooting range, outdoor.

1. Definition. An outdoor facility designed and improved to encompass shooting stations or firing lines, target areas, berms and baffles, and/or other related components.

19.44.110 - Restaurant/bar.

A. Restaurant/bar use category.

A facility that prepares and sells food and drink for on- or off-premise consumption. The restaurant/bar category includes, but is not limited to:

1. Bar, nightclub, tavern, lounge.
2. Eating establishment.
3. Food truck.

B. Standards for restaurants with drive-through facilities.

1. Drive-through facilities are prohibited in the CBD zone except when such facilities are completely enclosed within a building.
2. Drive-through facilities are subject to the site design standards in AMC 19.62.060(D).

C. Food truck.

1. Definition. A large wheeled vehicle from which food is sold that typically contains cooking facilities where the food is prepared
2. Standards.
 - a. During business operations food trucks must be located on private property (not in the public right-of-way).
 - b. Food trucks may not install any seating permanently attached to the ground.
 - c. Food trucks must provide adequately sized and located waste collection containers during business operations.

19.44.120 - Retail sales.

A. Retail sales use category.

Facilities involved in the sale, lease, or rental of new or used products. The permissions for retail sales uses in Table 19.41.050 are based on size (net floor area) per individual use, with thresholds of 5,000, 25,000, and 50,000-square-feet. Retail sales includes, but is not limited to:

1. Facilities involving the sale, lease, or rental of new or used products including but not limited to appliances, art supplies, baked goods, bicycles, books, building supplies, cameras, carpet and floor coverings, crafts, clothing, computers, convenience goods, dry goods, electronic equipment, fabric, flowers, furniture, garden supplies, gifts or novelties, groceries, hardware, home improvement, household products, jewelry, medical supplies, music, musical instruments, office supplies, package shipping, pets, pet supplies, pharmaceuticals, photo finishing, picture frames, plants, printed materials, produce, seafood, souvenirs, sporting goods, stationery, tobacco, used or secondhand goods, vehicle parts and accessories, videos and related products.
2. Art gallery.
3. Check cashing, payday loan.
4. Pawnshop.

B. Standards for all retail sales uses.

The maximum gross floor area for a building containing multiple tenant/use spaces is 75,000 square feet.

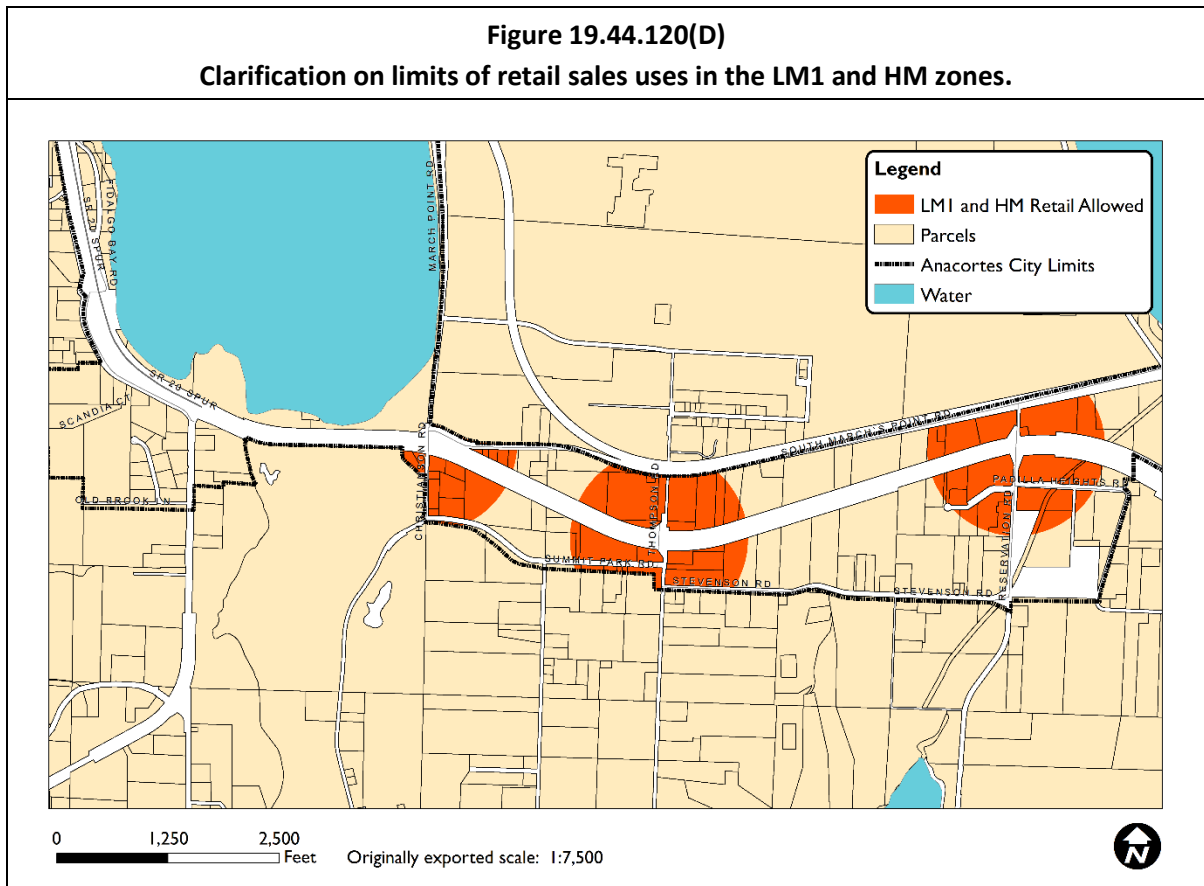
C. Standards for retail uses with drive-through facilities.

1. Drive-through facilities are prohibited in the CBD zone.
2. Drive-through facilities are subject to the site design standards in AMC 19.62.060(D).

D. Standards for retail sales uses in the LM1 and HM zones.

In the LM1 and HM zones the primary building entries of retail uses must be located within the lots or portions of lots illustrated in Figure 19.44.120(D). These areas are generally within 1,000-feet of

the State Route 20 intersections with March Point Road, Thompson Road, and Reservation Road as measured in a straight line from the right-of-way centerlines and exclude lots with waterfronts.



E. Neighborhood grocery store.

1. Definition. A small retail establishment which primarily sells food, but also may sell other convenience and household goods and may include an area for dining such as a deli or coffee shop.
2. Standards.
 - a. Not to exceed 1,200-square-feet of retail sales net floor area and 3,200-square-feet of gross floor area.
 - b. No such grocery uses must be allowed within one-quarter mile of an existing grocery store.

- F. Special retail sales uses.** The following uses fall under the “retail sales” use category, but due to their unique attributes, come with their own use permissions and standards. These uses are not subject to the net floor area parameters under the retail sales permissions in Table 19.41.050.
1. Heavy retail.
 - a. Definition. Retail uses with exterior sales and/or storage areas greater than 15,000 gross square-feet or occupying a greater area than the use’s principal building. Examples include truck stops, agricultural supplies, plant and landscape design materials, building materials, and heating fuels.
 2. Marijuana retailers.
 - a. Definition. “Marijuana retailer” means a person licensed by the state liquor and cannabis board to sell marijuana concentrates, useable marijuana, and marijuana-infused products in a retail outlet.
 - b. Standards. Marijuana retailers are only allowed east of the interchange of State Route 20 and State Route 20 Spur.
 3. Gas station.
 - a. Definition. A retail use that primarily involving automobile fuels. Gas stations include specialized structures for selling fuel and fuel storage tanks, often underground. These establishments may provide incidental services such as automobile maintenance/repair, car washing, and the sale of food and other convenience items (including drive-through restaurants).

19.44.130 - Vehicle sales/rental.

A. Vehicle sales/rental use category.

This category includes, but is not limited to direct sales, rental or leasing of passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles.

B. Vehicle sales/rental, enclosed.

1. Definition. Vehicle sales/rental use that is conducted entirely indoors.

C. Marine sales/rental.

1. Definition. An establishment where boats 16-feet or more in length are rented or sold. The sale or rental of smaller boats must be a retail sales use.

New Chapter 19.45, *Industrial Uses*, is added as follows:

Chapter 19.45 - INDUSTRIAL USES

19.45.010 - Heavy industrial.

A. Heavy industrial use category:

Any facility that involves production and/or storage of dangerous, noxious or offensive uses or a facility that has smoke, odor, noise, glare, fumes, gas, vibration, use of fire or explosives, emission of

particulate matter, interference with radio, television reception, or radiation. Such uses include, but are not limited to:

1. Petroleum and oil refineries.
2. Chemical manufacturing.
3. Wood products manufacturing.
4. Food and beverage manufacturing.
5. Primary metal manufacturing.
6. Fabricated metal products and machinery.
7. Machinery manufacturing.
8. Transportation equipment manufacturing.

19.45.020 - Light industrial.

A. Light industrial use category.

Manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. The light industrial category includes, but is not limited to, the following uses.

1. Bottling.
2. Brewery (produce 15,000 or more U.S. beer barrels annually).
3. Bus or rail transit vehicle maintenance or storage facility.
4. Contractors storage including janitorial and building maintenance service, exterminator, or other maintenance yard or facility, building, heating, plumbing, landscaping or electrical contractor and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site.
5. Food and beverage products except animal slaughter, stockyards.
6. Laundry, dry-cleaning, and carpet cleaning plants.
7. Leather and leather products except tanning and finishing.
8. Sheet metal, welding, machine, tool repair shop or studio.
9. Stone, clay, glass, and concrete products.
10. Woodworking, including cabinet makers and furniture manufacturing.

B. Marijuana processors.

1. Definition. "Marijuana processor" means a person licensed by the state liquor and cannabis board to process marijuana into marijuana concentrates, useable marijuana, and marijuana-infused products, package and label marijuana concentrates, useable marijuana, and marijuana-infused products for sale in retail outlets, and sell marijuana concentrates, useable marijuana, and marijuana-infused products at wholesale to marijuana retailers.
2. Standards. Marijuana processors are only allowed east of the interchange of State Route 20 and State Route 20 Spur.

19.45.030 - Light manufacturing.

A. Light manufacturing use category.

A facility conducting light manufacturing operations within a fully-enclosed building. The light manufacturing category includes, but is not limited to, the following uses:

1. Clothing, textile apparel manufacturing.
2. Facilities engaged in the assembly, design, repair or testing of: analyzing or scientific measuring instruments; semiconductor and related solid state devices, including but not limited to clocks, integrated microcircuits; jewelry, medical, musical instruments, photographic or optical instruments; and timing instruments.
3. Printing, publishing, and lithography.
4. Production of artwork and toys, graphic design sign-making, movie production facility, photo-finishing laboratory.
5. Repair of scientific or professional instruments and electric motors.

B. Artisan manufacturing.

1. Definition. Production of goods by the use of hand tools or small-scale, light mechanical equipment occurring within a fully-enclosed building where such production requires no outdoor operations or storage, and where the production, operations, and storage of materials related to production occupy no more than 3,500-square-feet of net floor area. Typical uses have negligible negative impact on surrounding properties and include woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts, production of alcohol, or food processing.

19.45.040 - Research and development.

A. Research and development use category.

A facility focused primarily on the research and development of new products. The research and development category includes, but is not limited to, the following uses.

1. Laboratories, offices and other facilities used for research and development by or for any individual or organization whether public or private.
2. Prototype production facilities that manufacture a limited amount of a product in order to fully investigate the merits of such a product.
3. Pilot plants used to test manufacturing processes planned for use in production elsewhere.

B. Research and development use standards.

1. Such uses in the C, CBD, and MMU zones must occur within a fully-enclosed building.
2. In the MMU zone, the use of outdoor areas for final product assembly and transportation-related activities are permitted, provided that screening of such outdoor uses mitigates the impacts of planned activities. Screening options include fencing (AMC Chapter 19.66) and Type-A or B Landscaping (AMC 19.65.060)

19.45.050 - Self-service storage.

A. Self-service storage category.

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

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

B. Self-service storage standards.

Uses in the C zone are limited to fully-enclosed indoor facilities (all storage units are only accessible from indoors).

19.45.060 - Warehouse and distribution.

A. Warehouse and distribution category.

Facilities involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers. The warehouse and distribution category includes, but is not limited to, the following uses.

1. Bulk storage, including nonflammable liquids, cold storage plants, including frozen food lockers, household moving and general freight storage, separate warehouse used by retail store such as furniture or appliance store.
2. Distribution facility, central postal facility.
3. Parcel services.
4. Transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred.
5. Trailer storage, drop-off lot.
6. Truck or motor freight terminal, service facility.

19.45.070 - Waste-related service.

A. Waste-related service category.

Characterized by uses that receive solid or liquid wastes from others for transfer to another location and uses that collect sanitary wastes or that manufacture or produce goods or energy from the composting of organic material. The waste-related service category includes, but is not limited to, the following uses.

1. Uses that receive solid or liquid wastes from others for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material.
2. Animal waste processing.
3. Landfill.
4. Manufacture and production of goods from composting organic material.
5. Outdoor storage of recyclable material.
6. Scrap materials (indoor storage).
7. Solid or liquid waste transfer station, waste incineration.

B. Recycling facility.

1. Definition. A building and/or site in which recoverable materials such as paper, plastic, glass, and metal are collected, stored, flattened, crushed, or bundled prior to shipment to others who will use those materials to manufacture new products. The materials are stored on-site for shipment to market.

19.45.080 - Water-oriented industrial.

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.

B. Dry stack boat storage.

1. Definition. A facility for storing boats out of water. This is principally a land operation, where boats are dry stored or "stacked" until such time as they are transferred to the water for use. Structures must comply with form and intensity standards in AMC Chapter 19.42 for the applicable zoning district.

C. Boat launch facilities.

1. Definition. Boat launches facilities are slabs, pads, planks, rails, cranes, or graded slopes used for launching boats by means of a trailer, hand, or mechanical device.

19.45.090 - Wholesale trade.

A. Wholesale trade category.

Facilities involved in the sale, lease, or rent of products to industrial, institutional, or commercial businesses only. The use emphasizes on-site sales or order-taking and often includes display areas. Businesses may or may not be open to the general public, but sales to the general public are not permitted. Products may be picked up on-site or delivered to the customer.

The wholesale trade category includes, but is not limited to, the following uses:

1. Sale or rental of machinery, equipment, heavy equipment, building materials, special trade tools, welding supplies, machine parts, electrical supplies, plumbing supplies, janitorial supplies, restaurant equipment, and store fixtures.
2. Wholesale sales of food, clothing, auto parts, building hardware, and similar products.

Chapter 19.46, Affordable Housing Demonstration Program, is repealed and replaced by Chapter 19.46, Public, Institutional, & Open Space Uses, as follows:

Chapter 19.46 - PUBLIC, INSTITUTIONAL & OPEN SPACE USES

19.46.010 - Agriculture.

A. Uses in the agriculture category include:

The raising and harvesting of trees, vines, seeds, plants and crops, as well as the keeping, grazing or feeding of animals (including fish) for animal products, animal propagation, or value increase. The agriculture category includes, but is not limited to:

1. Animal raising including, but not limited to, horses, hogs, cows, sheep, goats, swine, poultry, rabbits and other small animals, apiculture, aquaculture, dairying, personal or commercial animal breeding and development.
2. Crop production, soil preparation, agricultural services, large animal and veterinary services, farm labor and management services, research farm.
3. Floriculture, horticulture, pasturage, row and field crops, viticulture, tree or sod farm, silviculture, sale of agriculture products.
4. Fish hatcheries, fish farm.
5. Forestry, timber tracts, forest nursery, gathering of forest products.
6. Grain, fruit, field crop and vegetable cultivation and storage.
7. Livestock, horse, dairy, poultry and egg products.
8. Plant nursery.
9. Restricted agriculture.

B. R-1 zone standards.

Pasture space for livestock must be provided at a minimum of 18,000-square-feet per animal.

C. Aquaculture.

1. Definition. The breeding, hatching, or raising of fish or other aquatic plants or animals for sale.

D. Marijuana producers.

1. Definition. "Marijuana producer" means a person licensed by the state liquor and cannabis board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.
2. Standards.
 - a. Nuisances.
 - i. No odor or smoke may be emitted that is detectable at or beyond the walls of the facility, in such a concentration or of such duration as to cause a public nuisance, or threaten health or safety, or to infringe upon the enjoyment of a neighboring use.
 - ii. The applicant must install an exhaust system that is designed and constructed to capture sources and contaminants to prevent spreading of contaminants or odors to other occupied parts of the building or surrounding area. The system must be designed by a licensed Washington State professional engineer.
 - b. Marijuana producers are only allowed east of the interchange of State Route 20 and State Route 20 Spur.

E. Nursery.

1. Definition. Land, building, structure, or combination thereof, for the storage, cultivation, or transplanting of live trees, shrubs, or plants, offered for sale on or off the premises including products used for gardening or landscaping.

19.46.020 - Civic.

A. Uses in the civic category include:

Places of public assembly that provide ongoing public, educational and cultural services to the general public, as well as meeting areas for religious practice. Civic includes the following uses.

1. Cemetery.
2. College, community college, and university.
3. Community/recreation center.
4. Civic club.
5. Library.
6. Museum.
7. Religious institution.
8. School, public or private (K-12).

NOTE: This category does not include:

- Government offices - which falls under Office use
- Trade, vocational, or business school - which falls under Office use
- Public safety facilities - which falls under General-service use
- Municipal service facilities - which falls under General-service use

B. Civic use standards.

The permissions for civic uses in Tables 19.41.040 and 19.41.050 are based on size (gross floor area), with thresholds of 10,000 and 20,000-square-feet provided they meet the following standards:

1. Site planning. Civic uses are subject to site planning standards in AMC Chapter 19.62.
2. Building design. Civic uses are subject to building design standards in AMC Chapter 19.63.
DEPARTURES to the building massing standards and other applicable standards in the chapter will be considered per AMC 19.20.220, provided alternatives design treatments meet the purpose of the standards. The director may exempt buildings not visible from the street.
3. Parking. The use must comply with civic parking regulations in AMC 19.64.040 and other applicable parking regulations in AMC Chapter 19.64 Parking, except that in no event may parking be in excess of one space per three seats in a residential zone.
4. A traffic mitigation plan must be submitted for approval by the City. The plan must address traffic control, parking management (including the mitigation of overflow parking into adjoining residential areas), and traffic movement to the arterial street system. In addition to on-site parking requirements, parking in excess of the maximum may be permitted on existing off-site satellite parking lots, subject to City approval of a joint use agreement. Off-site parking in residential zones must be limited to lots shared with existing institutional uses, such as schools.
5. The storage of buses or vans over 10,000 pounds gross weight is permitted on-site only if following conditions are met:
 - a. The location of the parking areas for these vehicles is indicated on the site plan at the time of application.
 - b. Vehicles must be leased or owned by the owner or tenant of the site, must be in operable condition, and must have a current vehicle registration.
 - c. Vehicles must not intrude into public right-of-way or obstruct sight visibility from any driveway.
6. Landscaping. The use must comply with landscaping standards in AMC Chapter 19.65.
7. Fences, walls, and hedges on-site must comply with AMC Chapter 19.66.
8. Signs associated with the use must comply with AMC Chapter 19.67.

C. Special civic uses. The following uses fall under the “civic use” category, but due to their unique attributes, come with their own use permissions and standards unless otherwise noted. These uses are not subject to the gross floor area parameters under the civic use permissions in Tables 19.41.040 - .050.

1. Cemetery/columbarium.
 - a. Defined. A facility used for the permanent interment of humans or animals or their cremated remains. Includes mausoleum, columbarium, memorial, and pet cemetery.
2. College, community college, or university.
 - a. Defined. A private or public educational institution where students attend to earn associates, baccalaureate, masters or doctoral degrees. A college/university may not be considered a trade or vocational school (see office use category, AMC 19.44.040).
 - b. Use standards.

- (1) Any school that has greater than 100 students must have access onto a collector or arterial street.
 - (2) Such uses are subject to civic use standards in subsection (B) above.
3. Community center.
 - a. Definition. A building or other enclosed structure open to the general public that is owned and operated by a public agency, or a nonprofit organization, and that is used predominantly for cultural, educational, recreational, or social purposes. Not included in the category of community center are those businesses and occupations defined by this title as a medical use, personal service, general-service, office, religious institution, school, private club or fraternal organization.
4. Museums.
 - a. Definition. A room or building for exhibiting, or an institution in charge of, a collection of books, or artistic, historical, or scientific objects.
5. Private recreational, civic, social and/or cultural clubs.
 - a. Definition. A range of membership-only clubs, including, but not limited to tennis clubs, civic clubs, yacht clubs, swimming clubs, social, and/or cultural clubs. This definition excludes health clubs.
 - b. Standards.
 - (1) Such uses are subject to civic use standards in subsection (B) above.
 - (2) In the CM2 zone, only yacht clubs are allowed.
6. School, public or private (K-12).
 - a. Definition. An institution of learning for minors, whether public or private, offering regular course of instruction required by the Washington Education Code. This definition includes an elementary school, middle or junior high school, or high school. If said school is located on the grounds of a church or house of worship, it must be considered a separate principal use if it has a student body in excess of 50 students. Students enrolled in a day care center at the church may not be separately counted as a school.
 - b. Use standards.
 - (1) Any school that has greater than 100 students must have access onto a collector or arterial street.
 - (2) Pedestrian connectivity to the surrounding residential areas is required, where feasible. This includes pathways connecting to surrounding streets.
 - (3) Accessory daycares associated with any school must occupy no more than 50-percent of the school structure(s).
 - (4) Schools are subject to civic use standards in subsection (B) above.

19.46.030 - Parks, open space, and natural areas.

A. Parks, open space, and natural areas category.

Uses focusing on natural areas consisting mostly of passive or active outdoor recreation areas and having few structures. The parks, open space and natural area category includes, but is not limited to, the following uses.

1. Botanical garden, nature preserve, community forest lands, recreational trails.
2. Game preserve, wildlife management area, refuge.
3. Park, including recreation field.
4. Reservoir, control structure, water supply, water well.
5. Plazas.

B. Parks and plazas.

1. Definitions.
 - a. Park. Land owned by the city or other public entity and open to public use for purposes of pleasure, relaxation, exercise and amusement.
 - b. Plaza. A publicly accessible open space usually surrounded by buildings and/or streets where people can gather. Plazas typically include walking surfaces, seating areas and some landscaped elements.

19.46.040 - Utilities.

A. Utilities, major.

Large and/or regional public or private utility generation or treatment facilities and possibly having on-site personnel. This category includes, but is not limited to:

1. Water treatment plant.
2. Sanitary sewer and/or stormwater treatment plant.

B. Utilities, minor.

Small and/or local public or private utility distribution facilities and infrastructure with no on-site personnel. This category includes, but is not limited to:

1. On-site stormwater retention, detention, or infiltration facility.
2. Neighborhood-serving telecommunications, gas, or electric facility.
3. Water and sanitary sewer pump station or lift station.
4. Electrical substation.
5. Utility service.

C. Sustainable energy generation system.

1. Definition. A system that generates electricity from renewable resources such as solar energy, wind power, tidal power, geothermal energy, and biomass.
2. Standards.
 - a. Principal and accessory use classification. The sustainable energy generation system is a principal use when it generates or has the potential to generate more electricity than needed for buildings and facilities on the site it is located and sends or has the potential to send excess electricity off-site.

Systems that only generate electricity for on-site use are accessory (see AMC 19.47.010-.020 for accessory use and structure standards), unless the director determines the system is a principal use based on system characteristics such as size, design, or off-site impacts.

Exception: Solar energy systems attached to a rooftop and which send excess electricity off-site may be considered an accessory use.

- b. Location on buildings. Sustainable energy generation systems may be located on building exteriors provided they comply with setback and building height standards for the zone in which the building is located and applicable design standards such as those for rooftop mechanical equipment screening [see AMC 19.62.070(E)].
- c. Nuisances. Uses, processes, equipment employed, and materials stored must not inflict upon neighboring properties fumes, noise, vibrations, odor, refuse matter, water-carried waste, or other nuisances or hazards detrimental to the health, welfare, and safety of persons occupying or visiting the zone or adjacent zones above that which is allowed by local, state, and federal standards.

New Chapter 19.47, Accessory Uses & Structures, is added as follows:

Chapter 19.47 - ACCESSORY USES & STRUCTURES

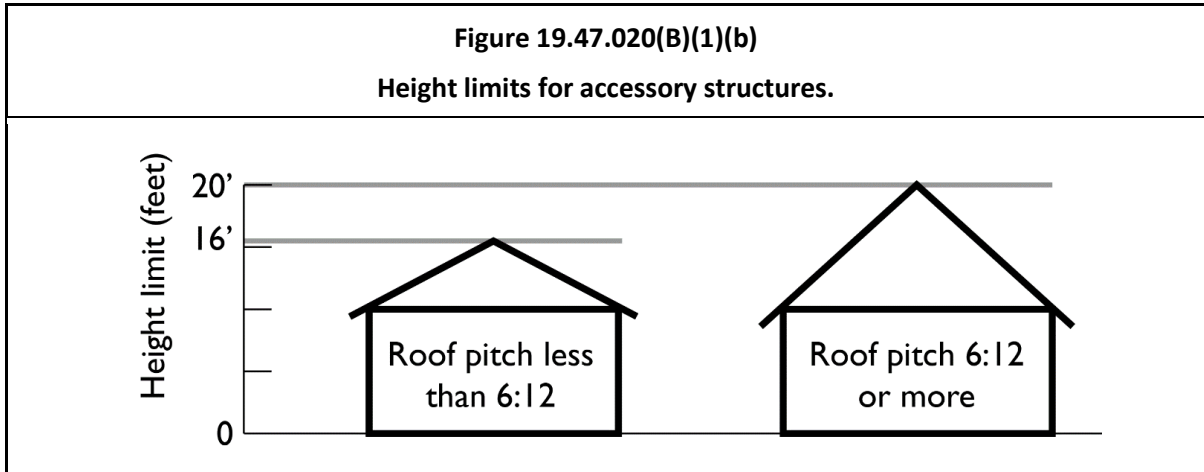
19.47.010 - Generally.

- A. Accessory uses and structures are permitted in conjunction with allowed principal uses. Allowed accessory uses and structures include those listed in this chapter and additional accessory uses and structures that, as interpreted by the director, meet the following:
 - 1. Are clearly incidental to and customarily found in connection with an allowed principal building or use.
 - 2. Are subordinate to and serving an allowed principal building or use.
 - 3. Are subordinate in area, extent, and purpose to the principal building or use served.
 - 4. Contribute to the comfort, convenience or needs of occupants, business or industry in the principal building or use served.
 - 5. Are located on the same lot as the principal building or use served.
- B. No accessory use or structure may be established on a lot prior to the establishment of a permitted principal use.

19.47.020 - Accessory structures.

- A. Defined. A subordinate structure or building, the use of which is incidental and related to that of the main building or use on the same lot.
- B. Accessory structure standards.
 - 1. Form and intensity standards:
 - a. Height limits.

- i. Accessory structures in residential zones must not exceed 16-feet in height, as measured in AMC 19.42.120. The height limit for accessory structures with a roof pitch of 6:12 or greater is 20-feet.
- ii. Accessory structures which include an accessory dwelling unit are subject to the height limits in AMC 19.47.030(C)(5).



- b. Size limit: Accessory structures in all residential zones, except R1, must not exceed 1,000-square-feet in size per building except when it includes an accessory dwelling unit [see AMC 19.47.030(C)(4)].
- c. Setback requirements for all accessory structures are established in Tables 19.42.020-030, except:
 - i. Interior side setbacks for accessory structures:
 - (A) Three-feet, for accessory structures no larger than 144-square-feet and 12-feet in height.
 - (B) Five-feet for other accessory structures.
 - ii. Rear setbacks adjacent to a platted alley:
 - (A) Zero-feet for detached accessory structures or that portion of the primary structure that is used as an accessory structure. Exception: where garage doors or a carport face the alley, the structure must be set back a minimum of ten-feet from the alley property line to allow adequate turning distance for vehicles.
 - (B) Detached accessory dwelling units (whether they are attached to a garage or free-standing) are subject to the setback standards in AMC 19.47.030.
 - iii. Rear setbacks not adjacent to a platted alley.
 - (A) Five-feet, for accessory structures no larger than 144-square-feet and 12-feet in height.
- d. Accessory structures associated with single family dwellings, duplexes, and triplexes must be located to ensure that the minimum usable open space standards of AMC 19.43.010(C)(3)(c) are met.

2. Tent structures are considered accessory buildings, and may be located within side and rear setbacks, but not in a setback adjacent to a street. Tent structures must be constructed and maintained so as to not present a safety, health, or fire hazard.
3. Antennas erected after January 1, 1996 fall into two categories: (1) amateur radio service antennas and towers under seventy-five-feet that require only a building permit, and (2) those higher than seventy-five-feet that require a conditional use permit. Antennas and towers may not be located within the street or interior side setback areas, but may be located within the rear setback area.
4. Accessory buildings over 144-square-feet in residential zones may not be corrugated metal sided.

19.47.030 - Accessory dwelling unit (ADU).

A. Definition. A second dwelling unit attached or detached from the primary residential unit on a lot.

B. Purpose. The purpose of an accessory dwelling unit is to:

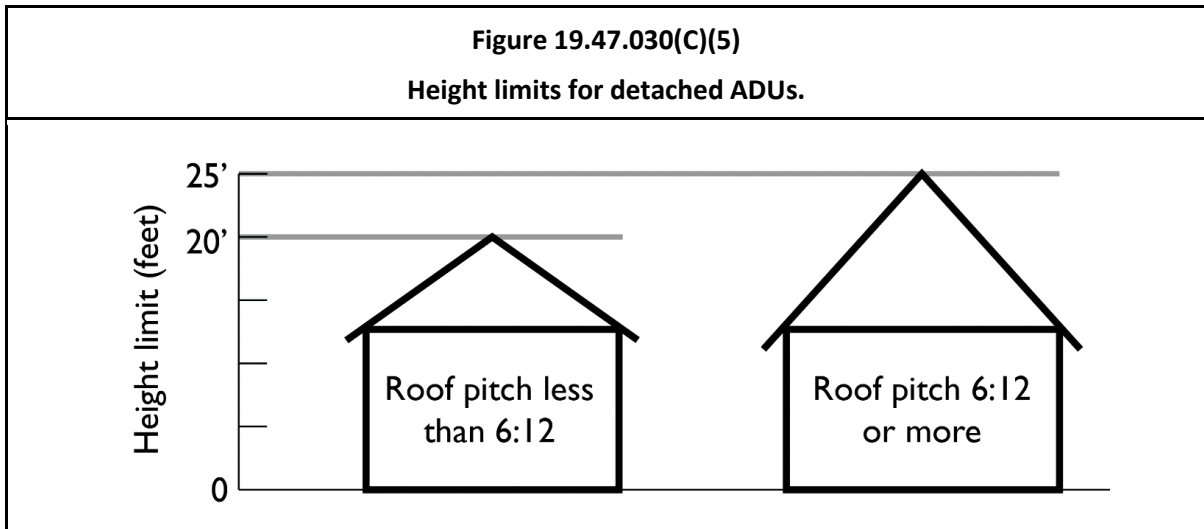
1. Add affordable units to existing housing and make housing units available to moderate-income people who might otherwise have difficulty finding homes within the city.
2. Promote the development of additional housing options in residential neighborhoods that are appropriate for people at a variety of stages of their lives.
3. Provide homeowners with a means of obtaining, through tenants in either the accessory dwelling unit or the principal residence, rental income, companionship, or security.
4. Protect neighborhood stability, property values, and the character of the neighborhood.

C. Standards and criteria.

1. When and where permitted: An ADU may be established in any zone on a lot with a single-family residence. An ADU may be created by any one or combination of the following methods:
 - a. Alteration of interior space of an existing residence.
 - b. Conversion of an attic, basement, attached or detached garage, or other portion of a residence.
 - c. Addition of a living area enclosed within the principal building.
 - d. Construction of a detached living area.
 - e. Associated with the construction of a new single-family dwelling (where permitted).
2. Number. Each single-family residential unit may have only one ADU.
3. Subdivision. ADUs must not be subdivided or otherwise segregated in ownership from the principal dwelling unit.
4. Maximum size. The ADU may not exceed 900-square-feet gross floor area.
5. Maximum height:
 - a. ADUs enclosed within the principal building are subject to the height limits for the applicable zone in Tables 19.42.020-030.
 - b. Height limits for detached ADUs are:

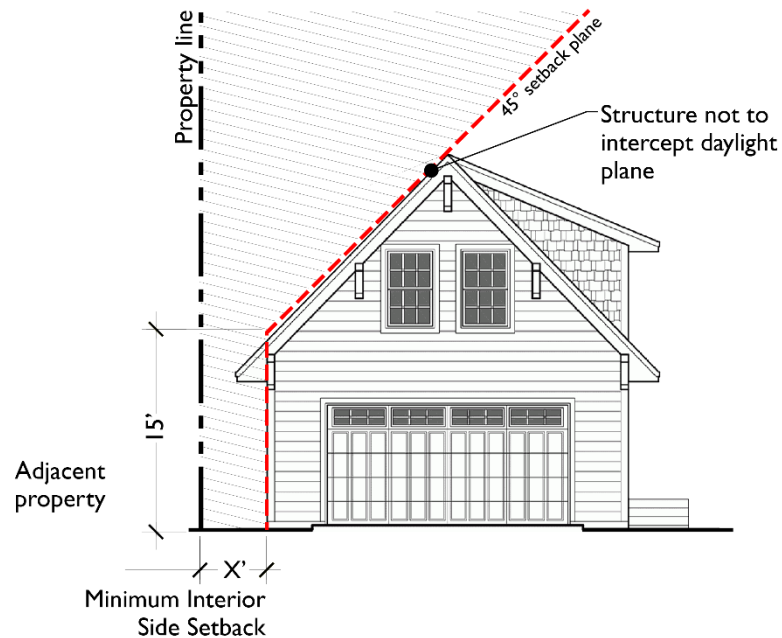
- i. 20-feet where the roof pitch is less than 6:12.
- ii. 25-feet where the roof pitch is 6:12 or greater.

Exception: ADU height and roof pitch adjustments may be needed for structures to comply with the 45-degree height/setback plane provisions in subsection (C)(6)(a) below.



6. Minimum setbacks and siting requirements. ADUs enclosed within the principal building are subject to the setback requirements for the applicable zone. Standards for detached ADUs (whether or not they are attached to a garage) are subject to the following setback requirements:
 - a. Minimum interior side setback: Five-feet, except that from a height of 15-feet at the five-foot minimum interior side setback, buildings must step back at a 45-degree angle away from the interior side or rear property line as shown in Figure 19.47.030(C)(6) below.
 - b. Minimum rear setback (to alley property line): Zero-feet, except where garage doors or a carport faces the alley, the structure must be set back a minimum of ten-feet from the alley property line to allow adequate turning distance for vehicles.
 - c. Detached ADUs must be located consistent with the minimum usable open space standards of AMC 19.43.010(C)(3)(c), regardless of lot size.

Figure 19.47.030(C)(6)
Height/setback plane for detached accessory dwelling units
along interior side setbacks.



7. Living facilities. At a minimum, an accessory dwelling unit includes a bathroom, a kitchen, and separate exterior access.
8. Parking. A minimum of three parking spaces must be provided for the principal and accessory dwelling units. Where on-street parking is available abutting the lot, only two off-street spaces must be provided for the principal and accessory dwelling units.
9. Entrance. The entrance to the ADU must not be on the same side of the structure as the entrance to the principal residence, except when such entrance is not visible from the street as determined by the director.

Exception: If an ADU is created within an existing residence which already has more than one existing exterior door on the same side, an existing door may be utilized for the ADU.

10. Owner occupancy.
 - a. Either the principle or accessory dwelling unit must be occupied by an owner of the property for six or more months of each calendar year as the owner's permanent residence. "Owners" include title holders and contract purchasers. The applicant must record a notice against the property title with the county auditor, on forms provided by the department, describing this requirement.
 - b. The Director may waive the requirement of subsection (a) for up to three years if a letter is submitted that provides evidence of good cause for the waiver. Good cause may include job dislocation, military deployment, sabbatical leave, education, or illness.

19.47.040 - Home occupations.

- A. Purpose. The purpose of a home occupation is to allow certain activities to be undertaken for gain or profit within a dwelling, or a building accessory to a dwelling, in any zone in which dwellings are present, while maintaining the residential character of the property and avoiding detrimental effects to the surrounding neighborhood.
- B. Applicability. This section applies to all home occupations except a home office or home telephone or internet sales, or similar use, with no customer or employee visits to the site.
- C. Requirements.
 - 1. The occupation must not create any noise, dust, glare, vibration, odor, hazardous waste, smoke, electrical interference, or other adverse impact to the surrounding residential area.
 - 2. The principal use of the premises must be residential and at no time may the home occupation exceed 25-percent of the floor area of the dwelling unit, not including the garage.
 - 3. There may be no exterior indication of the occupation, including no outdoor storage related to the occupation, nor exterior modification of the building(s) to accommodate the occupation, other than an allowed sign (see AMC 19.67.070).
 - 4. No person other than members of the family residing on the premises may be engaged in such occupation.
 - 5. If the occupation requires that customers or clients visit the premises, adequate off-street parking must be a condition of the permit, and traffic generated by the business may not exceed that which might reasonably be generated by residential use of the premises.
 - 6. A home occupation permit may not be transferred to another person.
 - 7. All regular business license requirements must be met.
 - 8. The requirements for shipping and receiving of materials in connection with the business does not create excessive noise or traffic.
- D. Any expansion or change of the nature of the home occupation that does not qualify for a minor permit revision requires a new permit.

19.47.050 - Caretaker residence.

- A. Caretaker or security residences are allowed in the LM1, CM2, MS, I, and HM zones provided they are accessory to a principal permitted use. See AMC 19.47.010 for general accessory use standards.

New Chapter 19.48, Temporary Uses, is added as follows:

Chapter 19.48 - TEMPORARY USES

19.48.010 - Applicability.

The temporary use standards herein are intended to allow for the short-term placement of activities, many of which would be not allowed on a permanent basis. The following regulations govern temporary uses.

19.48.020 - Temporary use standards.

A. Temporary event/uses.

1. A temporary event lasting one day is permitted without complying with the conditions of subsection (2), provided that no more than four temporary events in any one calendar year are permitted on that property. Temporary uses meeting the definition of “special event” are subject to the standards of AMC Chapter 7.04.
2. All temporary events lasting more than one day on any premise in any one calendar year must meet all of the following:
 - a. No premise may be the site of a temporary event exceeding a collective total of 20 days, or three individual weekends, or both within any one calendar year. In this context, a weekend constitutes three consecutive days.
 - b. Signs associated with a permitted temporary event are subject to the standards in AMC 19.67.110.
 - c. All outdoor activities must be discontinued by 11:00 PM when located closer than 500-feet to a residential use.
 - d. No unauthorized encroachments on public rights-of-way are allowed.
 - e. The temporary event must comply with all applicable environmental regulations in AMC Division 7.
 - f. Separation requirement: Except for yard sales and Christmas tree sales, no temporary use may be located closer than 100-feet to a dwelling unit unless the owners of such properties provide written consent of the temporary use to the director.
 - g. Plans for security and safety must be provided for civic/cultural events.
 - h. The sponsor, owner, or manager of any temporary use must be responsible for ensuring that the site remains free of debris or waste upon the conclusion of each day's sale or use.
 - i. No more than one temporary use may be permitted per lot at any given time.
 - j. Unless otherwise specified, upon expiration of a temporary use, the site must return to its original state within seven days.

B. Produce stand.

1. Definition. A temporary structure limited to the display and sales of seasonal produce or handicrafts or other seasonal products.
2. Standards.
 - a. A produce stand use is limited to 120 days per calendar year.
 - b. A produce stand must be located outside of the right-of-way and at least ten-feet from the edge of the paved roadway or, if a paved sidewalk exists, at least five-feet from the edge of the sidewalk.
 - c. A produce stand must not be located closer than ten-feet to any side lot line and 20-feet to any side lot line which is in or abuts a residential zone, unless a greater setback is required for the zone in which it is located.

- d. During the times of the year in which the produce stand is not in operation, the stand and any structure associated with it must not be visible from any public road, unless it meets the location and dimensional standards for an accessory structure.

C. Cargo containers.

1. Definition. A standardized, reusable vessel that was originally, specifically or formerly designed for use in packing, shipping, movement or transportation of freight, articles, goods or commodities and/or capable of being mounted or moved on a railcar or on a chassis for movement by truck trailer or loaded on a ship.
2. Standards.
 - a. Cargo containers are prohibited in all residential zones, except that temporary containers for the purpose of household moving may be permitted for a period not to exceed 30 days in any 12-month period and temporary cargo containers used at construction sites not to exceed the completion of the construction project.
 - b. Cargo containers must not be placed on developed streets and alleys.

D. Recreational vehicles (RV).

1. Definition. A vehicle built on a chassis and propelled by its own engine, or a trailer or "fifth wheel" designed to be towed, and may have cooking, bathing, and toilet facilities to be used as a temporary dwelling for travel and recreational purposes. A pickup truck with a simple canopy or a passenger van must not be considered an RV.
2. Standards.
 - a. Recreational vehicles up to 32-feet in length may be placed on a single-family residence construction site during actual construction of a single-family residence at that location for a maximum period of one year during construction. Such trailer may be used only as a residence for the owner/builder and must be self-contained or connected to city water and sewer and must meet all other applicable health and safety standards.
 - b. An RV may not be used as a temporary or permanent place of residence within the city limits of Anacortes, unless:
 - i. Parked within a RV park.
 - ii. Specifically authorized by the City Council. If the City Council authorizes such a temporary use, the duration of the authorization must be specified, and the temporary residence must be removed promptly at the end of that time.
 - iii. A guest(s) of a permanent resident may occupy a recreational vehicle parked on private property for a period not exceeding three weeks in a one-year period for any individual guest, nor nine weeks in a one-year period for all such RV occupancy on a property; the guest RV may be parked in a street setback in a driveway, or in a side or rear setback, for the legal duration of the guest's stay. An unoccupied recreational vehicle may be parked on private property in a side or rear yard, but not in a street setback (whether or not it is in a driveway), except for the limited guest period defined herein. RV's parked on streets, alleys, or undeveloped street right-of-way must be subject to the city's general parking regulations and enforcement.

New Chapter 19.49, *Nonconforming Uses & Structures*, is added as follows:

Chapter 19.49 - NONCONFORMING USES & STRUCTURES

19.49.010 - Purpose.

The purpose of this chapter is:

- A. To permit nonconforming uses or structures to continue until they are removed, but not to encourage their survival, except as expressly provided in this chapter; and
- B. That nonconforming uses or structures may not be used as grounds for adding other structures or uses prohibited elsewhere in the same zone; and
- C. That nonconforming uses or structures not be allowed to expand, be altered, or reconstructed except as otherwise outlined in this chapter.

19.49.020 - General rule.

- A. Any lot, building, structure, or use of land, legally permitted or established, must be permitted to continue consistent with this chapter. A change in occupancy or ownership does not affect the right to continue such use, building, or structure.
- B. Any use for which a conditional use permit has been obtained is not a nonconforming use so long as the requirements of the conditional use permit are met.

19.49.030 - Enlargement, alteration, expansion or change of nonconforming uses.

- A. Nonconforming uses.
 - 1. A building containing a nonconforming use may be maintained, repaired, or brought up to more current structural and safety standards
 - 2. No nonconforming use may be permitted to be enlarged, altered, or expanded. This includes structural alterations not required by law and any enlargement that changes parking requirements.

Exception: A nonconforming use may be extended throughout any part of the building which was designed for the use prior to the adoption date of this chapter.

- B. No nonconforming use may be allowed to be reestablished after abandonment. Thereafter, the use of the building, structure or site must be in conformity with the regulations for the zone in which it is located.
- C. A nonconforming use may not hereafter be changed to any other nonconforming use, regardless of the conforming or nonconforming status of the building in which it is housed.

19.49.040 - Enlargement, alteration, reconstruction of nonconforming buildings and structures.

- A. Routine maintenance, cosmetic changes (such as new siding, windows, or roofing), changes to improve energy efficiency, changes to a structure to address unsafe conditions, or upgrading inadequate utilities must not be considered alterations.

- B. When a nonconforming building or structure is damaged by fire, natural disaster, or other calamity, and structural repairs needed to maintain a building or structure in a safe structural condition, the building or structure may be restored or replaced provided:
 - 1. A complete application for reconstruction or replacement is submitted within one year of the damage, and
 - 2. That the restoration or replacement must be made to conform to the regulations of the zone in which the building or structure is located, or if such regulations cannot physically be met without reducing the size of the building, the restoration may not extend any nonconformity that existed prior to the damage.
- C. Additions to nonconforming structures that meet all applicable zoning dimensional standards will not be considered an enlargement under this subsection.

19.49.050 - Abandonment.

- A. For the purposes of this section, abandonment will mean:
 - 1. An intention to abandon; and
 - 2. An overt act, which carries the implication that the owner does not claim or retain any interest in the right to the nonconforming use.
- B. Conformance After Abandonment. If any nonconforming use of land, building, or structure ceases for any reason whatsoever for a period of one year or more, any future use of such land, building or structure must thereafter be in conformity in the zone in which it is located. The mere presence of a structure, equipment, or material will not be deemed to constitute a continuance of a nonconforming use unless the structure, equipment, or material are actually being occupied or employed in maintaining such use.
- C. Procedure for Verifying Abandonment. When the department obtains information indicating that a nonconforming use, building or structure has or may have been abandoned, the department must send a letter by certified mail return receipt requested to the property owner requesting confirmation of either abandonment or non-abandonment. Documentation that the nonconforming use, structure, or building has been occupied, used, or maintained within the last year will be required. After notification, if the owner fails to respond to the request within sixty days, the building, structure, or use will be deemed abandoned. If the owner replies that the building, structure, or use is not abandoned, the director may initiate a Level 2 review to determine if the abandonment has occurred.

DIVISION 5 - COMMUNITY DESIGN

New Division 5, Community Design, is added as follows:

Chapter 19.50 - INTRODUCTION

19.50.010 - Purpose.

This division was authorized by the City Council as a major implementation tool of Anacortes's comprehensive plan. Overall, this division intends to:

- A. Provide clear objectives for those embarking on the planning and design of development projects in Anacortes.
- B. Preserve and protect the public health, safety, and welfare of the citizens of Anacortes.
- C. Promote and accomplish the goals, policies, and objectives of the Anacortes Comprehensive Plan.
- D. Upgrade the character and visual appearance of Anacortes.
- E. Promote increased pedestrian and bicycling use throughout the city.

19.50.020 - Applicability.

The community design provisions in this division generally apply to the following development within the city:

- A. All street improvements.
- B. All land divisions (see AMC 19.32 Land Divisions).
- C. All other development within the city where public improvements are required (see AMC 19.51.020).

19.50.030 - Relationship to other street design plans and standards.

The provisions herein are supplemented by the street standards in the most recent version of the Anacortes Engineering Design Standards. Where there is a conflict between the provisions of this division and other codes, the Public Works director must determine which provisions to apply based on consideration of public health and safety, engineering design principles, Comprehensive Plan goals and policies, and facilitating low impact development.

Chapter 19.51 – PUBLIC STREET IMPROVEMENTS REQUIRED

19.51.010 - Purpose.

19.51.020 - Applicability.

19.51.030 - Minimum street improvement requirements.

19.51.040 - Extent of required improvements.

19.51.050 - Dedication of right-of-way.

19.51.060 - Modifications, deferments, waivers, and construction in-lieu.

19.51.070 - Timing of improvements and bonding.

19.51.010 - Purpose.

- A. Establish the City's authority to require applicants for certain development permits to construct or make provisions for reasonable public street improvements.
- B. Establish criteria to be used to determine the nature, extent, and location of required street improvements.
- C. Promote safe and efficient access to property.
- D. Reduce the addition of impervious surfaces within the city.

19.51.020 – Applicability.

Construction or provision of public right-of-way improvements consistent with the requirements in this chapter and AMC Chapter 19.52 Public Street Design is required as condition of approval of the following development activities:

- A. Creation of any new dwelling units, except for accessory dwelling units.
- B. Creation of any new non-residential development.
- C. The establishment of new lots with a subdivision, short subdivision, or binding site plan when such lots do not otherwise have access from a public right-of-way.
- D. Alteration of, or addition to, a single family residence when the estimated value of the proposed structural improvements exceeds 50-percent of the Skagit County Assessor's value of the existing structure(s) on the subject property within a 12-month period.
- E. Alteration of, or addition to, a commercial, industrial, or multi-family development when the estimated value of the proposed improvements exceeds 50-percent of the Skagit County Assessor's value of the existing structure(s) on the subject property, within a 12-month period.

Exception: Tenant improvements to existing buildings (no new increase in gross floor area) are exempt from the public right-of-way improvements in this chapter.

- F. A change of use to a more intensive use of property that will result in increased impact (as determined by the director) to the transportation system, based on the Trip Generation Manual published by the Institute of Transportation Engineers (ITE) for the land use, or other source approved by the City.
- G. A new access point to a public street will be created.
- H. When a nonresidential, multifamily, townhouse, or cottage development establishes internal roadways for the purpose of complying with the block design and connectivity standards of AMC 19.54.020.

19.51.030 - Minimum street improvement requirements.

Typical required improvements for right-of-way (ROW). The public works director or designee must determine required improvements based on the standards and criteria in this chapter, and the Anacortes Engineering Design Standards. Required improvements must be located within the public ROW and/or the block frontage. Typical required public improvements include the following:

- A. Paved roadway.
- B. Street lighting.
- C. Sidewalks or other pedestrian and non-motorized facilities.
- D. Curb and gutter. Curb cuts or curbless streets may be required to make use of bioretention treatment in the right-of-way. The landscaped areas shown in Figure 19.52.040(A) may be designed for bio-retention treatment.
- E. Utilities including storm drainage, wastewater, and domestic water systems.
- F. Street landscaping and appurtenances.
- G. Traffic control and other safety devices including, but not limited to, provisions for channelization, pavement markings, signage, pedestrian safety, and traffic calming where such improvements are only necessary or practical to provide on the same side of the street as the subject property.

- H. Dedication of public right-of-way.
- I. Conduit for new and existing utilities.

19.51.040 - Extent of required improvements.

Extent of required improvements. This section identifies where improvements must be installed along the property frontage and when they must be extended past the property to ensure a smooth transition to adjacent improvements.

- A. When an existing right-of-way is paved, improvements must be installed from the centerline of the right-of-way, or center of the street as constructed, to the subject property's property line, for the entire length of the street frontage.
- B. Sidewalks extended. Sidewalks or pedestrian facilities must be extended to connect to existing pedestrian facilities where practical and reasonable, as determined by the public works director.
- C. Existing alleys. The following improvements are required when right-of-way for an alley exists adjacent to a site.
 - 1. For commercial, industrial, office, or multifamily projects, the applicant must improve the alley abutting the subject property and extend the improvements to an existing improved public street.
 - 2. For all types of development permits, the public works director must determine the extent and nature of improvements required in alleys on a case by case basis. Typical improvements include, but are not limited to, any or all of the following depending on the type of development proposed:
 - a. Replacement of the alley driveway apron and curb.
 - b. Installation of storm drainage and other utilities.
 - c. Paving and repair of existing paving.
 - d. Installation of crushed rock in gravel alleys.
- D. Transition to existing improvements. If improvements required by this chapter will connect with improvements in the same ROW that do not conform to this chapter, the following applies:
 - 1. If the improvements will connect with existing improvements of a greater dimension, the improvement must be built at the greater dimension unless the public works director determines that the dimensions of the existing improvement will be decreased in the future.
 - 2. If the improvements will connect with existing improvements of a lesser dimension, the following applies, as determined by the public works director:
 - a. If the dimensions of the existing improvements will not be increased in the future, the new improvement must be permanently flared or tapered to match the existing improvements.
 - b. If the dimensions of the existing improvements will be increased in the future, the required improvements must be installed in the full length of the right-of-way abutting the subject property with temporary flaring or tapering on the existing improvements.
- E. Replacement of damaged or substandard existing improvements. For properties that have existing improvements within the adjacent public right-of-way, the applicant must remove and replace any damaged, substandard, or nonconforming improvements in conjunction with development of the

property. Replacement includes, but is not limited to, cracked curb, gutter, landscape strip, sidewalk, storm drainage infrastructure, barrier-free ramps at street intersections, nonconforming driveway accesses, and installation of street trees.

- F. Relocation of existing franchise utilities. Franchise utilities must be relocated as required, including relocation underground, to accommodate necessary improvements. See AMC Chapter 15.32 Underground Utilities.

19.51.050 - Dedication of right-of-way.

- A. **Existing ROW.** If an existing right-of-way abutting the subject property is not wide enough to contain the required improvements, the applicant must dedicate as right-of-way a strip of land adjacent to the existing right-of-way wide enough to encompass the required improvements.
- B. **New ROW.** The public works director may require the applicant to make land available, by dedication, for new right-of-way and utility infrastructure if it is necessary as a result of the proposed development activity.

19.51.060 - Modifications, deferments, waivers, and construction-in-lieu.

- A. **General.** The provisions of this section establish under what circumstances the requirements of this chapter may be modified, deferred, waived, or provided for with a sidewalk construction-in-lieu by decision of the public works director or by recommendation of the public works director when not the final decision-maker.

- B. **Review process.**

1. A request for a modification, deferment, waiver, or sidewalk construction-in-lieu must be considered as part of the applicable review process for the underlying development permit application as outlined in AMC Table 19.20.030(1).
2. If subsection (B)(1) of this section does not apply (no land use permit is being reviewed), the public works director may grant a modification, deferment, waiver, or sidewalk construction-in-lieu in writing under the provisions of this section.
3. A modification, deferment, waiver, or sidewalk construction-in-lieu request that is approved under subsection (B)(1) of this section is binding on the City for all subsequent development permits issued for the development within five years of granting of the request.

- C. **Modifications.**

A modification to the nature or extent of any required improvement may be granted for any of the following reasons:

1. The improvement as required would not match the existing improvements.
2. Unusual topographic or physical conditions preclude the construction of the improvements as required.
3. Other unusual circumstances preclude the construction of the improvements as required.
4. The applicant proposes special amenities such as wider planter strips, wider sidewalks, and/or curb gutter bump-ins to save significant trees or other natural features, or stormwater infrastructure that exceeds minimum standards.

5. A modified standard for a particular street or neighborhood has been approved by City Council (see the Anacortes Engineering Design Standards).

D. Deferment.

1. A deferment to the installation of required improvements may be granted for any of the following reasons:
 - a. The required improvement is part of a larger project that has been scheduled for implementation and is fully funded in the City's six-year Capital Facilities Plan.
 - b. Construction or alteration of a single-family dwelling unit on an existing lot greater than one acre (net) in size where there are no frontage improvements meeting city standards within 200-feet of the lot, or identified through approved plats, and potential exists for future development of the lot.
 - c. Other unusual circumstances preclude the construction of the improvements as required.
2. If the applicant meets the above criteria in Section 19.51.060(D)(1) for deferment, the applicant is only obligated to install, at a future date, improvements subject to AMC 19.51.040.
3. If the city approves a deferment, the applicant must sign a concomitant agreement to run with the property, in a form acceptable to the city attorney, specifying that the applicant must install or reimburse the city for construction of the deferred improvements as directed by the public works director. The applicant must record this agreement with the Skagit County Auditor's Office.
4. The applicant must grade the subject portion of the right-of-way as though the public improvement were to be immediately installed and stabilize the graded area in a manner approved by the public works director. The applicant may be relieved of this requirement if the public works director determines that unusual circumstances preclude the grading.

E. Waiver.

A waiver to the requirement to install all or a portion of the required improvements may be granted for any of the following reasons:

1. The installation of the improvements will cause a safety hazard or an environmental impact that cannot be mitigated; or
2. The current level and extent of the improvements in the ROW adjacent to the subject property are not likely to be changed in the future.

F. Sidewalk construction-in-lieu program.

1. This subsection establishes circumstances in which the applicant may propose an off-site sidewalk construction-in-lieu of installing on-site street improvements in the ROW abutting the subject property. The City may accept off-site sidewalk construction-in-lieu of installing on-site sidewalks in any of the following circumstances:
 - a. The installation of the required improvement would require substantial on-site roadway modifications.
 - b. The public works director determines that installation of the required improvement would result in a safety hazard.
 - c. Other unusual circumstances preclude the construction of the improvements as required.

- d. The improvements would not be extended past the property in the future, due to adjacency of critical areas, Anacortes Community Forest Lands, or similar attribute or land designation.
 - 2. In each instance where the City approves a proposed sidewalk construction-in-lieu under the provisions of this section, the value of the sidewalk construction-in-lieu must be no less than the then-estimated cost of constructing the street improvements that would otherwise be required under this chapter, based on information compiled and kept current by the Public Works Department on the cost of street improvement construction.
 - 3. After the value of the improvements has been determined, the public works director must determine the location of the off-site improvements. The improvements must be located within the neighborhood of the subject development and directed toward sidewalks or other similar public infrastructure improvements.
 - 4. In each instance where the City accepts a sidewalk construction-in-lieu of installing sidewalk, the subject property will not be subject to participation in future sidewalk improvement costs (along the property frontage) unless redevelopment occurs to a more intense land use than what was occurring on the property at the time of the sidewalk construction-in-lieu payment.
- G. Multiple adjacent rights-of-way.** When the subject property is adjacent to two or more rights-of-way, modifications, deferments, waivers, or sidewalk construction-in-lieu may be considered separately for each right-of-way. The highest level of improvement required must be constructed around the angle formed by the intersecting streets.

19.51.070 - Timing of improvements and bonding.

- A. In-lieu of completing the required public improvements prior to approval, the applicant may request final approval, subject to the approval of a suitable guarantee. The guarantee must be in a form acceptable to the city and in an amount commensurate with improvements to be completed. The amount of the guarantee is established at 150-percent of the cost of the city having to construct the improvements. The guarantee amount will require yearly review by the city and the applicant will be required to revise the guarantee amount to reflect the current inflation rate. Based on the revised amount, the applicant will resubmit suitable guarantee to the city. Also, the guarantee will be restricted as far as the amount of permissible time in which the improvements must be completed. If not a regular surety bond from an acceptable state-approved surety, the guarantee must be in a form acceptable to the city attorney.
- B. Guarantee funds will not be released by the city unless approval has been received from all applicable departments that are responsible for acceptance and/or maintenance of such improvements. Partial releases may be allowed.
- C. All improvements begun by the applicant must be completed. Once the applicant has begun making improvements, the applicant is not be eligible for submitting a guarantee to the city to cover the incomplete improvements.
- D. Public improvements must be in a place at time of certificate of occupancy or acceptable assurances for completion with a temporary certificate of occupancy.
- E. At the time of final acceptance of the improvements, the applicant must provide to the city a two-year warranty guarantee at ten-percent of the established final cost of the public and/or off-site improvements which must be acceptable to the city.

Chapter 19.52 - PUBLIC STREET DESIGN

Sections:

- 19.52.010 - Purpose
- 19.52.020 - Applicability.
- 19.52.030 - City street classification system.
- 19.52.040 - Street geometric design and streetscape.
- 19.52.050 - Dead end streets and cul-de-sacs.
- 19.52.060 - Street intersections.
- 19.52.070 - Pavement design.
- 19.52.080 - Street names and signage.
- 19.52.090 - Street lights.
- 19.52.100 - Street monuments.

19.52.010 - Purpose.

- A. Provide economy of land use, construction, and maintenance.
- B. Promote integration of low impact development techniques to reduce impervious surfaces, stormwater runoff, and protect water quality.

19.52.020 - Applicability.

This chapter applies to the construction or provision of public right-of-way improvements per AMC Chapter 19.51 Required Public Street Improvements.

19.52.030 - City street classification system.

- A. Functional Classification.** The Transportation Element of the Anacortes Comprehensive Plan designates public right-of-way and streets based on their functional classification and must be consulted to determine which standards in this chapter apply. The following roadway classification types are designated:
 - 1. Principal arterials. Streets that have a primary function of carrying traffic to and from major traffic generators and provide major connections to the regional arterial system.
 - 2. Minor arterials. Streets that provide movement of through traffic, must also provide considerably more access for local traffic that originates or is designed to commercial, retail, or activity centers along a corridor.
 - 3. Collectors. Streets that assemble and concentrate residential traffic and direct it toward the higher order arterial system.
 - 4. High volume local streets. Streets that primarily serve residential neighborhoods and some commercial uses and generally connect to collectors or minor arterials.
 - 5. Low volume local streets. Low volume streets that serve residential neighborhoods with no direct connections to collectors or arterials.
- B. Unclassified and new streets.** Classification of new streets or existing streets not already identified or classified on the Roadway Functional Classification map, for the purpose of determining the appropriate design of a roadway or development, or for the purpose of determining the appropriateness of a location for a proposed use, must be done by the public works director.

1. Factors to be considered in determining a street's classification include the following existing or proposed features:
 - a. Facility geometrics, including the number and width of traffic lanes, turning lanes, and parking lanes.
 - b. Access conditions, including any restrictions on access, the spacing of private accesses, and average lot frontage widths.
 - c. Traffic characteristics, including average daily traffic, percentage of trucks, average operating speed, percentage of turning movements, origin-destination characteristics of the traffic, and peak-hour characteristics of traffic.
 - d. Adjacent land uses.

19.52.040 - Street geometric design and streetscape.

A. Applicability. Required street improvements must meet the standards herein except when either of the following apply:

1. **Capital improvement projects.** In cases where the City Council has approved a capital improvements plan for a particular public right-of-way, that plan will govern the improvements required for the right-of-way and the provisions of this section do not apply.
2. **Modified and special standards.** In cases where a modified standard for a particular street or neighborhood has been approved by City Council per AMC 19.51.060(C)(5), or where special design standards are otherwise identified the Engineering Design Standards, those standards will govern the improvements required for the right-of-way and the provisions of this section do not apply.

B. Interpretation of Table 19.52.040(A) through (E).

1. **Right-of-way.** Right-of-way width depends on number of travel lanes, parking lanes, type of curb and gutter, and other elements provided.
2. **Landscaped area.** Landscaped area contains vegetation, pedestrian amenities, utilities, LID BMPs such as bioretention, and other roadside infrastructure. Street trees must be included according to the installation standards and requirements in the Anacortes Engineering Design Standards. When included, curbs are part of the landscaped area width.
3. **Pavement width.** Pavement width refers to the minimum width of the traveled way, bike lanes, and parking lanes. Parking lanes are optional and may be required in special circumstances to accommodate guest parking [AMC 19.64.030(B)], traffic calming, and/or applicable service deliveries and activities appropriate to the street context and/or typical to the size, type, and density of the proposed development. When included, parking lanes must be eight-feet wide and designed to provide water quality treatment consistent with AMC Chapter 19.76 Stormwater and the adopted DOE Stormwater Management Manual. When included, gutters are part of the pavement width.
4. **Grade.** The maximum grade is as noted. The maximum grade may be increased with approval of the Fire Department based on review of emergency services access and water supply availability.
5. **Sidewalks.** Refers to minimum width of sidewalks.

6. Bike lanes. Bike lanes may be included as individual bike lanes reserved for bicyclists, combined with trails, or striped as part of the street system.

Bike lanes must connect to and align with the Anacortes Bikes/Walks Plan and bike lanes on abutting property. Dimensional standards for bike route signage must comply with the Manual on Uniform Control Devices (MUTCD).

7. See AMC 19.51.060 for permitted modifications to the street standards within Tables 19.52.040(A) through (E).

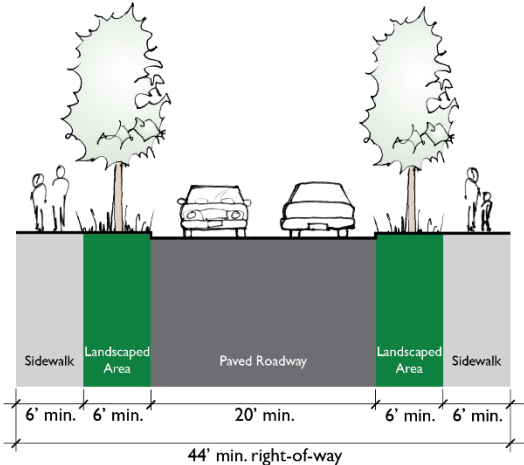
Table 19.52.040(A) Low-volume local street standards.		
For rules of interpretation, see subsection (B).		
Right-of-way width	44 ft. minimum	 Note: All residential subdivisions must accommodate provisions for guest parking [AMC 19.64.030(B)] and applicable service deliveries and activities typical to the size, type, and density of the proposed development. Guest parking may be accommodated by integrating on-street parking lanes and/or pockets, off-street parking areas, or other methods to the satisfaction of the public works director.
Landscaped area width	6 ft. minimum on each side	
Pavement width	20 ft. except where parking lane(s) are included	
Grade	12% maximum	
Sidewalk width	6 ft. minimum	
Bike lanes	NA	 Parking pockets may be integrated into one or both sides of the street in place of landscaped areas for up to 50% of the street length provided wider planting strips and trees planted elsewhere along the street compensate for the displaced landscaped areas.
Parking pocket	8 ft. minimum	

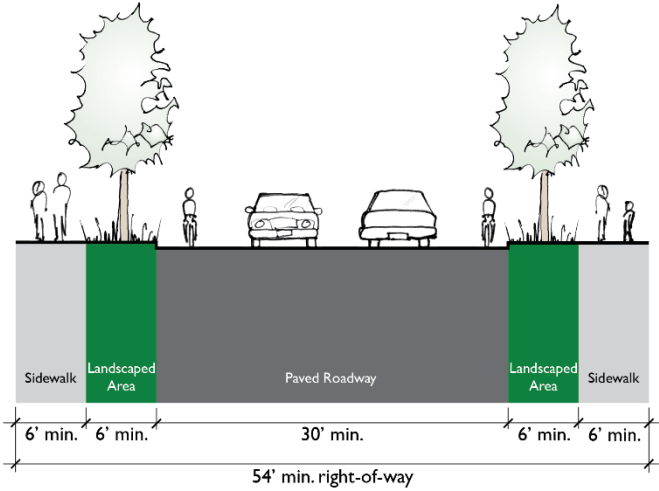
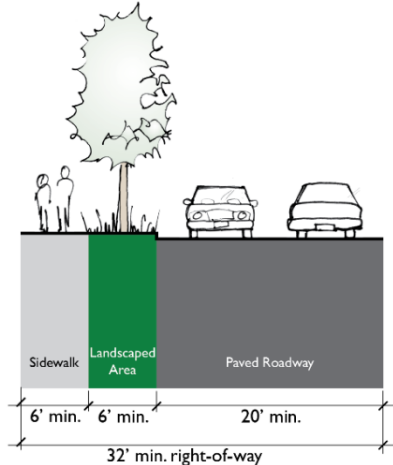
Table 19.52.040(B) Minor arterial, collector, or high-volume local street design standards.		
For rules of interpretation, see subsection (B).		
Right-of-way width	54 ft. minimum	 Note: On-street parking lanes may be integrated or required along key street segments to support adjacent land uses (including service access and delivery) based on the existing and planned context of the area.
Landscaped area width	6 ft. minimum on each side	
Pavement width	30 ft. except where parking lane(s) are included	
Grade	12% maximum	
Sidewalk width	6 ft. minimum	
Bike lanes	Yes	

Table 19.52.040(C)		
Principal arterial street design standards.		
For rules of interpretation, see subsection (B).		
Right-of-way width	80 ft. minimum	
Landscaped area width	Varies per block	
Pavement width	Varies	
Grade	12% maximum	
Sidewalk width	6 ft. minimum	
Bike lanes	Yes	

Table 19.52.040(D)		
Alley design standards.		
For rules of interpretation, see subsection (B).		
Right-of-way width	16-20 ft.	
Landscaped area width	NA	
Pavement width	12-20 ft.	
Grade	12% maximum	
Sidewalk width	NA	
Bike lanes	NA	

Table 19.52.040(E) Lane design standards.		
Lane street types are permitted for residential development accessing up to 9 dwelling units. For rules of interpretation, see subsection (B).		
Right-of-way width	32 ft.	 The diagram illustrates a street cross-section with three main components: a sidewalk on the left, a landscaped area in the middle, and a paved roadway on the right. The sidewalk is labeled 'Sidewalk' and has a minimum width of 6 feet. The landscaped area is labeled 'Landscaped Area' and also has a minimum width of 6 feet. The paved roadway is labeled 'Paved Roadway' and has a minimum width of 20 feet. The total width of the right-of-way is indicated as 32 feet minimum. The diagram also shows a tree in the landscaped area and two cars on the paved roadway.
Landscaped area width	6 ft. minimum one side	
Pavement width	20 ft.	
Grade	12% maximum	
Sidewalk width	6 ft. minimum (one side)	
Bike lanes	NA	

19.52.050 - Dead end streets and cul-de-sacs.

- A. Limited application. Dead end streets and cul-de-sacs are limited in application and may only be permitted where, due to demonstrable physical constraints, no future connection to a larger street pattern is physically possible. See AMC 19.54.020 Block design and connectivity standards for related standards.
- B. Minimum requirements. Streets longer than 150' require an approved turnaround, such as a hammerhead or cul-de-sac. The Fire Department will determine the type of turnaround required based on the number of units accessing the street and other site specific characteristics.
- C. Hammerhead design. The hammerhead turnaround must comply with the Anacortes Engineering Design Standards and Fire Department requirements.
- D. Cul-de-sac design. The cul-de-sac turnaround must comply with the Anacortes Engineering Design Standards and Fire Department requirements. Cul-de-sacs may have a landscaped center area to implement LID BMPS like bioretention. The landscaping must be maintained by the homeowner's association or adjacent property owners.
- E. Waiver of turnaround. The requirement for a turnaround or cul-de-sac may be waived with approval of the Fire Department when the development proposal will not create an increased need for emergency operations or the impacts are otherwise mitigated.

19.52.060 - Street intersections.

The following standards apply to street intersections:

- A. Streets must intersect at right angles, except when topography dictates otherwise, and in no case may the angle of intersections be less than 60 degrees.
- B. Two streets meeting at a third street from opposite sides must meet at the same point, or their centerlines must be offset at least 125-feet.

- C. Intersection design must provide acceptable visibility for traffic safety as dictated by the designed operating speeds on the individual roadways.
- D. Intersections of local streets with arterials and highways must be kept to a minimum.

19.52.070 - Pavement design.

The design of pavement structures and subgrades must conform to the Anacortes Engineering Design Standards.

19.52.080 - Street names and signage.

- A. Generally. Names of new streets must not duplicate the names of existing streets unless the new street continues or aligns with an existing street. All new street names must be submitted to and approved by the City.
- B. Street name signs. Street name signs must be manufactured and installed in accordance with specifications of the Anacortes Engineering Design Standards.
- C. Warning and regulatory traffic signs. Within the Anacortes city limits, warning and regulatory traffic signs must be installed within and must abut the subdivision in accordance with the Manual on Uniform Control Devices (MUTCD).

19.52.090 - Street lights.

Street lighting must be installed by the applicant conforming to the Anacortes Engineering Design Standards.

19.52.100 – Street monuments.

Existing monuments must remain undisturbed during construction. New monuments may be required per the Anacortes Engineering Design Standards.

Chapter 19.53 - PRIVATE DRIVEWAYS & ACCESS

Sections:

19.53.010 - Purpose.

19.53.020 - Applicability.

19.53.030 - Driveways and access easements.

19.53.040 - Residential driveway types.

19.53.050 - Internal circulation for cottage, townhouses, and multifamily developments.

19.53.010 - Purpose.

To enhance safe and efficient roadway operations while providing access to adjacent properties and businesses.

19.53.020 - Applicability.

All new or altered private driveways and private accesses onto a city street (including temporary or construction accesses) must comply with this chapter and the Anacortes Engineering Design Standards.

19.53.030 - Driveways and access easements.

A. General. Dimensions, slopes, and details for all driveways and access easements connecting to a city street must comply with this chapter and the Anacortes Engineering Design Standards.

B. Driveway location.

1. Collector & arterial streets. Driveways providing direct access onto a collector or arterial street are prohibited when an alternative access is available. When alternative access is not available, a driveway or access may be permitted onto a collector or arterial when approved by the public works director.
2. Frontage on multiple streets. Where a property has frontage on more than one street, driveways and accesses are limited to the lowest volume street, as determined by the public works director.
3. Alleys. Where a property abuts an alley, driveways must access from the alley, except when either of the following conditions exist:
 - i. The property is in a residential zone and topography, lack of existing improvements, or other conditions makes alley access impracticable.
 - ii. The property is located in a mixed-use, industrial, or R4 zone and anticipated traffic generation of the use in combination with other existing or future permitted uses along the block would exceed the functional capacity of the alley.

C. Driveway spacing from a street intersection.

1. Driveways and access easements should be located at the greatest distance possible from an intersection of two streets and must meet the minimum spacing standards in the Anacortes Engineering Design Standards.
2. When compliance with minimum spacing standards in the Anacortes Engineering Design Standards would result in a property without a reasonable means of connection to the street system, a new driveway may be allowed within a smaller distance. The applicant may be required to provide a traffic impact analysis to support the request. Conditions of approval may be established, including, but not limited to:
 - a. Traffic volume and movements. Limits on the maximum vehicular usage of the connection or limits on turning movements.
 - b. Joint Use Connection. A legally enforceable joint use driveway easement when needed to maintain the operational efficiency and safety of the street.
 - c. Future alternate access. If and when future alternate means of access becomes available, the nonconforming connection must be removed.

D. Driveway separation. Driveways must be separated by a minimum of 30-feet, except where no other option exists per the public works director.

E. Number of driveways. A maximum of one driveway per lot is allowed, except:

1. When additional driveways or accesses are needed due to the amount of traffic generated by the project and there is enough space to safely accommodate the additional driveway or access.
2. When permitted for applicable housing type standards in AMC 19.43.010 provided such driveways meet separation standards in subsection (D) above.

F. Driveway cut width. Driveway cuts are limited to the widths identified in Table 19.53.030.

Table 19.53.030 Driveway cut width.		
Use Type	Minimum Width	Maximum Width
Residential		
Lot width = 50-feet or greater	10-feet	20-feet
Lot width < 50-feet	10-feet	12-feet or 20-feet if shared with adjacent lot
Commercial and Industrial	20-feet	30-feet

19.53.040 - Residential shared driveways.

A. Shared driveways may be allowed for providing access to residential units in a subdivision per Table 19.53.040(B), provided:

1. The residential units being served by a shared driveway are any combination of single-family, duplex, or triplex buildings on individual lots.
2. At least one lot abuts a public right-of-way and the lot frontage of the lot is equal to or greater than the minimum lot width circle requirement of the zone.
3. A public street is not anticipated by the City of Anacortes to be necessary for existing or future traffic and/or pedestrian circulation through the short subdivision or to serve adjacent property.
4. The shared driveway would not adversely affect future circulation to neighboring properties.
5. The shared driveway poses no safety risk and provides sufficient access for emergency vehicles and personnel.

See AMC 19.54.040(E) for shared-access lot standards.

B. Minimum standards.

1. Shared driveways must be located within an easement or tract.
2. Table 19.53.040(B) provides standards for the maximum length, minimum paved width and easement width, and applicable turnaround requirements.

Table 19.53.040(B) Residential shared driveway standards.				
Max. # units¹	Max. length	Min. Paved width	Min. Easement width	Turnaround?³
Up to 3	150'	16' ²	20'	No
Up to 6	150'	20'	20'	No
Up to 6	>150'	20'	20'	Yes – approved turnaround

¹Individual cottages, for the purposes of these shared driveway standards, count as one-half dwelling unit.

²Or as determined by the Fire Department based on the number of units and the provision of fire suppression sprinklers.

³See AMC 19.52.050 for related standards.

3. If a shared driveway abuts properties that are not part of the subdivision, a five-foot wide landscape buffer must be provided between the shared driveway and neighboring properties.
4. Stormwater collection and treatment must be provided according to AMC Chapter 19.76 Stormwater.
5. The maximum grade must not exceed 12-percent. The maximum grade may be increased with approval of the Fire Department based on review of emergency services access and water supply availability.
6. The minimum base and surfacing must comply with the Anacortes Engineering Design Standards and be capable of supporting fire apparatus.
7. New lots served by shared driveways are subject to the design provisions of AMC 19.54.040(E).

C. Signage and addressing.

1. Traffic control devices including installation of “No Parking” signs as required by the city must be provided.
2. Lots served by the shared driveway must be addressed to the public street to which the shared driveway connects.

D. Easement or tract ownership and maintenance.

1. The easement or tract must be shown and recorded on the face of the plat or with the land division to be preserved in perpetuity. If a tract is created, the owners of the subject lots must have an equal and undivided interest in ownership of the tract.
2. Appropriate legal instruments ensuring that the shared driveway can be continually maintained to minimum standards listed in this section by the owners of the lots served by the driveway must be provided prior to recording of the short plat.

E. Obstructions. A restriction prohibiting any temporary or permanent physical obstructions within the easement, including, but not limited to, the parking of non-emergency vehicles, must be shown on the face of the short plat.

F. Timing of improvements. The shared driveway must be installed prior to recording of the plat unless approved for deferral/bonding.

19.53.050 - Internal circulation for cottage, townhouses, and multifamily developments.

Internal shared-access drives for cottages, townhouses, and multifamily development are subject to the following standards:

- A. Internal shared-access drives must be a minimum of 20-feet wide within a minimum 20-feet wide easement (if applicable). Alternative designs will be considered in consultation with the Fire Department based on whether fire apparatus can enter the site, location and distance of fire hydrants, provision of fire-suppression sprinklers, and water supply availability.

- B. Internal shared-access drives may provide direct access to off-street parking spaces and/or incorporate parallel parking spaces, provided the minimum dimensional standards of AMC 19.64.050 are met. Note that certain parking angles may require wider dimensions than those required in subsection (A) above.
- C. Pedestrian circulation.
 - 1. Sidewalk.
 - a. When required. Internal shared-access drives which serve four or more units must include at least one sidewalk on one side of the drive.
 - b. Dimensions. Sidewalks must be curbed and raised six-inches and have a minimum clear width of five-feet. Where a sidewalk is adjacent to perpendicular or angled parking, an extra two-feet of width must be provided to accommodate parked vehicles overhanging the sidewalk unless wheel stops are installed to prevent parked vehicles from overhanging the curb.
 - c. Ramps and other accessibility features must be provided in accordance with the Americans with Disabilities Act of 1990 and the current ADA Standards for Accessible Design.
 - d. The sidewalk must connect to a public street and must minimize walking distances to the extent practical.
 - 2. Sidewalks must be separated from structures with at least three-feet of landscaping.

Departures will be considered provided the location and design of the walkway and adjacent building elevation minimize privacy impacts to building residents and enhances the character of the development.
 - 3. Crosswalks are required when a pedestrian pathway crosses an on-site paved area accessible to vehicles. Crosswalks must contain contrasting material (such as concrete) and/or patterns (such as stamped asphalt), excluding painted surfaces.

DEPARTURES will be considered for alternative pedestrian circulation designs that provide an equivalent level of pedestrian safety and comfort. For example, a curbless woonerf (shared street) with special pavement, landscaping, bollards, and other design features may adequately calm traffic speeds and movements.

Chapter 19.54 - SUBDIVISION DESIGN & BLOCK STRUCTURE

Sections:

- 19.54.010 - Purpose.
- 19.54.020 - Block design and connectivity standards.
- 19.54.030 - Open space/parks.
- 19.54.040 - Lot design.
- 19.54.050 - Access, services, and utilities.

19.54.010 - Purpose.

The purpose of this chapter is to:

- A. Enhance the character and livability of Anacortes's neighborhoods.
- B. Encourage compact and walkable neighborhoods and connections between neighborhoods.

- C. Promote “eyes on the street” for safety.
- D. Promote subdivision design that reduces energy consumption.
- E. Integrate open spaces, natural elements, utilities, and recreational features into the design of developments.

19.54.020 - Block design and connectivity standards.

Anacortes’s comprehensive plan places a high priority on being a “walkable” community. In order to be walkable, there needs to be frequent accessible and attractive connections between destinations. Consequently, this requires a well-connected system of streets and pathways that encourages people to walk. Thus, block size and design has a direct impact on the walkability of a community.

A. All zones.

1. Connectivity to abutting lands. The street system of proposed subdivisions must be designed to connect with existing, proposed, and planned streets outside of the subdivision. Wherever a proposed development abuts unplatted land or other land with the capability of being further subdivided, street stubs must be provided to allow access to future abutting subdivisions and to logically extend the street system into the surrounding area. All street stubs must be provided with a temporary turn-around unless specifically exempted by the fire marshal, and the restoration and extension of the street must be the responsibility of any future developer of the abutting land.
2. Continuation of streets. Planned streets must connect with surrounding streets to permit the convenient movement of traffic between neighborhoods and to facilitate emergency access and evacuation. Connections must be designed to meet or exceed the block standards in subsections (B) and (C) below, and to avoid or minimize through traffic on local streets.
3. Pedestrian pathways. Short internal pathways can improve pedestrian mobility within developments. Examples could include a pathway in the middle of a block or at the end of a cul-de-sac. Such pathways must be located within an easement or common open space tract allowing for public access and maintained by the homeowner’s association unless the city or other public authority accepts an offer of dedication.

B. Residential zones. New residential developments must provide an integrated and connected network of streets to help provide a sense of place and orientation and provide multiple travel route options for all users. A street network dominated by long, irregular loop roads and cul-de-sacs is not appropriate. The following standards apply to new development in the residential zones.

1. Blocks must be designed to provide pedestrian and vehicular connections at intervals no greater than 660-feet.
2. DEPARTURES to the standard in paragraph (1) will be considered per AMC 19.20.220 provided the alternative design meets the purposes of the standards (see AMC 19.54.010 above) and meets the following criteria:
 - a. A departure provides the opportunity for a public open space or other public amenity that goes well beyond minimum standards herein. For example, a larger block could allow for the development of a compact village of homes around a centralized open space; and
 - b. Departures meeting criteria in paragraph (a) above allow configurations with pedestrian and vehicular connections at intervals greater than 660-feet, but no greater than 1,000-feet, when the following conditions are present: Where topography, right-of-way, existing

construction or physical conditions, or other geographic conditions prevent compliance or impose an unusual hardship on the applicant, the director may relax the standards provided the proposed design maximizes pedestrian and vehicular connectivity on the site given the constraints.

- C. Mixed-use and industrial zones.** New developments in mixed-use and industrial zones must provide an integrated and connected network of streets to help provide multiple travel route options for all users and comply with the goals and policies of the Anacortes Comprehensive Plan.

19.54.030 - Open space/parks.

- A. Park-land requirement.** Park-land dedication is required for residential subdivisions with ten or more lots. The decision-maker must select one of the following:
1. One-tenth of the combined area of lots one acre or less in size, exclusive of all other dedications, must be forever dedicated to the public for parks, open space, or playgrounds. The decision-maker, in consultation with the parks department, must determine suitable locations for such parks and playgrounds.
 2. The subdivider creates a property owners' association for the proposed subdivision and deeds to the association land to be held in perpetuity for use as parks, open space, or playgrounds. The area of land to be deeded to the association must equal the amount that would otherwise have been dedicated to public use.
 3. The city may make an order to be endorsed and certified on the plat accepting impact fees per AMC Chapter 3.93 in-lieu of dedication of land that would have been dedicated. If the value is not agreed upon between the subdivider and the administrator, the developer may, at his/her expense, have the value established by a qualified real estate appraiser acceptable to the administrator.
- B. Park design criteria.** Parks and open space integrated into residential subdivisions must meet the following design criteria:
1. Must be convenient, usable and accessible. All open spaces must be physically and visually accessible from the adjacent street or major internal pedestrian route. Open spaces must be in locations that the intended user(s) can easily access and use, rather than simply left-over or undevelopable space in locations where very little pedestrian traffic is anticipated or terrain makes access and use difficult. Locations integrated with transit stops, for instance, would be encouraged, as there is likely to be pedestrian traffic in the area.

Figure 19.54.030(B)(1)
Examples of accessible parks.



These parks are located in accessible and centralized locations within the neighborhood. Both parks have accessibility from streets on multiple sides combined with good visibility from adjacent homes.

2. Must be inviting. Inviting open spaces feature amenities and activities that encourage pedestrians to use and explore the space. On a large scale, it could be a combination of active and passive recreational uses. It could include a children's play area, special landscaping element, or even a comfortable place to sit and watch the world go by. In order for people to linger in an open space, it must be comfortable. For instance, a plaza space should receive ample sunlight, particularly at noon, and have design elements that lend the space a "human scale," including landscaping elements, benches and other seating areas, and pedestrian-scaled lighting. No use must be allowed within the open space that adversely affects the aesthetic appeal or usability of the open space.

Figure 19.54.030(B)(2)
Examples of inviting park design.



Examples of inviting park design, with design features and amenities that attract usage from the surrounding community.

3. Must be safe. Safe open spaces incorporate Crime Prevention through Environmental Design (CPTED) principles:
 - a. Natural surveillance - which occurs when parks or plazas are open to view by the public and neighbors. For example, a plaza that features residential units with windows looking down on space means that the space has good “eyes” on the park or plaza.
 - b. Lighting that reflects the intended hours of operation and is appropriate for the proposed activities.
 - c. Landscaping and fencing. Avoid configurations that create dangerous hiding spaces or minimize views.
 - d. Entrances should be prominent, well lit, and highly visible from inside and outside of the space.
 - e. Maintenance. Open spaces must utilize commercial grade materials that will last and require minimal maintenance costs. Walls, where necessary, must be designed and treated to deter graffiti. Use and maintain landscape materials that reduce maintenance cost and maintain visibility, where desired.
4. Provides for uses/activities that appropriately serve the anticipated residents and users of the development. For example, common open space that serves a variety of functions will attract greater usage. When designing open spaces, project applicants should consider a broad range of age groups, from small children, to teens, parents, and seniors.
5. Must be well maintained. Open space must be maintained by the land owner(s) unless the city or other public authority accepts an offer of dedication.
6. May include LID BMPs. Open spaces may include LID BMPs, like rain gardens, in up to 25-percent of subdivision open spaces (cumulative).

19.54.040 - Lot design.

A. Generally.

1. Lots within subdivisions must be designed to allow placement of homes to address functional design issues. Lots must be designed to contain a usable building area. If the building area would be difficult to develop, the lot must be redesigned or eliminated, unless special conditions can be imposed that will ensure the lot is developed consistent with the standards of this code and does not create nonconforming structures, uses or lots. Soil analysis which determines low-impact development infiltration feasibility may affect site designs and home placement.
2. The placement and orientation of lots and homes should consider privacy, solar orientation, access, location and access to open space and other factors that can contribute to the overall livability of the home and its relationship to the surrounding environment. Flexibility is encouraged in spatial orientation of homes on lots to address these issues and create interesting and attractive streetscapes with homes having a high functional value that might not otherwise occur with a less flexible approach.
3. To maximize site efficiency and usable open space, small lot developments (generally less than 5,000-square-feet in area and less than 50-feet wide) are encouraged to utilize the lot design standards of this chapter or related design schemes provided they meet access, design, and other applicable standards established in this Title.

B. General standards

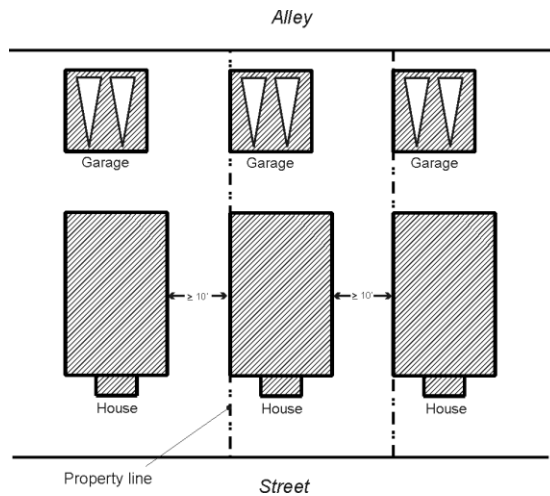
1. Zero lot line, reciprocal use easement lots, and shared-access lots developments are allowed in all residential zones except Old Town (see AMC 19.42.160 for supplemental form and setback standards in Old Town).
2. Lot lines which are contiguous with the development's exterior property line must meet the standard setback requirements of Table 19.42.020.

C. Zero lot line. This is a configuration where the house and/or garage is built up to one of the side property lines within the development, providing the opportunity for more usable side setback space. Standards:

1. Dwelling units and accessory structures may be placed on one interior side property line that is part of the development. The opposite side setback must be at least 10-feet. Also see AMC 19.43.010(C) for small lot single family development standards, including minimum usable open space requirements.
2. Privacy wall. In order to maintain privacy, no windows, doors, air conditioning units, or any other types of openings in the walls along a zero lot line structure are allowed except for windows that do not allow for visibility into the interior side setback of the adjacent lot. Examples include clerestory or obscured windows. See Figure 19.54.040(C) below for an example of a privacy wall for a zero lot line house.
3. Eaves along a zero lot line may project a maximum of 18-inches over the interior side property line.
4. Lots intended for zero lot line homes must be noted on the plat, together with minimum side setback areas and maximum building envelopes.

Figure 19.54.040(C)

Zero lot line design.



Zero lot line layout example (left). The right image shows the side setback and privacy wall for a zero lot line house.

D. Reciprocal use easement lots. Reciprocal use easements work similar to the zero lot line configuration. Principal and accessory structures must meet the standard setbacks, and easements are granted on one side to allow use of the side setback by the adjacent property [see Figure 19.54.040(D) for an example]. Reciprocal use easements may also be used in the rear setback to maximize usable open space.

1. Reciprocal easements must be noted on the plat.
2. Privacy wall. In order to maintain privacy, no windows, doors, air conditioning units, or any other types of openings in the walls of a structure along a reciprocal use easement are allowed except for windows that do not allow for visibility into the side setback of the adjacent lot. Examples include clerestory or obscured windows. See Figure 19.54.040(C) above for an example of a privacy wall.
3. Areas within reciprocal use easements may count towards usable open space requirements for applicable lots [see AMC 19.43.010(C)(3)(c)].

Figure 19.54.040(D)
Reciprocal use lots examples.

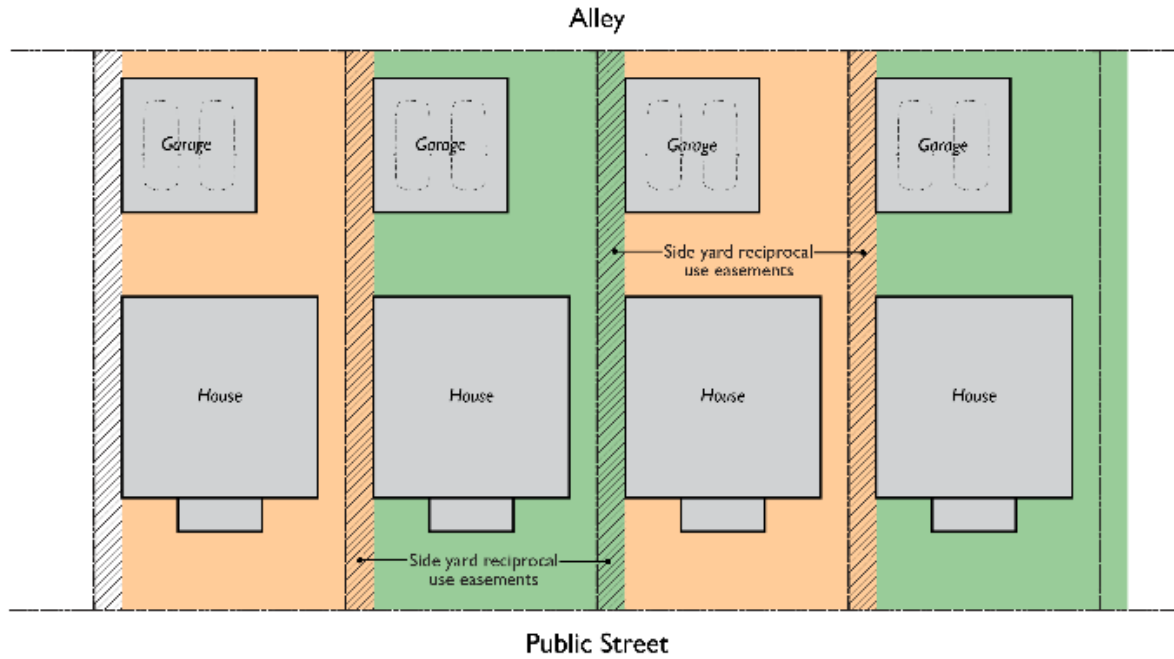
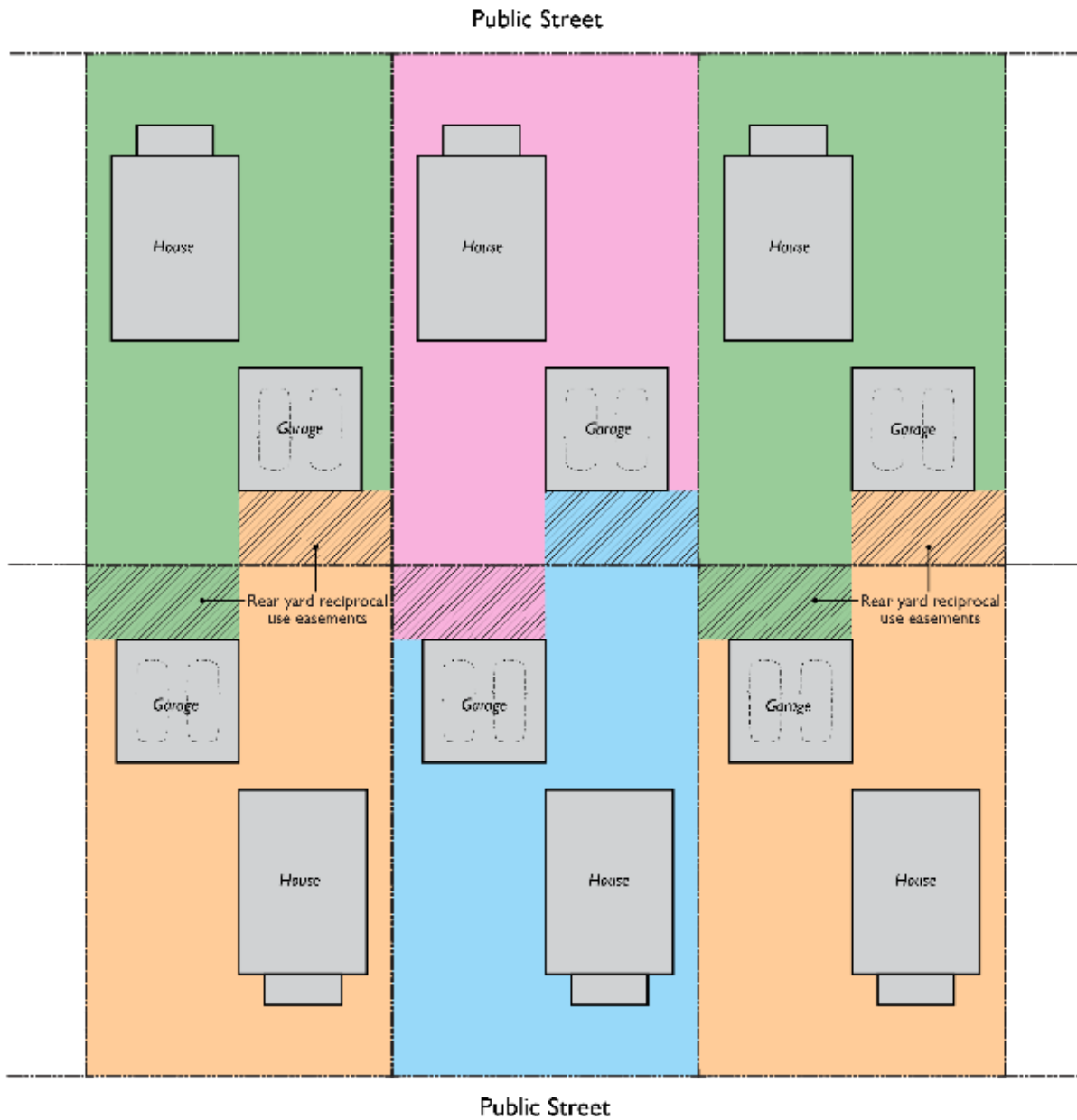


Figure 19.54.040(D)
Reciprocal use lots examples.



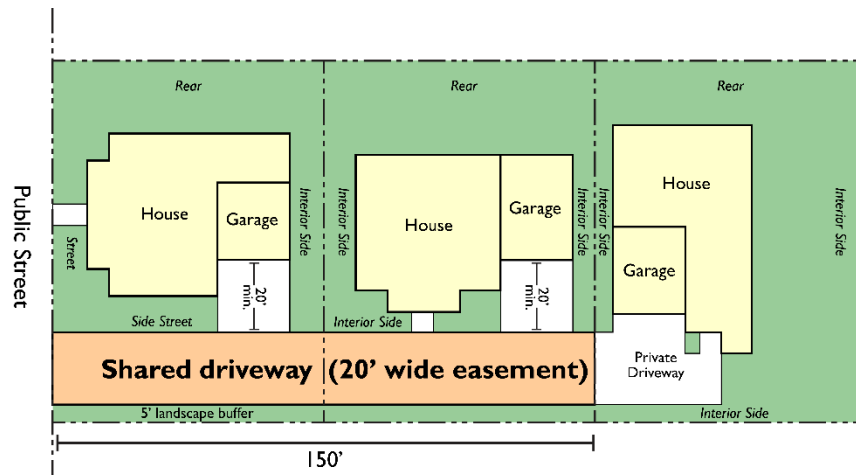
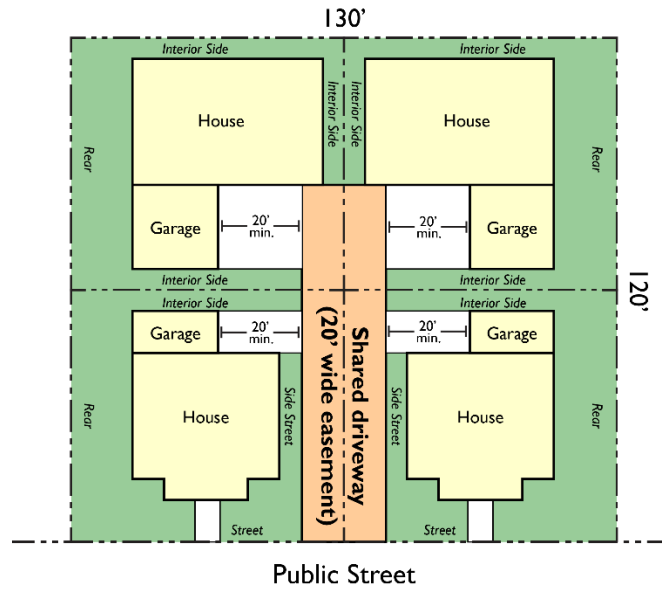
Example of a reciprocal side setback easement configuration (top image) and reciprocal rear setback easement configuration (bottom image).

E. Shared-access lots. This includes a series of lots clustered around a shared driveway (see AMC 19.53.040). Standards:

1. Maximum number of lots served by a shared-access: Six [this includes lots fronting the street on either side of the shared-access as shown in Figure 19.54.040(E)].
2. Maximum length and width of shared-access: See AMC 19.53.040.
3. Setback standards and options for lots served by a shared driveway.
 - a. Lots fronting on a public street and containing a shared driveway on one side are considered corner lots for the purpose of determining setbacks [see AMC 19.42.130(B)(2) for details].
 - b. Garages facing a shared driveway easement must be setback at least 20-feet from the easement line.
 - c. For interior lots featuring a shared driveway and easement extending through one side of the lot, no street setback is required. Such lots are subject to interior side setbacks on three sides. For the side of the lot featuring the access easement, the interior side setback is applied from the edge of the easement. The rear setback is located opposite the shared driveway.
 - d. Lots sited at the terminus of a shared driveway easement are exempt from the street setback requirement. Such lots must meet interior side setbacks on three sides and a rear setback on one side.

See Figure 19.54.040(E) for examples of subdivisions served by shared driveways and clarification of street, interior, and rear setbacks.

Figure 19.54.040(E)
Examples of shared-access lots.





F. Alley access lots. This includes configurations where lots are provided with vehicular access by an alley designed per the most recent version of the Anacortes Engineering Design Standards. Standards:

1. Alley access lots are only allowed where the lots front onto a park or trail (on the opposite side of the lot from the alley). Dead-end alleys are subject to the turn-around standards of AMC 19.52.050 and through alleys are limited by the maximum block length standards of AMC 19.54.020(B).
2. Pedestrian access to each alley access lot must be provided by either a public street or a pedestrian easement with a sidewalk.

19.54.050 - Access, services, and utilities.

- A. Each lot in a residential subdivision must have access directly to a public right-of-way, except for:
 1. Interior lots served by a shared driveway that complies with the provisions of AMC 19.53.040.
 2. Alternative lot designs as described in AMC 19.54.040.
 3. Any lot created that is not adjacent to a public right-of-way but that has a right of ingress and egress to that right-of-way provided that such right has been established as a matter of record in a manner that runs with the land and is irrevocable.
- B. All driveways must be constructed in compliance with AMC 19.53.030 and the Anacortes Engineering Design Standards.
- C. Each lot in a residential subdivision must be provided with adequate provisions for water supplies, sanitary wastewater facilities, storm drainage and surface water facilities, electric, and natural gas facilities (if applicable), consistent with the requirements of Anacortes Engineering Design Standards.
- D. Approval of subdivisions may be conditioned upon dedications to the city of drainage ways, other public ways, water supplies, sanitary wastewater facilities, parks, playgrounds, and sites for schools per RCW 58.17.110 and subject to the provisions of RCW 82.02.020.

DIVISION 6 - PROJECT DESIGN

Chapter 19.60, Recreational Vehicle Parks, is repealed.

Division 6, *Project Design*, is amended as follows:

Chapter 19.60 - INTRODUCTION

Sections:

19.60.010 - Purpose.

19.60.020 - Applicability and compliance.

19.60.030 - How the provisions of this division are applied.

19.60.010 - Purpose.

This division is authorized by the City Council as a major implementation tool of the Anacortes Comprehensive Plan. Overall, this division intends to:

- A. Provide clear objectives for the planning and design of development projects in Anacortes.
- B. Preserve and protect the public health, safety, and welfare of the citizens of Anacortes.
- C. Promote and accomplish the goals, policies, and objectives of the Anacortes Comprehensive Plan.
- D. Preserve and enhance the historic resources and character of the Central Business District.
- E. Ensure that new multifamily, mixed-use, and commercial development is of high quality and appropriate to Anacortes's character and context.
- F. Promote increased pedestrian, bicycling, and transit use in commercial and multifamily areas.
- G. Enhance the livability of residential developments.
- H. Enhance the public's physical and visual access to the water.
- I. Increase awareness of design considerations among the citizens of Anacortes.
- J. Maintain and enhance property values within Anacortes.

19.60.020 - Applicability and compliance.

- A. The project design provisions in this division generally apply to all development within the city, including, but not limited to, building additions, site improvements, and new signage. However, since each chapter addresses different design and development elements, the applicability of each chapter is clarified at the beginning of the chapter.
- B. Relationship to other codes and documents. Where provisions of this division conflict with provisions in any other section of the AMC, this division prevails unless otherwise noted.
- C. For building additions, remodels, and site improvements, three different thresholds have been established to determine how the standards herein are applied to such projects. See Figure 19.60.020 for examples of site development and the respective types of improvements required under each of the three levels of improvements.

1. **Level I improvements** include all exterior remodels, building additions, and/or site improvements that affect the exterior appearance of the building/site and/or cumulatively increase the gross floor area on a site less than 50-percent within three years of the date of permit issuance. The requirement for such improvements is only that the proposed improvements meet the standards and do not lead to further nonconformance with the standards.

For example, if a property owner decides to replace a building façade's siding, then the siding must meet the applicable exterior building material standards, but elements such as building articulation would not be required.

2. **Level II improvements** include all improvements that cumulatively increase the gross floor area on a site by 50-percent to 100-percent, within three years of the date of permit issuance. All standards that do not involve repositioning the building or reconfiguring site development must apply to Level II improvements.

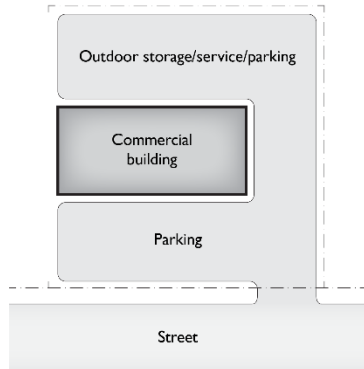
For example, if a property owner of an existing home in the CBD zone wants to convert the home to a retail use and build an addition equaling 75-percent of the current building's footprint, then the following elements must apply:

- a. The location and design of the addition/remodel must be consistent with AMC Chapter 19.61 Block Frontage Standards, which addresses building frontages, entries, parking lot location, and street setback landscaping. For such developments seeking additions to buildings where off-street parking location currently does not comply with applicable parking location standards, building additions are allowed provided they do not increase any current nonconformity and generally bring the project closer into conformance with the standards (see AMC Chapter 19.64 Parking)
 - b. Comply with the standards of AMC Chapter 19.62 Site Planning.
 - c. Comply with all provisions of AMC Chapter 19.63 Building Design, except architectural scale and materials provisions related to the existing portion of the building where no exterior changes are proposed. **All new exterior wall areas** must comply with building elements/details, materials, and blank wall treatment standards.
 - d. Comply with the off-street parking, landscaping, and signage provisions of this division that relate to proposed improvements.
3. **Level III improvements** include all improvements that cumulatively increase the gross floor area on a site by more than 100-percent within three years of the date of permit issuance. Such developments must conform to all applicable standards, except in a case where there are multiple buildings on one site, and only one building is being enlarged. In that scenario, improvements to the additional buildings are not required, but conformance with all other standards apply.

Figure 19.60.020.

Examples of improvement types and required compliance.

Existing Site

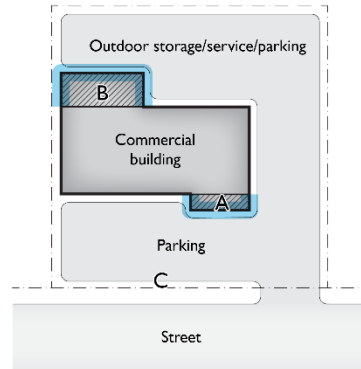


Pre-existing non-conformities:

- Parking in front of the building
- No pedestrian connection to the entry
- Doesn't meet streetscape and landscaping standards
- Facade doesn't meet standards

Level I Improvement Example

Expand existing building footprint <50%

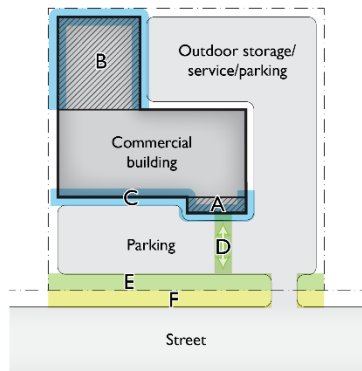


Required improvements:

- A. Entry addition meets facade and building design standards (AMC 19.63)
- B. Rear addition meets applicable building design standards (AMC 19.63)
- C. Landscaping improvements are encouraged but not required

Level II Improvement Example

Expand existing building footprint 50-100%

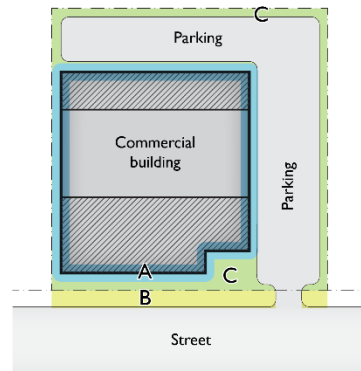


Required improvements:

- A. Entry addition meets facade and building design standards (AMC 19.63)
- B. Rear addition meets applicable building design standards (AMC 19.63)
- C. Facade upgraded to meet applicable facade and building design standards (AMC 19.63)
- D. Pedestrian access improvements (AMC 19.62.050)
- E. Parking lot landscaping improvements [AMC 19.65.070(D)]
- F. Landscaping improvements are encouraged but not required

Level III Improvement Example

Expand existing building footprint >100%



Required improvements:

- A. Entire building meets facade and building design standards (AMC 19.63)
- B. Landscaping improvements are encouraged but not required
- C. Site meets site planning standards (AMC 19.62)

19.60.030 - How the provisions of this division are applied.

Most sections within the chapters herein include the following elements:

- A. Purpose statements, which are overarching objectives.
- B. Standards use words such as “must” and “is/are required,” signifying required actions.
- C. Guidelines use words such as “should” or “is/are recommended,” signifying voluntary measures.
- D. Departures are provided for specific standards. They allow alternative designs provided the reviewing authority determines the design meets the purpose of the standards and guidelines and other applicable criteria. See AMC 19.20.220 for related procedures associated with departures.
- E. This division contains some specific standards that are easily quantifiable, while others provide a level of discretion in how they are complied with. In the latter case, the applicant must demonstrate to the director, in writing, how the project meets the purpose of the standard or standards.

Chapter 19.61 - BLOCK FRONTAGE STANDARDS

Sections:

- 19.61.010 - Purpose.
- 19.61.020 - Applicability.
- 19.61.030 - How to use this chapter.
- 19.61.040 - Block frontage designation maps.
- 19.61.050 - About the transparency standards.
- 19.61.060 - Storefront block frontage standards.
- 19.61.070 - Landscaped block frontage standards.
- 19.61.080 - Mixed block frontage standards.
- 19.61.090 - Marine street standards.
- 19.61.100 - Gateway block frontage standards.
- 19.61.110 - Undesignated (streets with no designated block frontage).
- 19.61.120 - Trail block frontage standards.
- 19.61.130 - Esplanade block frontage standards.
- 19.61.140 - Central waterfront (CW) corridors and block frontage standards.
- 19.61.150 - Where properties front onto multiple streets.
- 19.61.160 - Where properties have multiple designations along one frontage.
- 19.61.170 - High visibility street corners.
- 19.61.180 - Framework development plan.

19.61.010 - Purpose.

- A. To reinforce the historic storefront character of downtown Anacortes.
- B. To enhance the pedestrian environment in commercial and multifamily areas throughout Anacortes.
- C. To minimize potential negative impacts of parking lots and garages on the streetscape.
- D. To promote good visibility between buildings and the street for security for pedestrians and to create a more welcoming and interesting streetscape.

19.61.020 - Applicability.

- A. The provisions of this chapter apply to all nonresidential and multifamily development. The following are exempt:
 - 1. All development in the I, LM, AZ, and CM2 zones.
 - 2. Development in the HM and LM1 zones not abutting State Route 20 right-of-way.
 - 3. Development in the MS zone except for applicable block frontages designated Storefront, Landscaped, or Mixed as established in AMC 19.61.040.

19.61.030 - How to use this chapter.

Site orientation standards for individual properties depend on the block frontage designated for that location. The following steps will help in using this chapter:

- A. Go to the maps in AMC 19.61.040 to find the property and the block frontage type designation.
 1. For multifamily and non-residential development in residential zones, the standards for Landscaped block frontages apply.
 2. For development that fronts onto multiple streets, see provisions in AMC 19.61.150.
- B. Go to the appropriate code section in this chapter for the site orientation standards for applicable block frontage type designation. Table 19.61.030 includes a summary of key block frontage types.

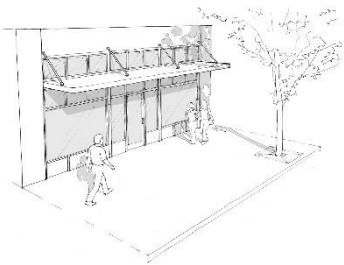
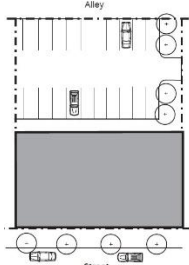
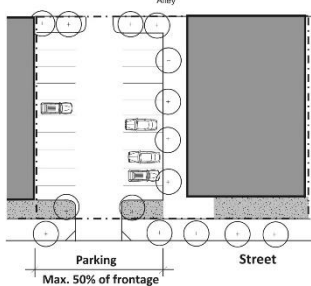
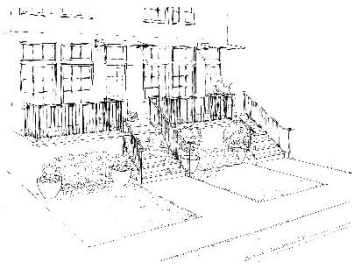
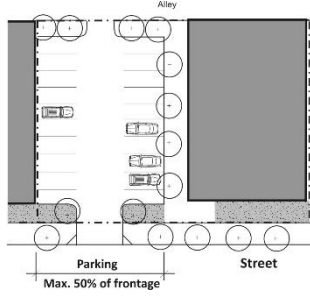
Table 19.61.030 Summary of key block frontage types.			
	Permitted Frontage	Parking Location	Details
Storefront			- No new parking adjacent to the street. - Special transparency, weather protection, and entry requirements. - Minimum commercial space height and depth. - No ground floor residential uses except lobbies for upper level units.
Mixed	↑ Storefront or Landscape Frontages allowed ↓		- Parking must be to the side or rear of buildings. For multi-building developments, no more than 50% of frontage may be parking. - Landscaping to soften façades of non-storefronts and buffer parking areas. - Minimum façade transparency requirements per use and setback.
Marine		Parking placed to the side or rear of buildings is preferred, but may be placed in front of buildings for certain uses and/or in exchange for improved public waterfront access.	- Landscaping to soften façades of non-storefronts and buffer parking areas. - Minimum façade transparency requirements per use and setback.

Table 19.61.030 Summary of key block frontage types.			
	Permitted Frontage	Parking Location	Details
Landscape			• Parking must be to the side or rear of buildings. For multi-building developments, no more than 50% of frontage may be parking. • Landscaping to soften façades and buffer parking areas.
Undesignated	Storefront or Landscape Frontages allowed but not required	No parking lot location restrictions	• Landscaping to soften façades of non-storefronts and buffer parking areas. • Minimum façade transparency requirements per use and setback.

19.61.040 - Block frontage designation maps.

- A. The block frontage designations established by this title are maintained under the direction of the director. All notations, references, and other information shown have the same force and effect as if fully described in this title.
- B. At the direction of City Council, the director is authorized to revise the block frontage designation maps. No unauthorized person may alter or modify the block frontage designation maps.
- C. The director must revise the block frontage designation maps to correspond with any changes made through an approved Framework Development Plan (see AMC 19.61.180).
- D. The department must maintain digital or printed copies of the block frontage designation maps and maintain records of superseded official maps.

Figure 19.61.040(A)

Anacortes block frontage designations maps index.

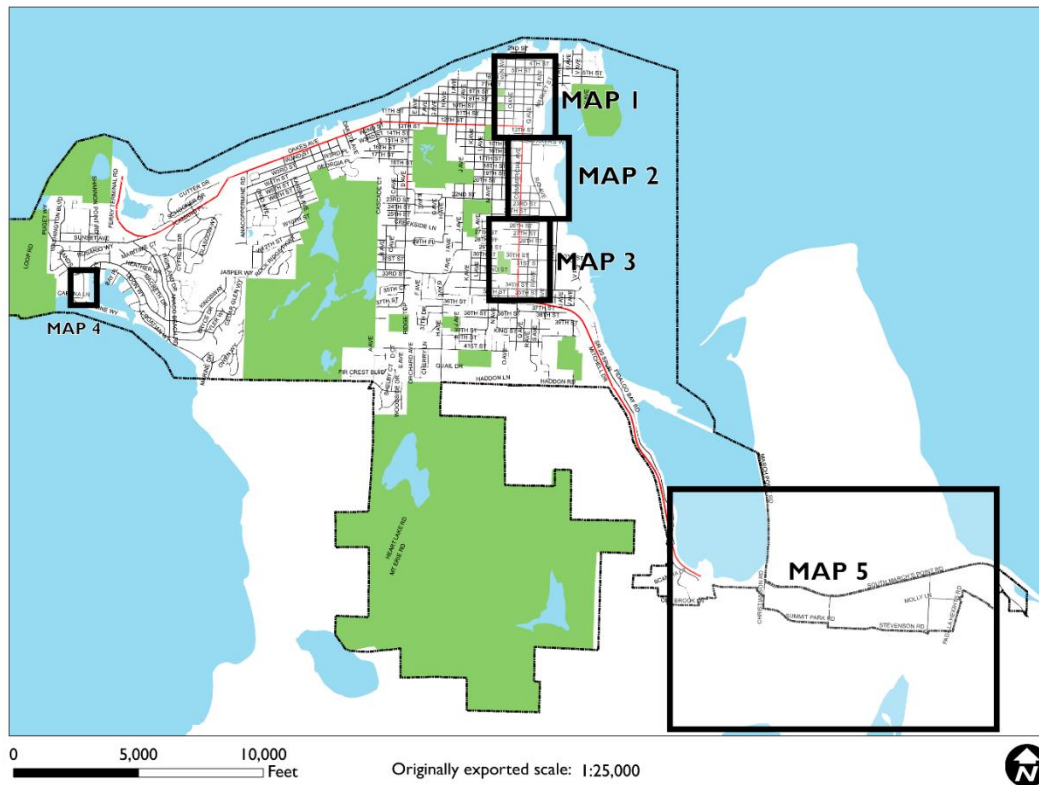


Figure 19.61.040(B)

Map 1: Anacortes block frontage designations map for the downtown area.

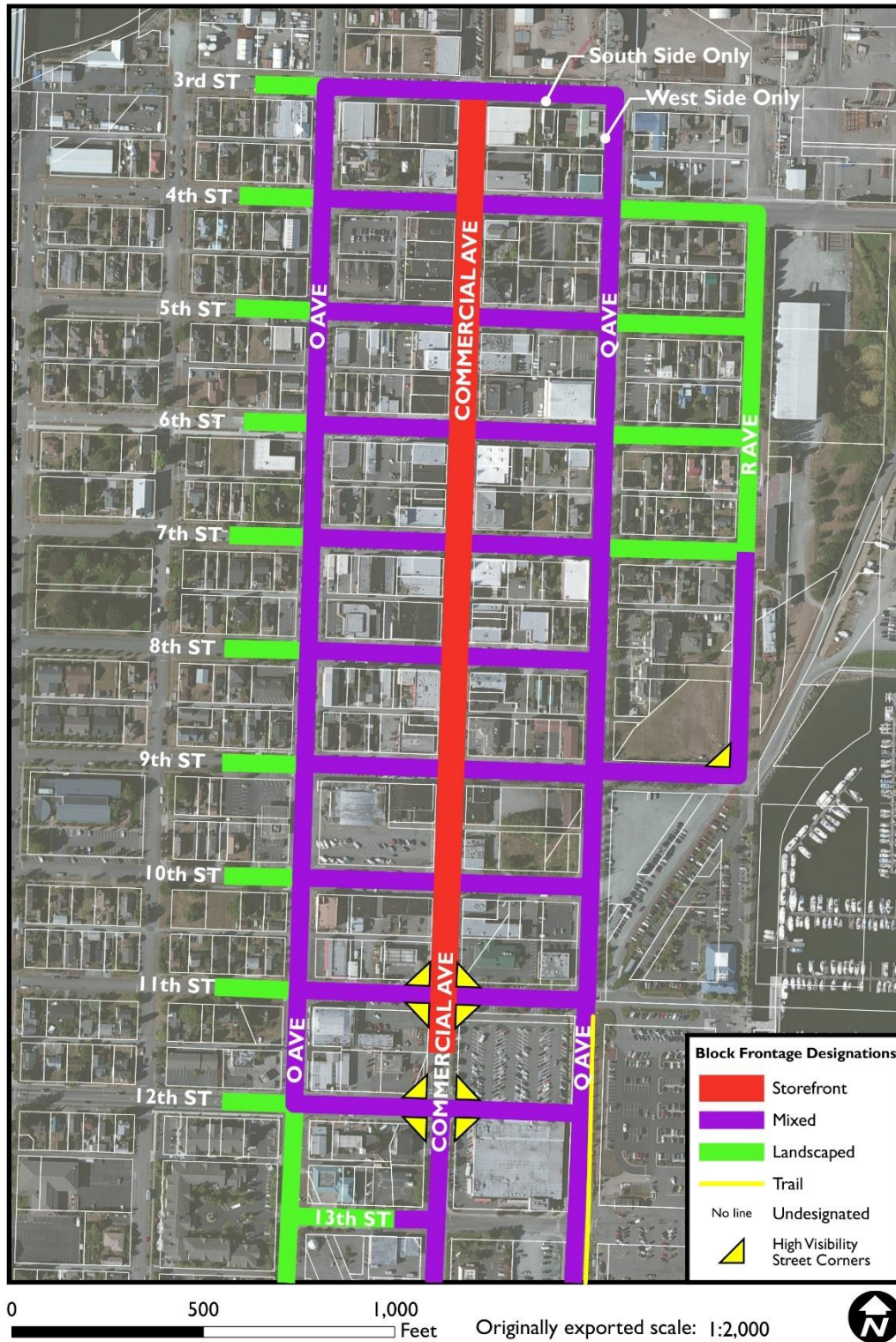


Figure 19.61.040(C)

Map 2: Block frontage designations map for central Commercial Avenue and Central Waterfront.

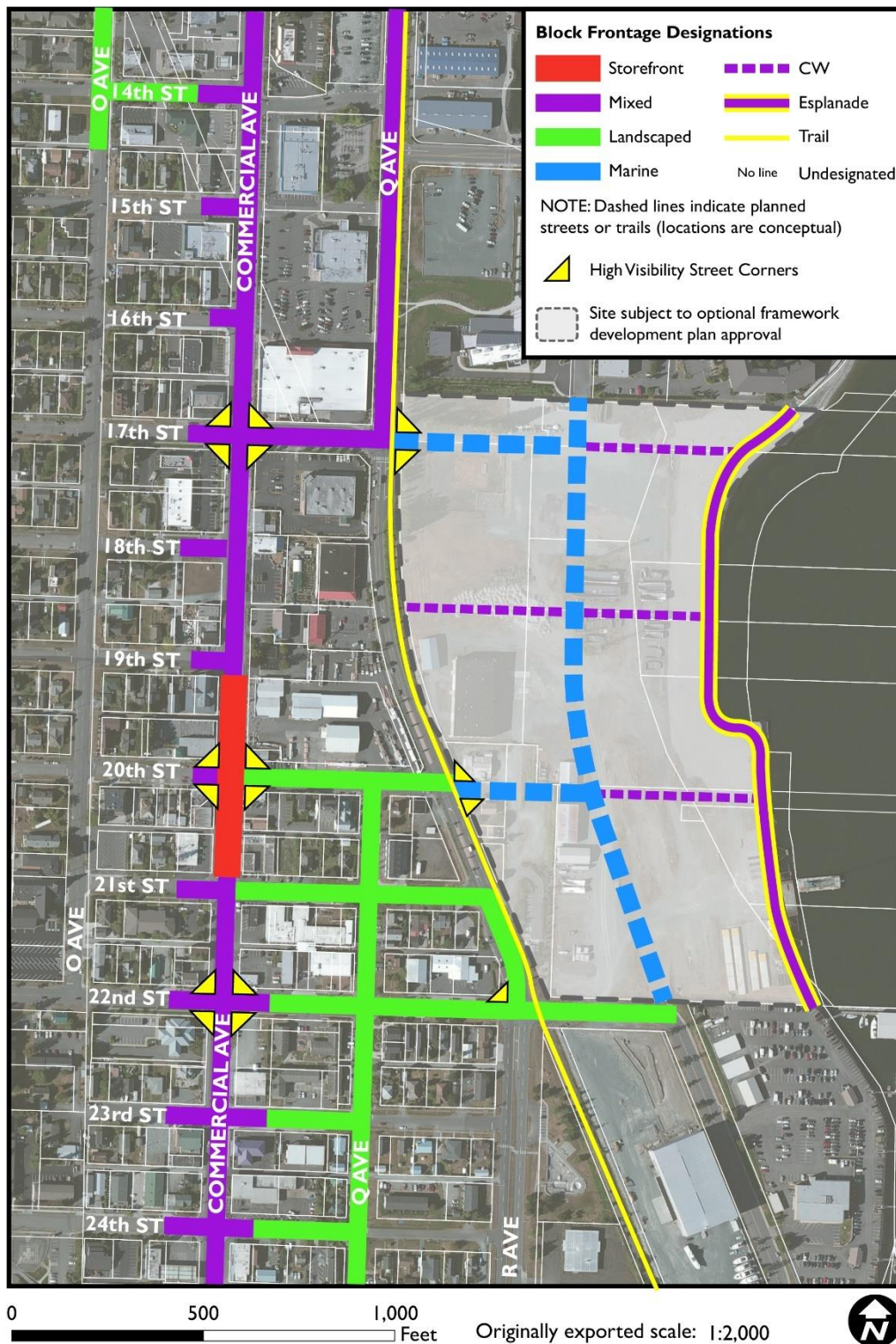


Figure 19.61.040(D)

Map 3: Block frontage designations map for the south Commercial Avenue area.

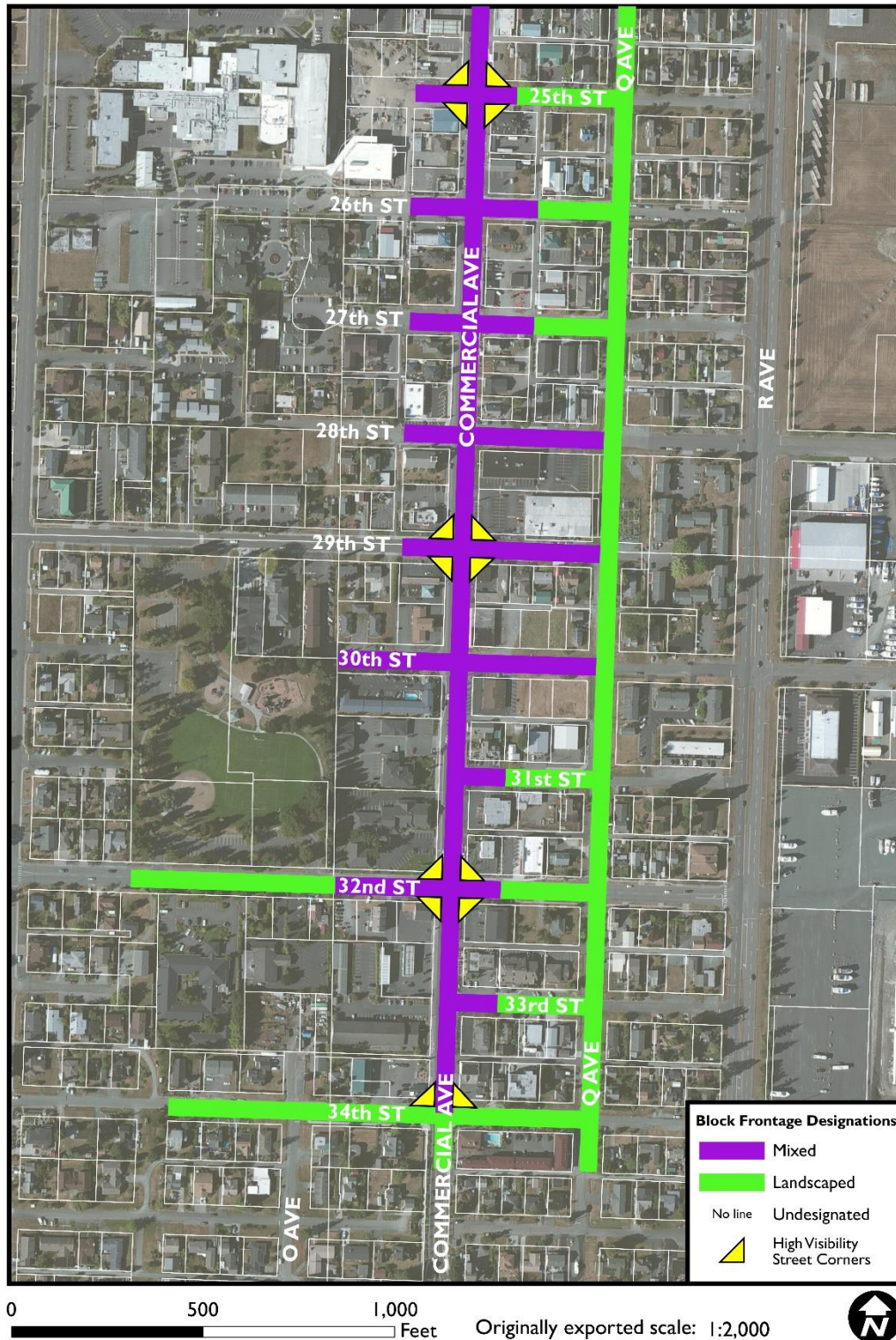


Figure 19.61.040(E)

Map 4: Block frontage designations map for the Skyline area.

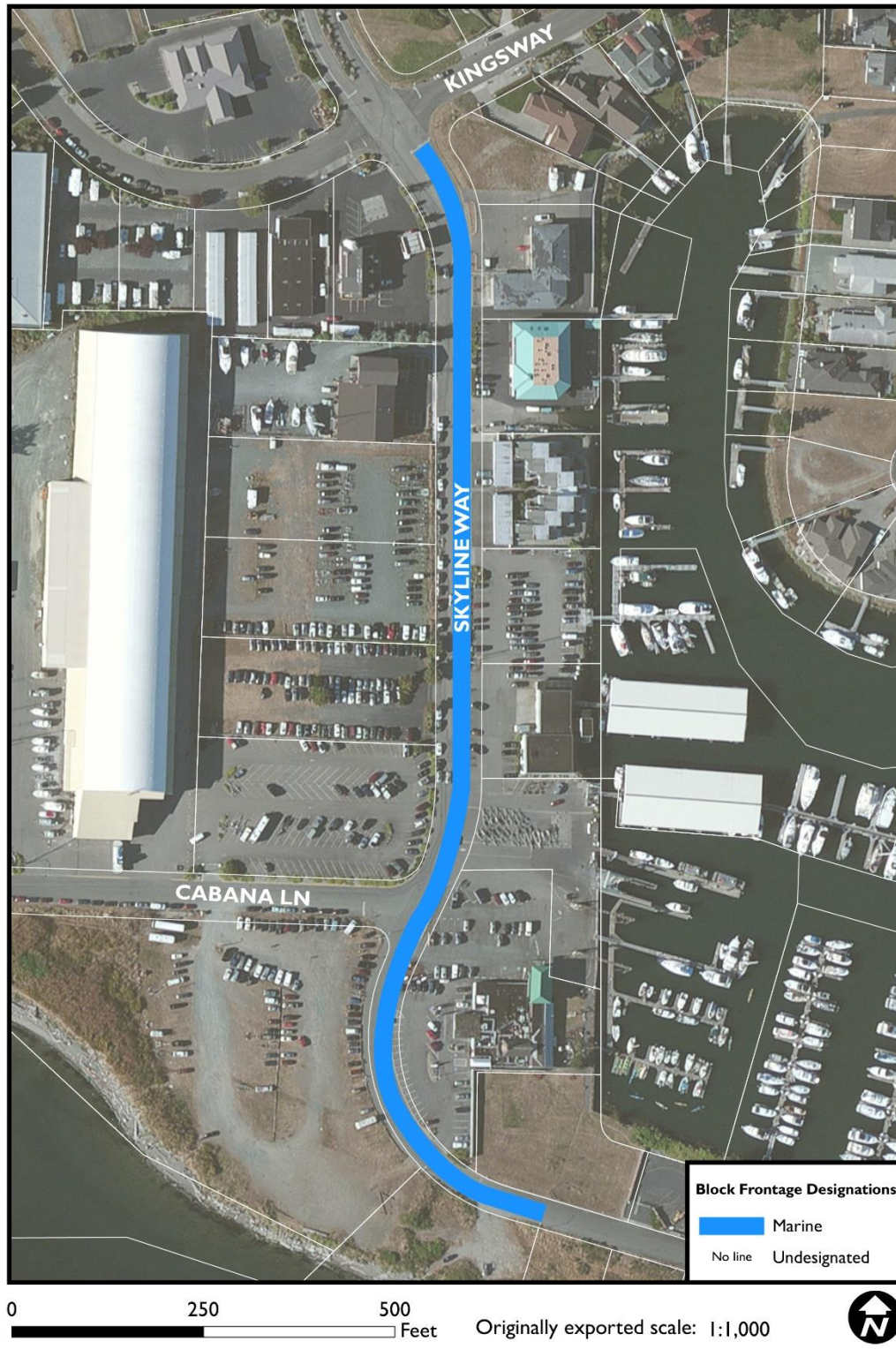


Figure 19.61.040(F)

Map 5: Block frontage designations map for the March Point area.



19.61.050 - About the transparency standards.

All block frontage designations contain distinct minimum façade transparency standards. The purposes of these standards are to maintain “eyes on the street” for safety and create welcoming pedestrian environment. Table 19.61.050 below includes details in how they are measured.

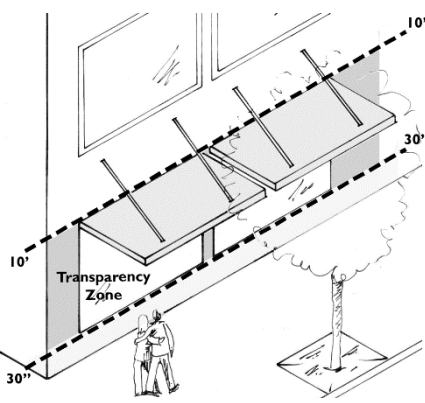
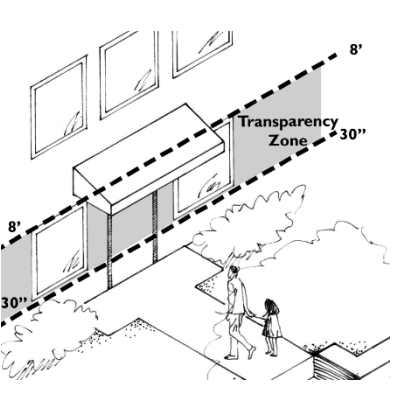
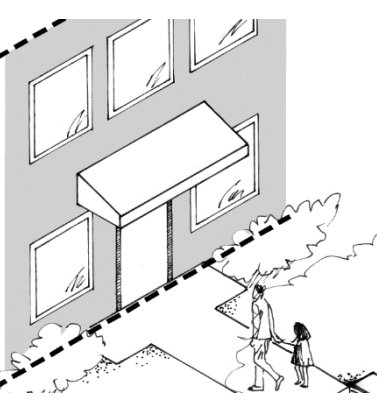
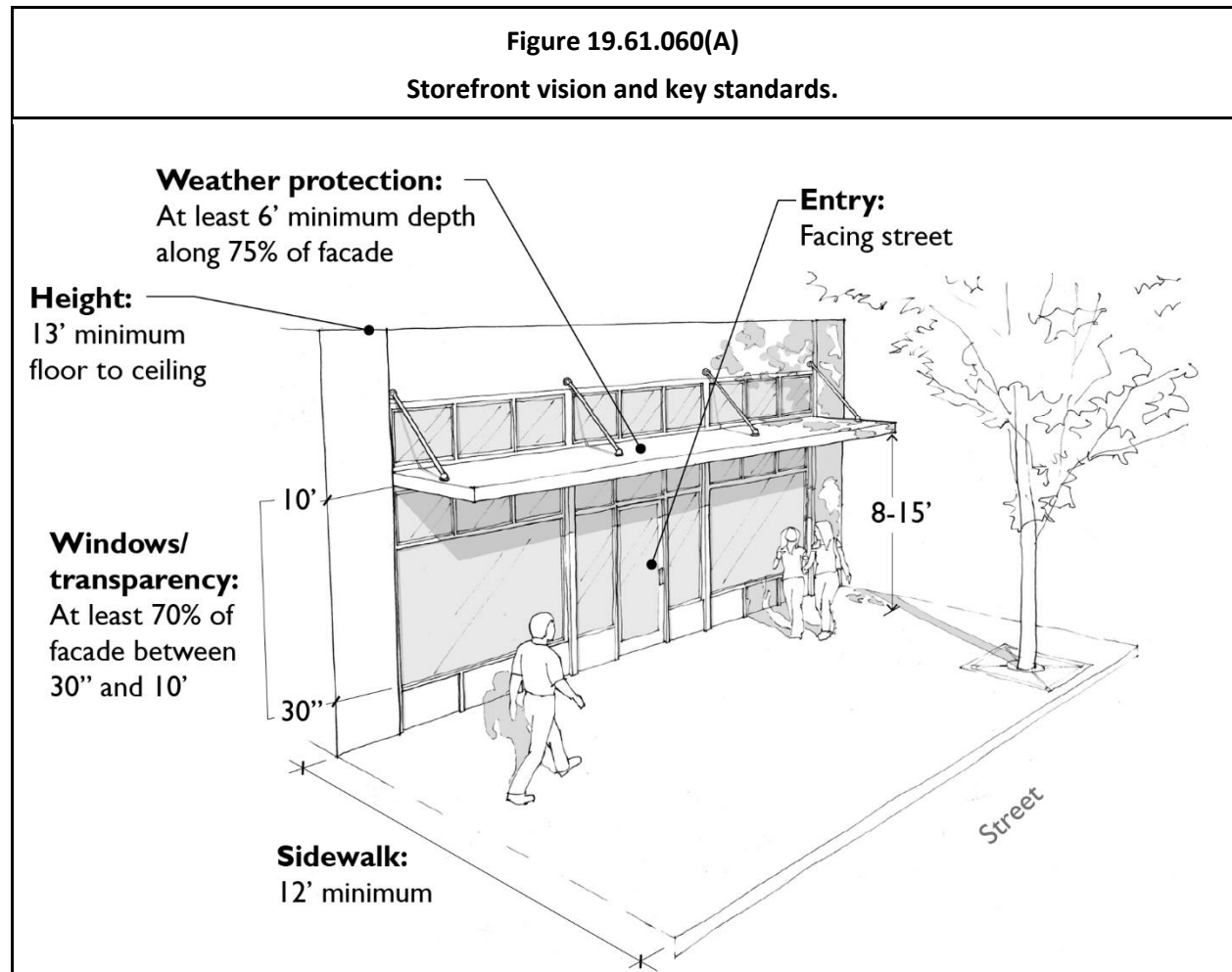
Table 19.61.050 Clarification of transparency standards		
Transparency zones		
Storefront  The transparency zone is on the ground floor between 30" and 10' above sidewalk grade	Ground floor non-residential and non-storefront  The transparency zone is between 30" and 8' above grade	Residential buildings and residential portions of mixed-use buildings  All vertical surfaces of the façade are used in the calculations
Other Transparency Provisions		
Windows must be transparent Ground level window area for storefronts and other non-residential uses that is covered, frosted, or perforated in any manner that obscures visibility into the building must not count as transparent window area. Exception: Window signs conforming with AMC 19.67.090(E) may be counted as transparent window area provided the areas generally around the sign are transparent.		

Table 19.61.050 Clarification of transparency standards		
Display windows Display windows may be used for up to 50% of non-residential transparency requirements provided they are at least 30" deep to allow changeable displays and the interior wall is non-structural so it can be removed if the windows are not used for display. Tack-on display cases as shown in the far right example do not qualify as transparent window area.	 Integrated display windows	 Tack-on display cases
Other Transparency Provisions		
Structured parking facilities Where structured parking facilities occupy a portion of the façade, any openings simulating windows may be used to help comply with transparency requirements.	 Parking garage with windows	 Parking garage without windows

19.61.060 - Storefront block frontage standards.

- A. Purpose.** Storefront block frontages are the most vibrant and active shopping and dining areas within Anacortes. Blocks designated as Storefront block frontages include continuous storefronts placed along the sidewalk edge with small scale shops and many business entries.



B. Standards. All development on sites with a Storefront block frontage designation must comply with the standards in Table 19.61.060(B) below:

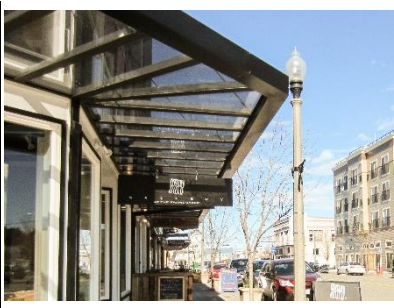
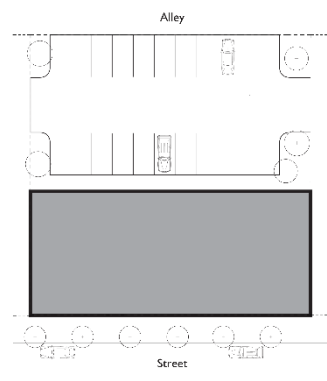
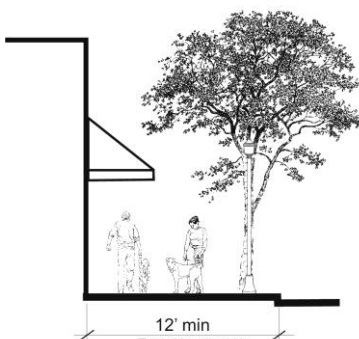
Table 19.61.060(B) Storefront block frontage standards.		
The ➡ symbol refers to DEPARTURE opportunities in AMC 19.61.060(C) below.		
Element	Standards	Examples and Notes
Ground level Land use	Non-residential uses specified in Table 19.41.050 are required except for lobbies associated with residential or hotel/motel uses on upper floors.	
Floor to ceiling height	13' minimum (applies to new buildings only)	
Retail space depth	50' minimum on Commercial Avenue in the CBD zone and 20' minimum elsewhere (applies to new buildings only) ➡	
Building placement	Buildings must be placed at the street property line/back edge of the sidewalk. Additional setbacks are allowed for a widened sidewalk or pedestrian-oriented space [AMC 19.62.040(D)].	 Corner building example
Building entrances	Primary building entrances must face the street. For corner buildings, primary entrances may face the street corner.	
Façade transparency (see AMC 19.61.050)	At least 70% of the transparency zone. ➡	
Weather protection	Weather protection over the sidewalk is required along at least 75% of the storefront façade, and it must be a minimum of 6' deep and have 8' to 15' of vertical clearance. ➡ Weather protection must not interfere with street trees, street lights, street signs, or extend beyond the edge of the sidewalk.	

Table 19.61.060(B) Storefront block frontage standards.		
The ➡ symbol refers to DEPARTURE opportunities in AMC 19.61.060(C) below.		
Element	Standards	Examples and Notes
Parking location and vehicle access	New surface parking adjacent to the street is prohibited. ➡ Vehicular access for surface or structured parking from a storefront street is prohibited if there is access available from another street or alley. ➡	
Sidewalk width	12' minimum between the curb edge and the storefront façade (including clear/buffer zone with street trees). ➡ Setbacks and utility easements must also be considered and may result in a larger minimum sidewalk width.	

C. DEPARTURE criteria. Departures from the standards in Table 19.61.060(B) that feature the ➡ symbol will be considered per AMC 19.20.220 provided the alternative proposal meets the purpose of the standards and the following criteria:

1. Retail space depth. Departures from this standard are not allowed in the CBD zone. Elsewhere, reduced depths will be considered where the applicant can successfully demonstrate the proposed alternative design and configuration of the space is viable for a variety of permitted retail uses.
2. Façade transparency. Façade transparency in the transparency zone may be a minimum of 40-percent if the façade design between ground level windows provides visual interest to the pedestrian and mitigates the impacts of blank walls.
3. Weather protection. Other proposed alternative design treatments must provide equivalent weather protection benefits.
4. Parking location. Departures from this standard are not allowed in the CBD zone. Elsewhere, there must be an acceptable tradeoff in terms of the amount and quality of storefront area that is integrated with the development and the applicable parking location departure. In addition,

the alternative must include design features to successfully mitigate the visual impact of additional parking areas along designated storefront streets.

5. Sidewalk width. Alternative designs may be considered where topographical challenges or approved city streetscape plans with different sidewalk standards exist. Alternative designs must be able to accommodate safe and comfortable pedestrian traffic anticipated for full block development.

19.61.070 - Landscaped block frontage standards.

- A. Purpose.** Landscaped block frontages emphasize landscaped street setbacks, clear pedestrian connections between the building and the sidewalk, and minimized surface parking lots along the frontages.

Figure 19.61.070(A)

Landscaped frontage vision and key standards.



- B. Standards.** All development on sites containing a landscaped block frontage designation must comply with the standards in Table 19.61.070(B) below. The standards herein also apply to all multifamily and non-residential development in residential zones:

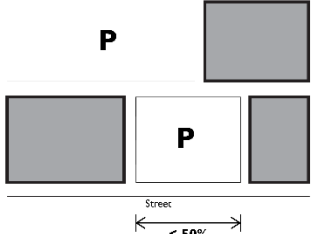
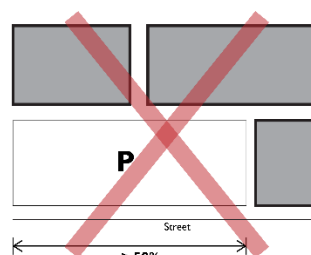
Table 19.61.070(B) Landscaped block frontage standards.		
The ➡ symbol refers to DEPARTURE opportunities in AMC 19.61.070(C) below.		
Element	Standards	Examples and Notes
Ground level Land use	See uses specified in AMC 19.41.040 and 19.41.050.	 Landscaped frontage example meeting setback, entry, weather protection, and transparency standards.
Building placement	10' minimum setbacks are required, or greater where specified for the applicable zone in AMC Chapter 19.42 Form and Intensity Standards.	
Building entrances	At least one building entry must be visible from the sidewalk. ➡	
Façade transparency (see AMC 19.61.050)	For buildings with ground level non-residential uses, at least 25% of the transparency zone. ➡ For buildings with ground level residential uses, at least 15% of the transparency zone. ➡	
Weather protection	Weather protection at least three-feet deep must be provided over all primary entries.	
Parking location and vehicle access	Parking must be located to the side or rear of buildings. For multi-building developments, no more than 50% of the lot frontage can be occupied by off-street parking and driveways. ➡ Vehicular access must comply with the provisions of AMC 19.53.030. Any parking lots developed adjacent to the street must comply with landscaping provisions of AMC 19.65.070.	ACCEPTABLE 50% OR LESS PARKING IN FRONT 

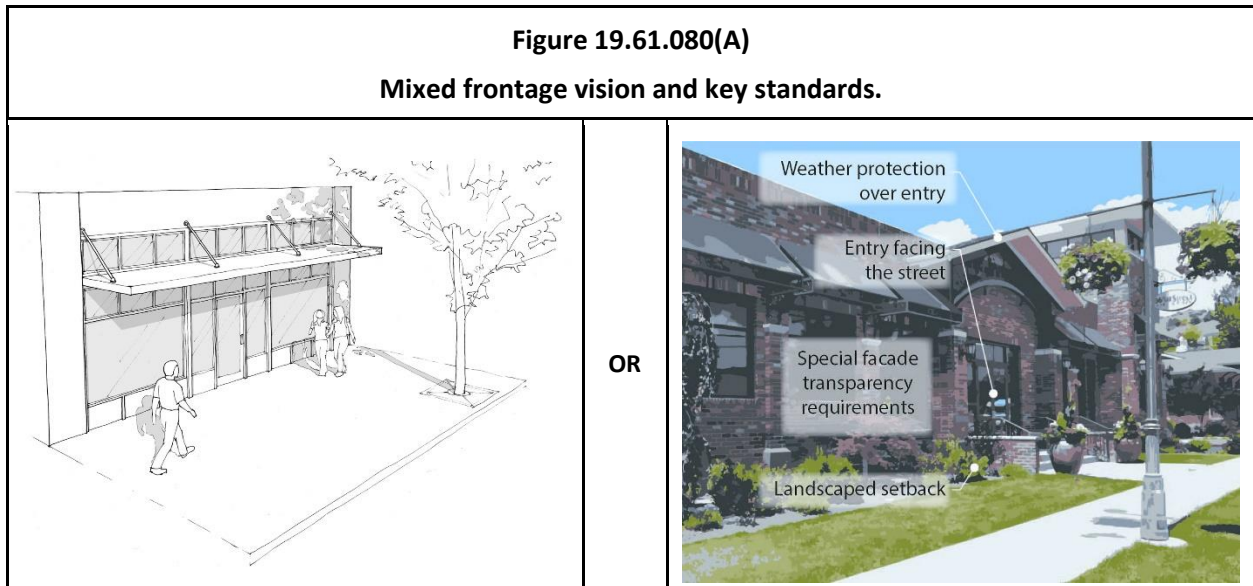
Table 19.61.070(B) Landscaped block frontage standards.		
The ➡ symbol refers to DEPARTURE opportunities in AMC 19.61.070(C) below.		
Element	Standards	Examples and Notes
		NO MORE THAN 50% PARKING IN FRONT 
Landscaping	All areas between the sidewalk and the building must be landscaped, except for pathways, porches, decks, and other areas meeting the definition of pedestrian-oriented space [AMC 19.62.040(D)]. Landscaped areas must contain Types B, C, or D Landscaping (as defined in AMC 19.65.060) and may incorporate rain gardens and other forms of stormwater management. See AMC Chapter 19.65 for other landscaping standards.	
Sidewalk width	See AMC 19.52.040 for applicable sidewalk widths.	

C. DEPARTURE criteria. Departures to the landscaped block frontage standards in Table 19.61.070(B) that feature the ➡ symbol will be considered per AMC 19.20.220 provided the alternative proposal meets the purpose of the standards and the following criteria:

1. Building entrances: Block frontages with environmental constraints and/or those facing busy arterial streets and minor pedestrian traffic may warrant some flexibility to this standard (particularly in residential zones).
2. Façade transparency: Façade transparency in the transparency zone may be reduced from the minimum by 50-percent if the façade design between ground level windows provides visual interest to the pedestrian and mitigates the impacts of blank walls.
3. Parking location: Corner lots and unusual lot shapes warrant some flexibility to the standards herein provided design treatments are included that minimize visual impacts of parking areas on the streetscape.

19.61.080 - Mixed block frontage standards.

- A. Purpose.** Mixed block frontages allow for general flexibility where either a Storefront orientation or a Landscaped orientation in a pedestrian-friendly configuration could be developed.



- B. Standards.** Development must conform to either Storefront or Landscaped block frontage standards and associated departure options and departure criteria as established above, with only the following modifications in Table 19.61.080(B) below:

Table 19.61.080(B) Mixed block frontage standards.		
The ➡ symbol refers to DEPARTURE opportunities in AMC 19.61.080(C) below.		
Element	Standards	Examples and Notes
Building placement	Buildings may be placed up to the sidewalk edge provided they meet Storefront block frontage standards in AMC 19.61.060 (this includes standards for ground level, building placement, building entrances, façade transparency, and weather protection elements). The minimum setback for buildings that do not meet applicable Storefront block frontage standards is 10' or greater where specified for the applicable zone in AMC Chapter 19.42 Form and Intensity Standards. ➡	

Table 19.61.080(B) Mixed block frontage standards.		
The ➡ symbol refers to DEPARTURE opportunities in AMC 19.61.080(C) below.		
Element	Standards	Examples and Notes
Façade transparency (see AMC 19.61.050)	Storefront buildings are subject to Storefront block frontage transparency standards above. For other building frontages, transparent windows must be provided along at least 15% of the building façade, plus: • Buildings designed with ground floor non-residential uses within 10' of sidewalk, must feature at least 40% transparency within the transparency zone. ➡ • Buildings designed with ground floor non-residential uses within 20' of sidewalk, must feature at least 25% transparency within the transparency zone. ➡	 This office building (within 10' of sidewalk) would need at least 40% transparency within the 30" to 8' transparency zone.

- C. DEPARTURE criteria.** Departures to the mixed block frontage standards in Table 19.61.080(B) that feature the ➡ symbol will be considered per AMC 19.20.220 provided the alternative proposal meets the purpose of the standards and the following criteria:
1. **Building placement:** Provide design treatments that create an effective transition between the public and private realm. For example, a stoop design or other similar treatments that utilize a low fence or retaining wall, and/or hedge along the sidewalk may provide an effective transition [see Figure 19.61.080(C) for examples].
 2. **Façade transparency:** Façade transparency in the transparency zone may be reduced from the minimum by 50-percent if the façade design between ground level windows provides visual interest to the pedestrian and mitigates the impacts of blank walls.

Figure 19.61.080(C)

Acceptable examples of possible setback departures.



The landscaped and stoop frontages above are possible departure examples with reduced setbacks for non-storefront façades. The combination of landscaping elements, façade transparency, low fencing, and façade materials and detailing help to create an effective transition between the public and private realm.

19.61.090 - Marine street standards.

- A. Purpose.** Marine block frontages allow for general flexibility where either a Storefront orientation or a Landscaped orientation similar to the mixed block frontage designation, could be developed. However, the marine designation offers greater flexibility in building and parking lot configuration based on the site's context and proposed use via departure.
- B. Standards.** Development must conform to either Storefront or Landscaped block frontage standards and associated departure options and departure criteria as established above, with only the following modifications in Table 19.61.090(B) below:

Table 19.61.090(B) Marine block frontage standards.		
The ➡ symbol refers to DEPARTURE opportunities in AMC 19.61.090(C) below.		
Element	Standards	Examples and Notes
Building placement	Buildings may be placed up to the sidewalk edge provided they meet Storefront block frontage standards in AMC 19.61.060 (this includes standards for ground level, building placement, building entrances, façade transparency, and weather protection elements). The minimum setback for buildings that do not meet applicable storefront block frontage standards is 10' or greater where specified for the applicable zone in AMC Chapter 19.42 Form and Intensity Standards. ➡	 Storefront example.
Façade transparency	Storefront buildings are subject to Storefront block frontage transparency standards above. For other building frontages, transparent windows must be provided along at least 15% of the façade, plus: • Buildings designed with ground floor non-residential uses within 10' of sidewalk, must feature at least 40% transparency within the transparency zone. ➡ • Buildings designed with ground floor non-residential uses within 20' of sidewalk, must feature at least 25% transparency within the transparency zone. ➡	 Generous ground level transparency example with modest landscaped setback.
Parking location and vehicle access	Developments are subject to Storefront or Landscaped block frontage parking location standards depending on the chosen frontage type. ➡	The unique nature of these marine-oriented sites and uses often require some flexibility in building and parking area locations.

Table 19.61.090(B) Marine block frontage standards.		
The ➡ symbol refers to DEPARTURE opportunities in AMC 19.61.090(C) below.		
Element	Standards	Examples and Notes
	Vehicular access must comply with the provisions of AMC 19.53.030.	

C. DEPARTURE criteria. Departures to the marine block frontage standards in Table 19.61.090(B) that feature the ➡ symbol will be considered per AMC 19.20.220 provided the alternative proposal meets the purpose of the standards and the following criteria:

1. Building placement: Provide design treatments that create an effective transition between the public and private realm. For example, a stoop design or other similar treatments that utilize a low fence or retaining wall and/or hedge along the sidewalk may provide an effective transition [see Figure 19.61.080(C) for examples].
2. Façade transparency: Façade transparency in the transparency zone may be reduced from the minimum by 50-percent if the façade design between ground level windows provides visual interest to the pedestrian and mitigates the impacts of blank walls.
3. Parking location: Parking areas may be located in the front where design measures are included (above and beyond base standards) to mitigate visual impacts of parking areas along the street and where it can be demonstrated that there is an acceptable tradeoff of public benefits associated with the proposed building and parking lot location. Examples include distinctive landscape design integrating a decorative low fence or trellis.

19.61.100 - Gateway block frontage standards.

- A. Purpose.** Gateway block frontage designations serve strategic areas along properties fronted by State Route 20 where there is a desire to provide attractive landscaped development frontages.
- B. Standards.** All development on sites containing a gateway block frontage designation must comply with the standards in Table 19.61.100(B) below:

Table 19.61.100(B) Gateway block frontage standards.	
The ➡ symbol refers to DEPARTURE opportunities in AMC 19.61.100(C) below.	
Element	Standards
Building placement	10' minimum street setbacks for buildings complying with façade transparency standards; 25' for all other buildings.
Façade transparency (see AMC 19.61.050)	For all buildings with less than 25' setback, transparent window area must be provided along at least 15% of the façade of the building. Marijuana uses and adult concession uses are exempt from this requirement. ➡
Parking and outdoor storage location	Parking lots and outdoor storage areas must be setback at least ten-feet from the gateway block frontage property line and screened with Type-A, B, or C Landscaping as defined in AMC 19.65.060. Any parking lots developed adjacent to the street must comply with landscaping provisions of AMC 19.65.070.
Landscaping	All areas between the property line and any building, parking, or storage area must be landscaped, except for pathways, porches, decks, and other areas meeting the definition of pedestrian-oriented space [AMC 19.63.040(D)].
Fencing	Landscaped screening is required (➡) for chain link and other similar metal fencing and opaque fences: • For fences less than 4-1/2' tall, at least 5' of Type-A, B, or C Landscaping (see AMC 19.65.060) is required in front of the fence. • For fences 4-1/2' or taller, at least 10' of Type-A or B Landscaping (see AMC 19.65.060) is required in front of the fence. No landscape screening is required for split rail or similar low decorative fencing, or a decorative wall (brick, stone, or similar) up to 4-1/2' tall.
 Gateway frontage example with split rail fence, landscaping (shrubs behind fence) and façade meeting the modest transparency standards.	

- C. DEPARTURE criteria.** Departures to the landscaped block frontage standards in Table 19.61.100(B) that feature the ➡ symbol will be considered per AMC 19.20.220 provided the alternative proposal meets the purpose of the standards and the following criteria:
1. Façade transparency: Façade transparency in the transparency zone may be reduced from the minimum by 50-percent if the façade design between ground level windows provides visual interest to the pedestrian and mitigates the impacts of blank walls.
 2. Fence screening: Reduced landscaping screening is allowed where some combination of the type and design of reduced landscaping and/or the enhanced design of fencing reduces the visual impact of the fencing on the gateway corridor environment.

19.61.110 - Undesignated (streets with no designated block frontage).

- A. Purpose.** Undesignated block frontages should provide visual interest at all observable scales and meet the design objectives of the city.
- B. Applicability.** All Undesignated block frontages in non-residential zones that are not designated are subject to the standards of this section. These block frontages are provided greater flexibility with regards to the design of multifamily and non-residential development frontages.

These block frontages include a combination of side streets (where most uses often front on other adjacent streets) and service oriented streets (often characterized by industrial or service types of uses), and heavy arterial streets. While there is greater flexibility in the amount of transparency of façades and the location of surface and structured parking, design parameters are included to ensure that landscaping and other design elements help to mitigate the potential impacts of parking lots and blank walls along these streets.

DEPARTURES will be considered pursuant to AMC 19.20.220.

C. Standards.

Undesignated block frontages must comply with the standards in Table 19.61.110(C) below.

Table 19.61.110(C) Undesignated block frontage standards.	
The ➡ symbol refers to DEPARTURE opportunities in AMC 19.61.110(D) below.	
Element	Standards
Building placement	Where allowed in the applicable zone (see AMC 19.42.030), buildings may be placed up to the sidewalk edge provided they meet Storefront block standards in AMC 19.61.060 (this includes standards for ground level, building placement, building entrances, façade transparency, and weather protection elements). Otherwise, 10' minimum street setback except where greater setbacks are required by the zone (see AMC Chapter 19.42 Form and Intensity Standards).
Building entrances	Building entrances facing the street are encouraged. At a minimum, at least one building entry visible and directly accessible from the street is required. Where buildings are setback from the street, pedestrian connections are required from the sidewalk.
Façade transparency (see AMC 19.61.050)	• For Storefront buildings, see AMC 19.61.060(B) for transparency standards. • For other buildings within 10' of sidewalk, at least 30% of the transparency zone. ➡ • For buildings setback more than 10' from the sidewalk, at least 10% of the entire façade must be transparent. ➡
Weather protection	At least 3' deep over primary business and residential entries.
Parking location and vehicle access	There are no parking lot location restrictions, except for required landscaping buffers in AMC 19.65.070.
Landscaping	• The area between the street and any non-storefront building must be landscaped and/or private porch or patio space.

Table 19.61.110(C) Undesignated block frontage standards.	
The ➡ symbol refers to DEPARTURE opportunities in AMC 19.61.110(D) below.	
Element	Standards
	• For setbacks adjacent to buildings with windows, provide low level landscaping that maintains views between the building and the street. • See AMC Chapter 19.65 for other landscaping standards.
Sidewalk width	Where Storefront buildings are proposed, sidewalks must meet Storefront block frontage standards in AMC 19.61.060. Otherwise, see AMC 19.52.040 Street geometric design and streetscapes for applicable sidewalk widths.

- D. DEPARTURE criteria.** Departures to the Undesignated block frontage standards in Table 19.61.110(C) that feature the ➡ symbol will be considered per AMC 19.20.220 provided the alternative proposal meets the purpose of the standards and the following criteria:
1. **Façade transparency:** Reduced transparency is allowed where the design treatment of applicable landscaping and/or façade provide visual interest to the pedestrian and mitigates impacts of any blank wall areas. Up to a 50-percent reduction in the minimum amount of window transparency may be approved via departure.

19.61.120 - Trail block frontage standards.

Trails referenced in the block frontage designation maps in AMC 19.61.040 aligned adjacent to a street are subject to the applicable block frontage designation for the street. For trails referenced in the block frontage designation maps in AMC 19.61.040 that are not adjacent to streets, developments fronting such trails must comply with the Undesignated block frontage standards in AMC 19.61.110.

Exception: Developments in the CM2, HM, and I zones are exempt from the building entrance and transparency standards.

19.61.130 - Esplanade block frontage standards.

- A. Purpose.** Esplanade block frontages emphasize lively waterfront spaces that feature a combination of commercial storefronts and attractive landscaped frontages that orient towards the water.
- B. Standards.** Esplanade block frontages are subject to the mixed block frontage standards in AMC 19.61.080.

19.61.140 - Central waterfront (CW) corridors and block frontage standards.

- A. Purpose.** These corridors are intended to enhance pedestrian access in the area and strengthen the physical and visual connection to the water.
- B. Standards.** The CW corridors must be at least 20-feet wide and are subject to the mixed block frontage standards in AMC 19.61.080. Where buildings employ the Landscaped block frontage design, the minimum building setbacks may be reduced provided the design meets the purposes of the standards and all other applicable design standards.

19.61.150 - Where properties front onto multiple streets.

Where a property fronts onto more than one street, each building frontage must comply with the standards for the block frontage upon which it fronts, with the following clarifications:

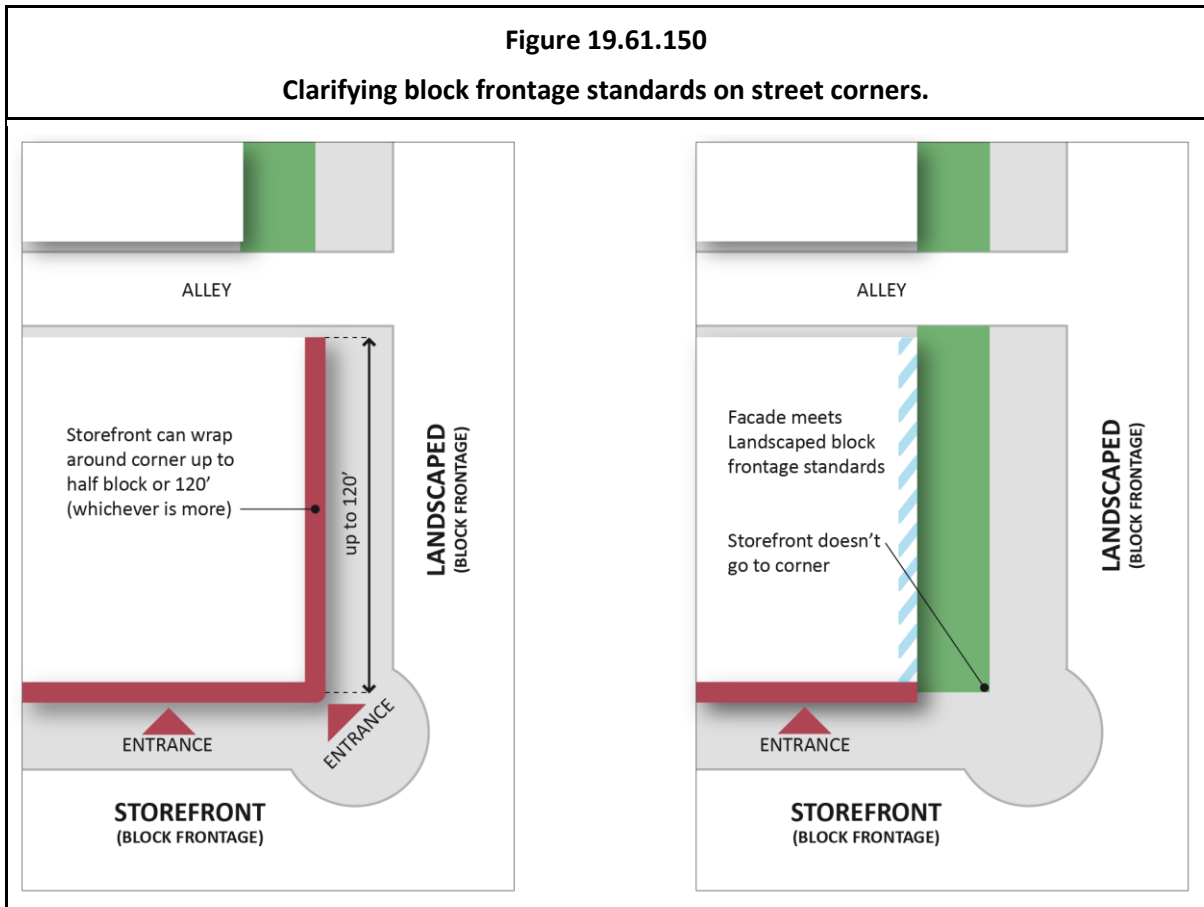
- A.** Where a conflict exists between frontage standards, the director will apply the standards of a block frontage pursuant to the following order of preference:
 - 1. Storefront;
 - 2. Mixed;
 - 3. Landscaped; then
 - 4. Undesignated.

Subsections (B) through (E) below clarify how the order of preference works for particular frontage elements.

- B.** Building Location: For corner sites with landscaped block frontage on one street and storefront or mixed on another, a storefront frontage may wrap around the corner (on the landscaped block frontage side) for up to a half block or 120-feet (whichever is more).
- C.** Entrances: For corner sites, entrances on both streets are encouraged, but only one entrance is required. For corner sites with frontage on a storefront block frontage on one side, an entrance must be placed on the storefront block frontage side. For corner sites with a mix of designations that do not include a storefront block frontage, the entry must be placed on the order of preference identified above.

DEPARTURES may be considered provided the location and design of the entry and block frontage treatments are compatible with the character of the area and enhance the character of the street.

- D.** Transparency: For corner sites - at least one block frontage must meet the applicable transparency standards (based on the order of preference above. For the second block frontage, the director may approve a reduction in the minimum amount of transparency by 50-percent. For street corners with the same designations on both frontages, buildings must employ the full transparency on the dominant frontage (based on the frontage width or established neighborhood pattern).
- E.** Parking: Surface parking (including ground floor parking in a structure) adjacent to a street corner is not allowed, except:
 - 1. Corner lots with Undesignated frontages on both streets;
 - 2. Other combination of block frontages, except those with a Storefront block frontage designation, via a DEPARTURE and subject to the applicable departure criteria.



19.61.160 - Where properties have multiple designations along one frontage.

Where an individual property has a frontage with multiple block frontage designations, the following standards apply:

- A. Storefront and any other block frontage designation: Storefront block frontage designation applies.
- B. Mixed and Landscaped block frontage designation: Mixed block frontage designation applies.
- C. Landscaped and Undesignated block frontage designation: Landscaped block frontage designation applies.

19.61.170 - High visibility street corners.

A. Description/purpose. The high visibility street corner requirements apply to those sites designated as such on the block frontage designation maps in AMC 19.61.040. The purpose is to accentuate designated street corners with high visibility to the public.

B. Standards. Sites located on high visibility street corners must meet the following requirements:

1. The maximum building setback from the street corner (measured from the right-of-way edge at the corner) is 20-feet, except where a corner plaza [meeting the pedestrian-oriented space provisions of AMC 19.62.040(D)] or other decorative landscaping design meets the purpose of the standards.
2. At least one of the following special features must be included (Figure 19.61.170 below illustrates acceptable examples):
 - a. Corner plaza.
 - b. Cropped building corner with a special entry feature.
 - c. Decorative use of building materials at the corner.
 - d. Distinctive façade articulation.
 - e. Sculptural architectural element.
 - f. Other decorative elements that meet the purpose of the standards.

Figure 19.61.170

Acceptable high visibility street corner examples.



Building 1 includes a corner tower. Building 2 features cropped building corners with decorative elements. Building 3 uses a decorative canopy. Building 4 uses a change in building materials and façade articulation at the corner. Building 5 incorporates a plaza at the corner. Image 6 shows a decorative landscaped area with a trellis and neighborhood gateway sign.

19.61.180 - Framework development plan.

Recently annexed or rezoned industrial or mixed-use properties along with strategic large sites necessitate a different approach to applying block frontage standards. The provisions below identify the purpose, applicable sites, block frontage designation options, and special standards for developing framework development plans.

A. Purpose.

1. To provide thoughtful and fair process to plan for the development of large and new commercial and mixed-use sites in Anacortes consistent with the goals and policies of the comprehensive plan.
2. To promote the arrangement of streets, buildings, open space, parking and service areas that creates a strong sense of community and enhances the character of Anacortes.
3. To avoid uncoordinated patterns of development that waste valuable land, compromise vehicular and pedestrian access, and degrade the character of Anacortes.

B. Applicable sites.

1. Sites shown in Figure 19.61.040(C).
2. Sites annexed after adoption of this section as a mixed-use or industrial zone and which are not addressed in the block frontage maps in this chapter.
3. Sites rezoned after adoption of this section to a mixed-use or industrial zone and which are not addressed in the block frontage maps in this chapter.

C. Block frontage designations standards and options.

1. Prior to site development of applicable sites, a framework development plan must be developed, approved and recorded for the property per the procedures in AMC 19.20.030 and 19.20.230. The plan must include:
 - a. New streets and internal roadways along with block frontage designations (types included in this section).
 - b. Any designated high visibility street corners.
2. Framework development plans may utilize any existing block frontage designations within or bordering the site, or include an alternative block frontage designation type or types, subject to framework development plan approval.
3. Alternatively, site plan development may occur on applicable sites without an approved and recorded framework development plan provided all block frontages comply with the designations shown on Figure 19.61.040(C) or the standards for Mixed block frontages in AMC 19.61.080.

D. Approval criteria. See AMC 19.20.230(E).

Chapter 19.62 - SITE PLANNING

Sections:

- 19.62.010 - Purpose.
- 19.62.020 - Applicability.
- 19.62.030 - Relationship to adjacent properties.
- 19.62.040 - Internal open space.
- 19.62.050 - Internal pedestrian access and design.
- 19.62.060 - Vehicular circulation and parking.
- 19.62.070 - Service areas and mechanical equipment.

19.62.010 - Purpose.

- A. To promote thoughtful layout of buildings, parking areas, and circulation, service, landscaping, and amenity elements.
- B. Enhance Anacortes's visual character.
- C. Promote compatibility between developments and uses.
- D. Enhance the function of developments.
- E. Meet stormwater infiltration requirements when feasible.

19.62.020 - Applicability.

- A. The provisions of this division apply to all non-residential and multifamily development. The following are exempt:
 - 1. All development in the I, LM, AZ, CM2, and MS zones.
 - 2. Developments in the HM and LM1 zones when not abutting State Route 20 right-of-way.
- B. For clarification on the relationship between the provisions in this division and other documents and codes, see AMC 19.60.020(B).
- C. For the application of building additions and remodels and site improvements, see AMC 19.60.020(C).
- D. For clarification on how the provisions of this division are applied, see AMC 19.60.030.

19.62.030 - Relationship to adjacent properties.

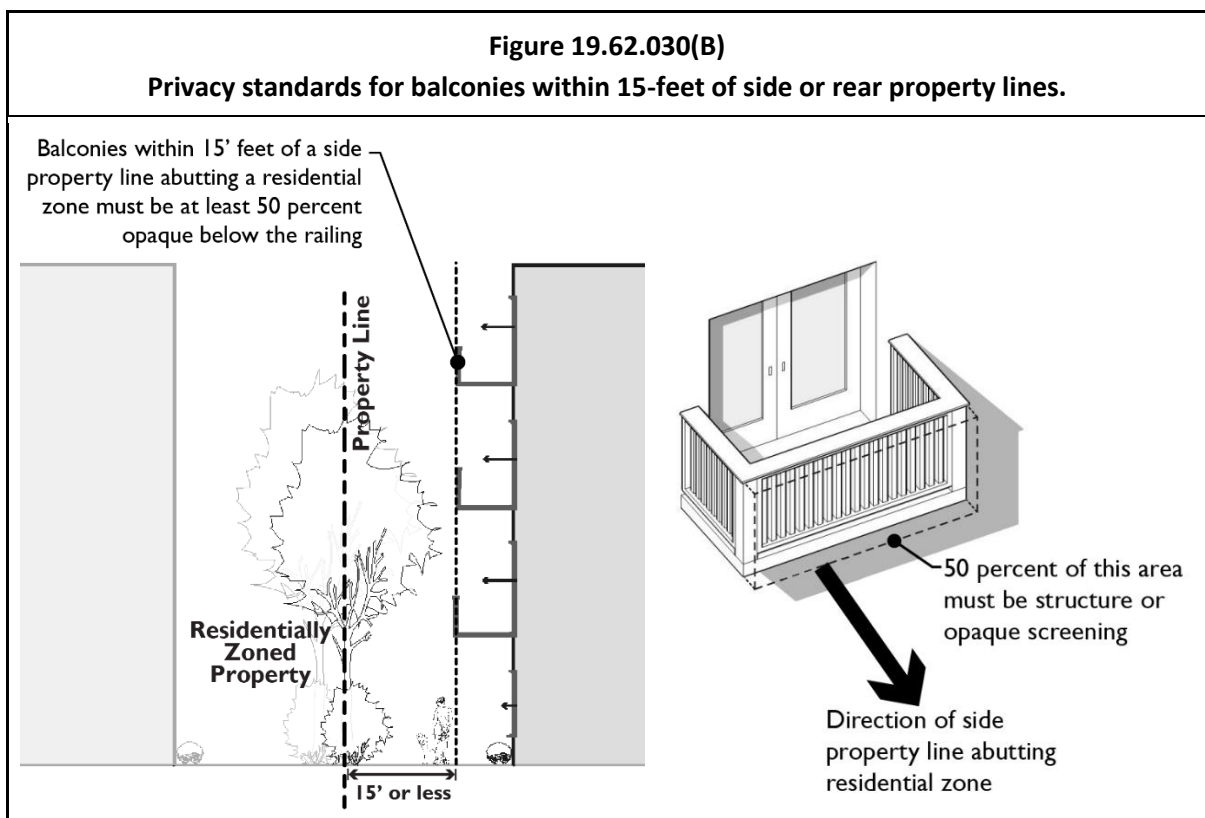
A. Purpose.

1. To promote the functional and visual compatibility between developments.
2. To protect the privacy of residents on adjacent properties.

B. Balconies near side and rear property lines adjacent to property in any residential zone.

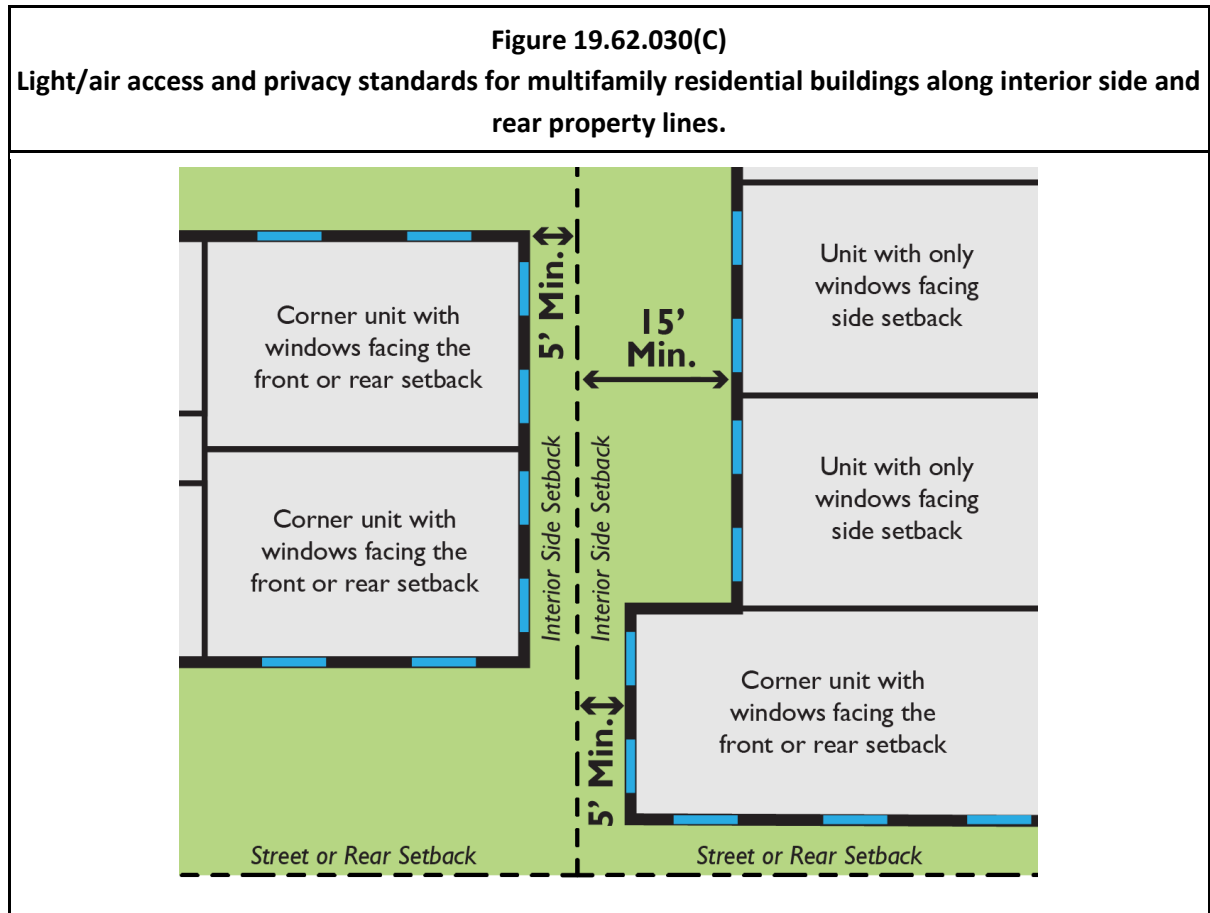
Balconies and rooftop decks above the ground floor within 15 horizontal-feet of a side property line abutting a residentially zoned property must feature a railing system that is at least 50-percent opaque. Specifically, 50-percent of the area below the top edge of the railing must be a sight-obscuring structure.

DEPARTURES to this standard will be allowed if the balcony will not cause visual or privacy impacts due to its location, orientation, design or other consideration.



- C. **Light and air access and privacy near interior side and rear property lines.** Buildings or portions thereof containing multifamily dwelling units whose only solar access (windows) is from the applicable side of the building (facing towards the interior side property line) must be set back from the applicable interior side or rear property lines at least 15-feet. See Figures 19.62.030(B) and (C).

DEPARTURES will be allowed where it is determined that the proposed design will not create a compatibility problem in the near and long term based on the unique site context.



19.62.040 - Internal open space.

A. Purpose.

1. To create useable space that is suitable for leisure or recreational activities for residents.
2. To create open space that contributes to the residential setting.
3. To provide plazas that attract shoppers to commercial areas.
4. To provide plazas and other pedestrian oriented spaces in commercial areas that enhance the employees' and public's opportunity for active and passive activities, such as dining, resting, people watching, and recreational activities.
5. To enhance the development character and attractiveness of commercial development.

B. Usable residential open space.

1. All multifamily development, including multifamily portions of mixed-use development, must provide minimum usable open space equal to 100-square-feet per dwelling unit for studio and one-bedroom dwellings and 150-square-feet per dwelling unit for dwellings with two or more bedrooms. The required open space may be provided in a combination of ways:
 - a. Shared open space. All of the required open space may be in the form of shared open space available to all residents and meeting the requirements of subsection (B)(2) below.
 - b. Ground level individual outdoor space. All of the required open space may for a unit be provided by ground level outdoor space that is adjacent and directly accessible to the subject unit. Such open spaces must be:
 - i. Outdoor spaces may be located in the front, side, or rear yard provided they are generally level, feature no dimension less than ten-feet, and enclosed by a fence and/or hedge at least 32-inches in height to qualify

DEPARTURES will be considered for this provision.
 - ii. Private porches may qualify as outdoor space provided they are at least 36-square-feet in area, with no dimension less than six-feet.
 - iii. LID BMPs may be included in ground level individual outdoor space provided the LID BMP design and maintenance requirements are consistent with the purpose of the space and do not affect usability.

Individual ground level open space that is in excess of minimum requirements must not be used in the calculations for determining the minimum usable open space requirements for other units in the development.

- c. Balconies. Up to 50-percent of the required open space may be provided by private balconies provided such spaces are at least 32-square-feet in area, with no dimension less than four-feet (not including railings), to provide a space usable for human activity.
- d. Common indoor recreation areas. For mixed-use buildings up to 50-percent of the required open space may be provided by common indoor recreation areas meeting the following conditions:
 - i. The space must meet ADA standards and must be located in a visible area, such as near an entrance, lobby, or high traffic corridors.

- ii. The space must be designed specifically to serve interior recreational functions and not merely be leftover unrentable space used to meet the open space requirement. Such space must include amenities and design elements that will encourage use by residents.
- e. Shared roof decks. For multifamily buildings, up to 50-percent of the required open space may be provided by shared roof decks located on the top of buildings which are available to all residents and meet the requirements below. For mixed-use buildings, 100-percent of the required open space may be provided by shared roof decks. Design requirements:
 - i. Space must feature hard-surfacing, provide amenities such as seating areas and other features that encourage use.
 - ii. Space must integrate landscaping elements that enhance the character of the space and encourage its use.
 - iii. Space must incorporate features that provide for the safety of residents, such as enclosures, railings, and appropriate lighting levels.
- 2. Shared open space design requirements. Shared open space can include landscaped courtyards or decks, entrance plazas, gardens with pathways, children's play areas, pools, and water features provided they are accessible to all residents of the development. Accessible areas with native vegetation and areas used for storm water retention, infiltration, or other multipurpose recreational and/or green spaces that meet the design criteria herein may qualify as shared open space.

Special requirements for shared open spaces include the following:

- a. Shared open space must be located in centralized areas that are visible from units within the development.
- b. Required setback areas must not count as shared open space unless the design of the space meets the standards herein.
- c. Shared open space must feature no dimension less than 15-feet in order to provide functional leisure or recreational activity (unless otherwise noted herein).
- d. Shared open space must feature paths or walkable lawns, landscaping, seating, lighting, and play structures, sports courts, or other pedestrian amenities to make the area more functional and enjoyable for a range of users.
- e. Shared open space must be separated from ground level windows, streets, service areas and parking lots with landscaping, fencing, and/or other acceptable treatments that enhance safety and privacy for both the shared open space and dwelling units.
- f. When possible, the space should be oriented to receive sunlight, facing east, west or preferably south.
- g. Stairways and service elements located within or on the edge of shared open space must not be included in the open space calculations.
- h. Shared porches may qualify as shared open space, provided they are at least eight-feet in depth and 96-square-feet in total area.
- i. The space must be accessible to all residents of the development.
- j. Shared open spaces may include LID BMPs, like rain gardens, in up to 25-percent of the required open space.

Figure 19.62.040(B)(2)(a)

Shared open space examples.



The upper left example include a combination of open lawn area for informal recreation plus pathways and decorative landscape areas to enhance the setting for residents. The upper right courtyard includes pathways, seating areas, landscaped beds, and decorative lighting to provide a visual and physical amenity for residents.



The left image above includes a covered gathering space with outdoor grills adjacent to a landscaped commons with a central pathway. The right image includes a pond area with boardwalk and seating areas.

Figure 19.62.040(B)(2)(b)

Rooftop deck examples.

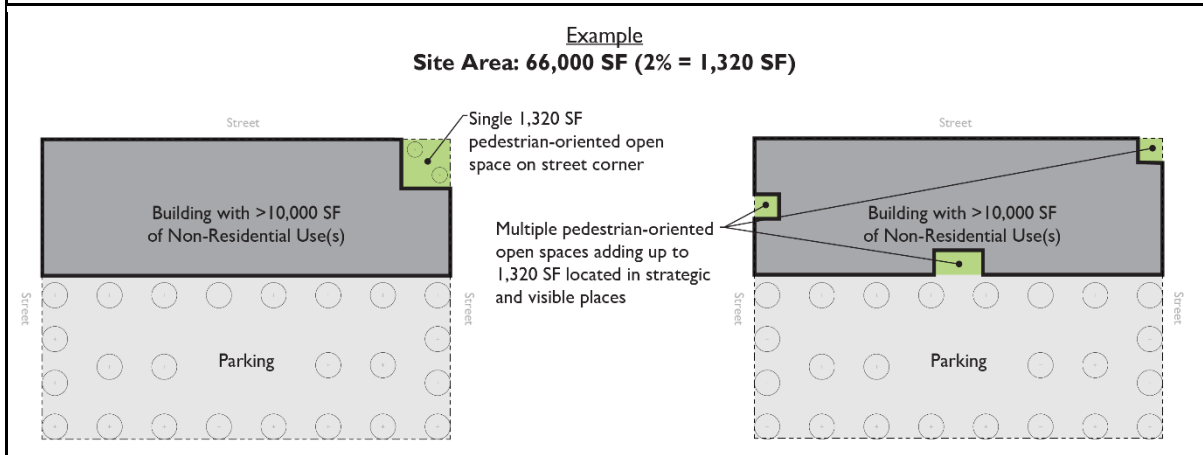


- C. Usable commercial open space.** New developments with non-residential uses with more than 10,000-square-feet of gross floor area in the C, CBD, and MMU zones must provide open space equal to at least two-percent of the development site. The open space may be in the form of pedestrian-oriented open space per subsection (D) below, garden, play area and/or other open space feature that serves both as a visual amenity and a place for human activity. Portions of sidewalks that are wider than 12-feet and which meet the standards of pedestrian-oriented open space may be counted toward this requirement.

DEPARTURE: Open space area may be reduced to one-percent of the development site if the director finds the project includes exceptional design features and elements that meet the purpose of the standards. This includes open spaces that feature a combination of design (site materials, amenities, and configuration) and location/context that clearly exceed typical plaza designs found in the region.

Figure 19.62.040(C)

Example of site development integrating usable commercial open space.



D. Pedestrian-oriented open space design criteria. This subsection describes the requirements and desired characteristics of pedestrian oriented open space [which may be used to meet the requirements of subsection (C) above].

1. Required pedestrian-oriented open space features.
 - a. Visual and pedestrian access into the site from a street, private access road, or non-vehicular courtyard.
 - b. Paved walking surfaces of either concrete or approved unit paving. Form-in-place pervious concrete paving is allowed.
 - c. Lighting must conform to AMC 19.69.040.
 - d. The spaces must be located in or adjacent to areas with significant pedestrian traffic to provide interest and security, such as adjacent to or visible from a building entry.
 - e. At least two-feet of seating area (a bench or ledge at least 16-inches deep and appropriate seating height) or one individual seat per 60-square-feet of plaza area or open space.
 - f. Landscaping components that add visual interest and do not act as a visual barrier. This could include planting beds, raised planters, and/or potted plants, or both.
2. Desirable pedestrian-oriented open space features:
 - a. Pedestrian amenities, such as site furniture, artwork, drinking fountains, shade structures kiosks, or other similar features.
 - b. Adjacent buildings with transparent windows and doors covering at least 50-percent of the façade between 30-inches and ten-feet above the ground level.
 - c. Pedestrian weather protection, alcoves, seating, or other features along building edges to allow for outdoor gathering.
 - d. Pedestrian-oriented open spaces may include LID BMPs, like rain gardens, in up to 25-percent of the required open space.
3. Features prohibited within a pedestrian-oriented open space:
 - a. Asphalt pavement.
 - b. Adjacent service areas (e.g., trash areas, loading docks) that are not separated with landscaping, as required by AMC 19.62.070.
 - c. Adjacent chain-link fences.
 - d. Adjacent “blank walls” without “blank wall treatment” (see AMC 19.63.070).
 - e. Outdoor storage.

Figure 19.62.040(D)(1)

Example of a small pedestrian-oriented open space.

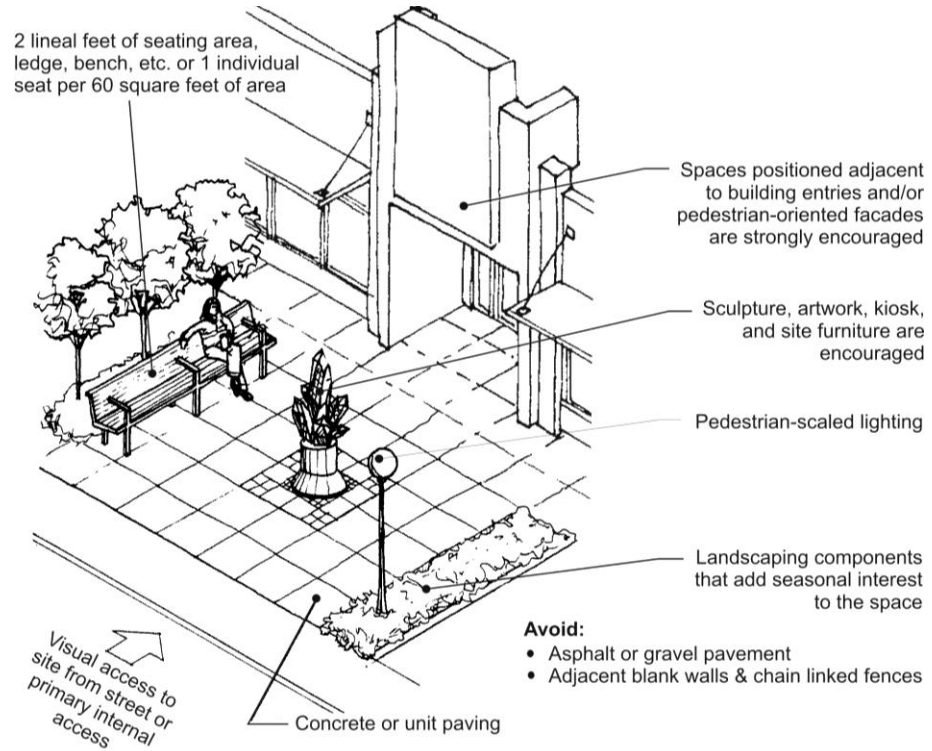


Figure 19.62.040(D)(2)

Desirable examples of pedestrian-oriented open space



The left example above is a colorful plaza with outdoor seating, landscaping elements and direct access to adjacent retail uses. The upper right image is a commons area with adjacent covered areas.



A covered outdoor gathering space (left) may be used to meet pedestrian-oriented open space requirements. In the right image, the widened sidewalk area may be counted as pedestrian-oriented open space.

19.62.050 - Internal pedestrian access and design.

A. Purpose.

1. To improve the pedestrian and bicycling environment by making it easier, safer, and more comfortable to walk or ride among residences, to businesses, to the street sidewalk, to transit stops, through parking lots, to adjacent properties, and connections throughout the city.
2. To enhance access to on- and off-site open space areas and pedestrian/bicycle paths.

B. Access to sidewalk. All buildings must feature pedestrian connections to a sidewalk per applicable block frontage standards in Chapter 19.61. See subsection (D) below for access design requirements.

Figure 19.62.050(B)

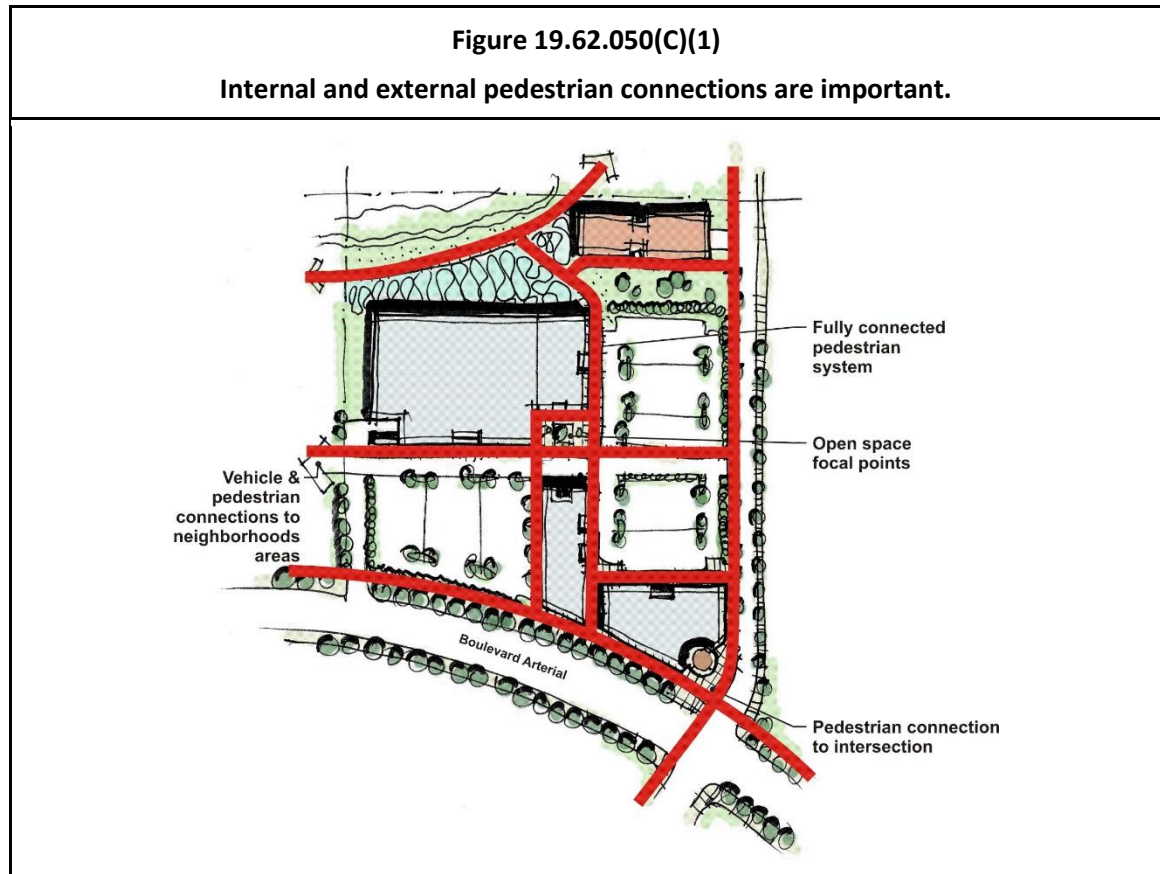
Examples of direct pedestrian access to buildings from the street.



C. Internal circulation.

1. For sites with multiple buildings in the C, CBD, and MMU zones, pedestrian paths connecting businesses and residential entries on the same development site must be provided. Routes that minimize walking distances must be utilized to the extent practical.

DEPARTURES will be allowed where an indirect route would enhance the design and/or use of a common usable open space. See subsection (D) below for pathway design standards.

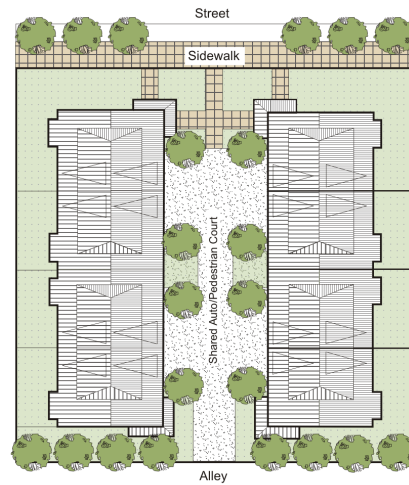


2. Sites with residential units. Provide direct pedestrian access between all ground related unit entries and a public street or to a clearly marked pathway network or open space that has direct access to a public street. Residential developments must provide a pedestrian circulation network that connects all main entrances on the site to other areas of the site, such as:
 - a. Parking areas.
 - b. Recreational areas.
 - c. Common outdoor areas.
 - d. Any pedestrian amenities.

For townhouses or other residential units fronting the street, the sidewalk may be used to meet this standard.

Figure 19.62.050(C)(2)(a)

Direct pathways between the street and dwelling units are required.



The entries of the example on the left connect directly to a public sidewalk while the entries in the right example connect to a common path that extends to the sidewalk.

Figure 19.62.050(C)(2)(b). Examples of attractive pedestrian connection through a residential development.

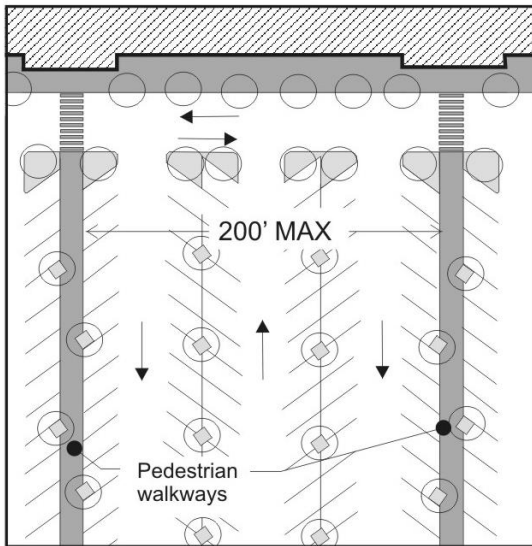


3. Crosswalks are required when a pathway crosses an on-site paved area accessible to vehicles. Crosswalks must contain contrasting material (such as concrete) and/or patterns (such as stamped asphalt), excluding painted surfaces.

4. Pedestrian paths through parking lots. Large parking areas must include specially marked or paved sidewalks. At least one pathway must be provided every four rows of parking, or at a maximum spacing of 200-feet. The pathways must provide a safe connection to the building entrance and meet the pathway design standards in subsection (D). See examples below.

Figure 19.62.050(C)(4)

Parking area pathway standards and examples.



Note the location of the parking lot pathway in the upper right example (connecting shops in one building to the main entry of a grocery store).



Note in the both examples that the concrete pathway extends into the vehicular area to provide a highly visible and safe crosswalk.

5. Barriers that limit future pedestrian access are prohibited. Gates that limit access to employees and residents are permitted. See subsection (D) below for pathway design standards.

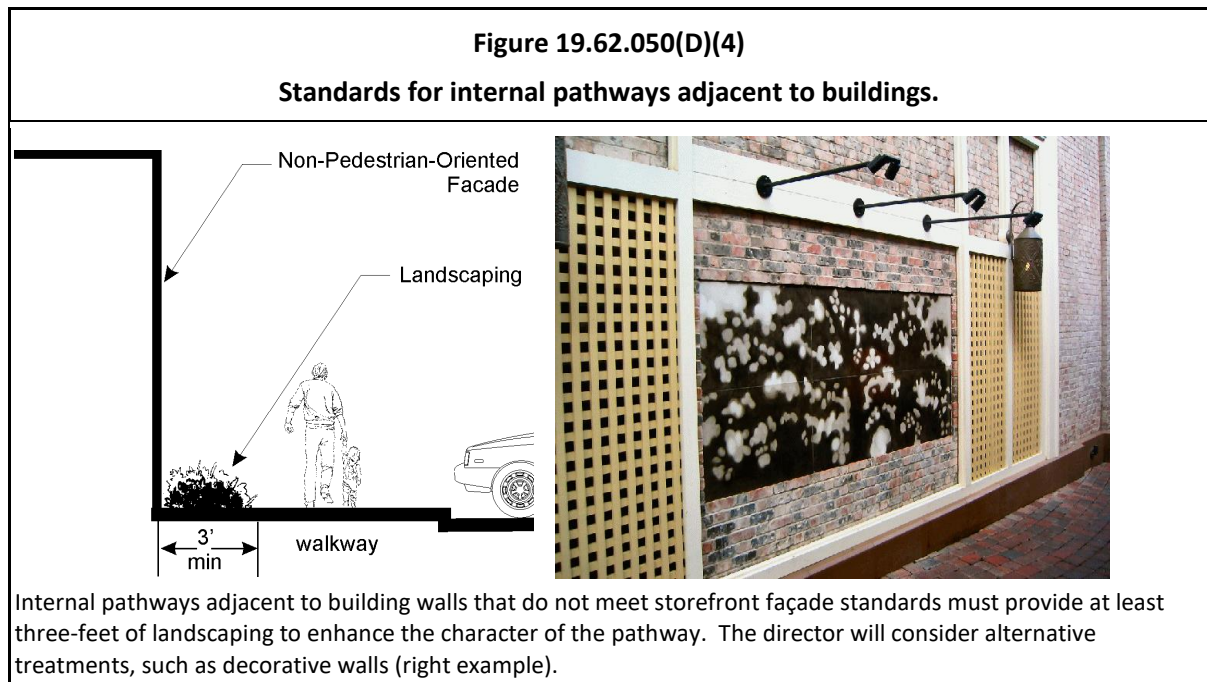
D. Pathway design.

1. All internal pedestrian pathways must have at least a minimum five-foot-wide unobstructed walking surface, except where otherwise required by the Anacortes Engineering Design Standards.
2. All internal pedestrian pathways must be curbed and raised six-inches above adjacent parking lot surface. Curbs may be cut to allow surface water runoff to enter low impact development best management practices (LID BMPs). Ramps and other accessibility features must be provided in accordance with the Americans with Disabilities Act of 1990 and the current ADA Standards for Accessible Design.

DEPARTURE: Alternative curb-less designs may be approved where design features are included to make the pathways safe and welcoming while enhancing the visual character of the site. See the lower right example in Figure 19.62.060(C) as a good example of a curb-less design.

3. Where a pedestrian pathway is adjacent to perpendicular or angled parking, an extra two-feet of pathway width must be provided to accommodate parked vehicles overhanging the pathway unless wheel stops are installed to prevent parked vehicles from overhanging the curb.
4. Pedestrian walks must be separated from structures with at least three-feet of landscaping except where the adjacent building façade meets the Storefront block frontage standards per AMC 19.61.060.

DEPARTURE: Other landscaping and/or façade design treatments to provide attractive pathways will be considered. Examples include sculptural, mosaic, bas-relief artwork, or other decorative treatments that meet the purpose. Figure 19.62.050(D)(4) below provides one example.



5. Pathways along façades containing primary tenant entries of multi-tenant commercial or mixed-use buildings, and which are 100-feet long or more and abut parking lots, must include the following:

- a. 12-foot wide sidewalk and eight-feet minimum unobstructed width.
- b. Trees, as approved by the reviewing authority, placed at an average of 50-feet on-center and placed in grates or in planting strips as established in subsection (c) below.

DEPARTURE: Breaks in the tree coverage will be allowed near major building entries to enhance visibility.

- c. Planting strips with trees may be used between any vehicle access or parking area and the pathway, provided that the trees required in subsection (b) are included, the pathway meets the applicable width standards herein, and the combined pathway and planting strip is at least 12-feet wide. Stormwater best management practices elements may be included in the planting strip.

Figure 19.62.050(D)(5)

Example of a successful pedestrian sidewalk between parking lot and storefront.



- d. Pedestrian lighting in accordance with AMC 19.69.040.
- e. See also AMC 19.62.060(C) Internal roadway design.

19.62.060 - Vehicular circulation and parking.

The standards herein supplement the provisions of AMC Chapter 19.64 Parking and AMC Chapter 19.53 Private Driveways and Access. Where there is a conflict, these provisions herein apply.

A. Purpose.

1. To create a safe, convenient, and efficient network for vehicle circulation and parking.
2. To enhance the visual character of interior access roads.
3. To minimize conflicts with pedestrian circulation and activity.

B. Driveway provisions. Driveways must meet the standards in AMC 19.53.030.

C. Internal roadway design.

1. To increase the function and appearance of internal roadways on large sites (greater than two acres) in the MMU zone, street trees and sidewalks must be provided on all internal access roadways, excepting access roads designed solely for the purpose of service (e.g. waste pick-up) and loading.

DEPARTURES will be allowed, provided the overall pedestrian circulation system and site landscaping meet the intent of the standards.

2. In some instances where traffic speed and volume are low, the reviewing authority may approve a street where vehicle, bicycle and pedestrian movement are mixed such as in a “woonerf” or “shared street”. Woonerf streets must feature traffic calming and safety measures as well as landscape and amenity features as determined by the reviewing authority.

Figure 19.62.060(C)

Good internal roadway examples.



The examples above include angled parking and planter strips with street trees. Pedestrian-scaled lighting also contributes to the character in the upper right image.

Figure 19.62.060(C)

Good internal roadway examples.



The above left image illustrates a thoroughfare lane with a row of street trees. A sidewalk is included on one side of the street to provide a strategic connection between businesses. The right image illustrates the curb-less “woonerf” design where travel speeds are low and lanes are shared between pedestrians and vehicles.

D. Drive-through facilities.

Where allowed, drive through facilities (e.g., drive-up windows) must comply with the following.

1. Block frontage provisions. For the purpose of complying with the block frontage standards in AMC Chapter 19.61, drive-through lanes are considered a parking area.
2. Screening. Drive-through lanes must be screened from public streets, internal pathways, and adjacent residential uses with landscaping or architectural screens.
 - a. For drive-through lanes adjacent to the street at least ten-feet of Type-C Landscaping (see AMC 19.65.060) must be provided between the sidewalk and the drive-through lane.
 - b. For drive-through lanes adjacent to internal pathways at least five-feet of Type-C Landscaping (see AMC 19.65.060) must be provided between the pathway and the drive-through lane.
 - c. For drive-through lanes adjacent to residential uses, at least five-feet of Type-A, B, or C Landscaping (see AMC 19.65.060) must be provided.

DEPARTURE: Alternative screening schemes may be approved provided they reduce the negative visual impacts of views from sidewalks, pathways, and adjacent residential uses and add visual interest.

3. Additional drive-through lane standards.
 - a. Drive-through lanes must not restrict pedestrian access between a public sidewalk and on-site buildings. Designated pathways must not be located within required stacking space.
 - b. Stacking spaces and the entrance and exit for the drive-through facility must be located to prevent any vehicles from extending onto the public right-of-way, or interfering with any pedestrian circulation, traffic maneuvering, or other parking space areas.
 - c. Sufficient stacking space must be provided for handling of motor vehicles using the drive-through facility during peak business hours of the facility.

- d. A stacking space must be an area measuring eight-feet by 20-feet with direct forward access to a service window of a drive-through facility.
- e. Stacking spaces may not be counted as required parking spaces.
- f. Noise from drive-through speakers must not be audible from adjacent residential properties.

19.62.070 - Service areas and mechanical equipment.

A. Purpose.

- 1. To minimize adverse visual, odor, and noise impacts of mechanical equipment, utility cabinets and service areas at ground and roof levels.
- 2. To provide adequate, durable, well-maintained, and accessible service and equipment areas.
- 3. To protect residential uses and adjacent properties from impacts due to location and utilization of service areas.

B. Location of ground related service areas and mechanical equipment.

- 1. Service areas (loading docks, trash dumpsters, compactors, recycling areas, electrical panels, and mechanical equipment areas) must be located for convenient service access while avoiding negative visual, auditory, olfactory, or physical impacts on the streetscape environment and adjacent residentially zoned properties. Service areas must be sited for alley access if available.

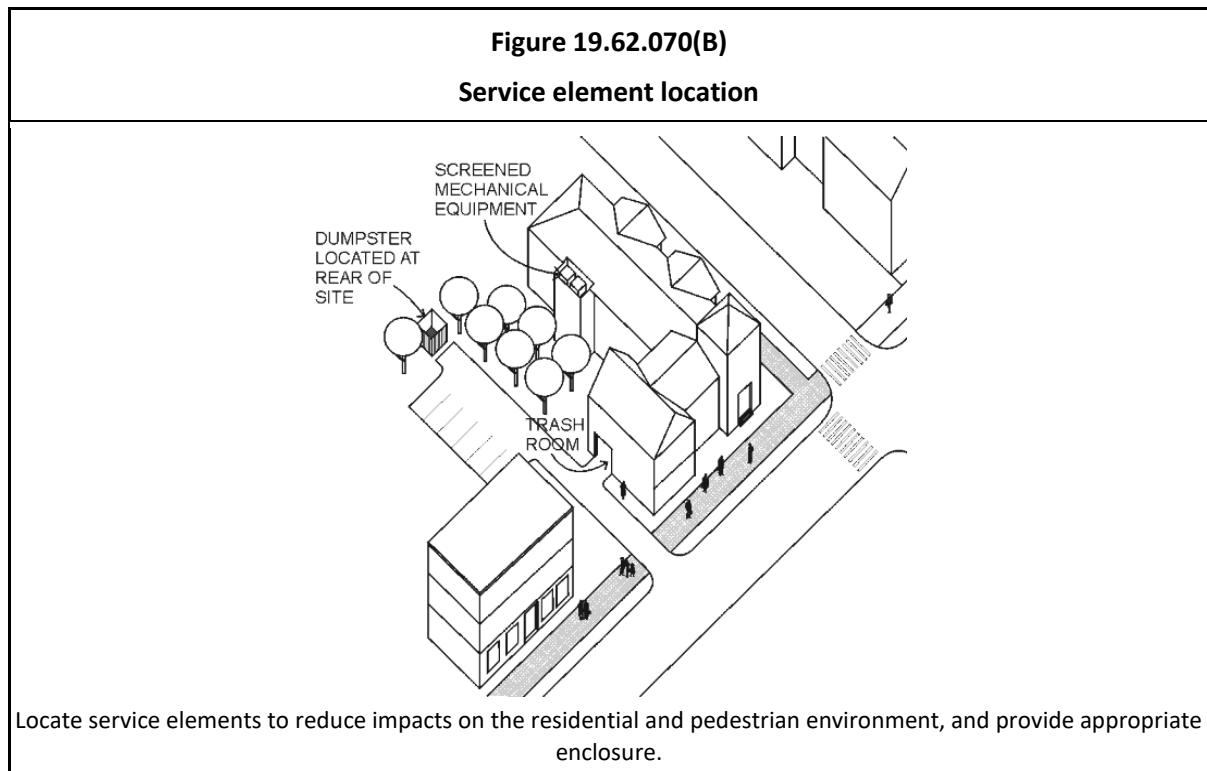
The director may require evidence that such elements will not significantly impact neighboring properties or public areas. (For example, the director may require noise damping specifications for fans near residential zones.)

- 2. Exterior loading areas. Exterior loading areas for commercial uses must not be located within 20-feet of a residentially zoned property.

DEPARTURES may be allowed where such a restriction does not allow feasible development, and alternative design measures can successfully mitigate potential negative impacts. For example, areas and drives may be required by the reviewing authority to be separated from the residential lot by a masonry wall at least eight-feet high.

- 3. Service areas must not be visible from the sidewalk and adjacent properties. Where the director finds that the only option for locating a service area is an area visible from a street, internal pathway or pedestrian area, or from an adjacent property, the area must be screened with structural and or landscaping screening measures provided in subsection (C) below and AMC Chapter 19.65 Landscaping. Service elements accessible from an alley are exempt from screening requirements.
- 4. Design for safety. Other provisions of this section notwithstanding, service areas used by residents must be located to avoid entrapment areas and other conditions where personal security is potentially a problem. The director may require pedestrian-scaled lighting or other measures to enhance security.
- 5. Locate and/or shield noise producing mechanical equipment such as fans, heat pumps, etc., to minimize sounds and reduce impacts to at property lines adjacent to residentially zoned properties.
- 6. Dumpster storage areas.

1. Dumpster storage areas must be provided for all non-residential and multifamily development.
2. Dumpster storage areas must be on-site and must not be located in the public right-of-way.
3. Dumpster storage areas must be sized to accommodate the minimum dumpster sizes (as provided by the Anacortes Engineering Design Standards) for garbage, recycling, and composting.



C. Screening of ground related service areas and mechanical equipment.

1. Where screening of ground level service areas is required [see subsection (B)(3) above], the following applies:
 - a. A structural enclosure must be constructed of masonry, heavy-gauge metal, or decay-resistant material that is also used with the architecture of the main building. The reviewing authority may allow materials other than those used for the main building if the finishes are similar in color and texture or if the proposed enclosure materials are more durable than those for the main structure. The walls must be sufficient to provide full screening from the affected roadway, pedestrian areas or adjacent use. The enclosure may use overlapping walls to screen dumpsters and other materials [see Figure 19.62.070(C) below].
 - b. Gates must be made of heavy-gauge, site-obscuring material. Chain link or chain link with slats is not an acceptable material for enclosures or gates.
 - c. Where the interior of a service enclosures is visible from surrounding streets, pathways, and buildings, an opaque or semi-opaque horizontal cover or screen must be used to mitigate

unsightly views. The horizontal screen/cover should be integrated into the enclosure design (in terms of materials and/or design).

- d. Collection points must be located and configured so that the enclosure gate swing does not obstruct pedestrian or vehicle vehicular traffic, or does not require that a hauling truck project into any public right-of-way. Ensure that screening elements allow for efficient service delivery and removal operations.
 - e. The service area must be paved.
2. The sides and rear of service enclosures must be screened with landscaping at least five-feet wide in locations visible from the street, parking lots, and pathways to soften views of the screening element and add visual interest.

DEPARTURES to the provisions of subsections (C)(1) and (2) will be considered per AMC 19.20.220 provided the enclosure and landscaping treatment meet the purpose of the standards and add visual interest to site users.

Figure 19.62.070(C)

Acceptable screening enclosures.



All three examples use durable and attractive enclosures with trees and shrubs to soften views of the enclosures from the side. The lower left example uses a trellis structure on top – a desirable example particularly where the top of the enclosures are visible from surrounding buildings, streets, and pathways (due to topography or building heights).

D. Utility meters, electrical conduit, and other service utility apparatus.

These elements must be located and/or designed to minimize their visibility to the public. Project designers are strongly encouraged to coordinate with applicable service providers early in the design process to determine the best approach in meeting these standards. If such elements are mounted in a location visible from the street, pedestrian pathway, shared open space, or shared auto courtyards, they must be screened with vegetation and/or integrated into the building's architecture.

Figure 19.62.070(D)

Utility meter location and screening - good and bad examples.



Place utility meters in less visible locations. The upper and lower left examples are successfully tucked away in a less visible location and/or screened by vegetation. The right images are poorly executed and would not be permitted in such visible locations. Such meters must be coordinated and better integrated with the architecture of the building.



E. Location and screening of roof mounted mechanical equipment.

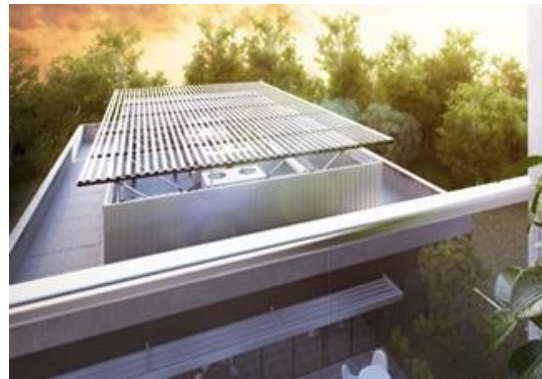
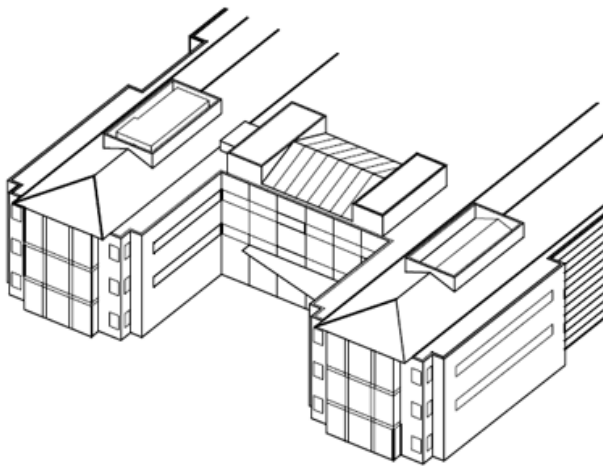
1. All rooftop mechanical equipment, including air conditioners, heaters, vents, and similar equipment must be fully screened from public view at the street level. Screening must be located so as not to interfere with operation of the equipment.

Exception: Roof-mounted wind turbines, solar energy systems, and rainwater reuse systems do not require screening.

2. For rooftop equipment, all screening devices must be well integrated into the architectural design through such elements as parapet walls, false roofs, roof wells, clerestories, or equipment rooms. Screening walls or unit-mounted screening is allowed but less desirable. Wood must not be used for screens or enclosures. Louvered designs are acceptable if consistent with building design style. Perforated metal is not permitted.
3. The screening materials must be of material requiring minimal maintenance and must be as high as the equipment being screened.
4. Locate and/or shield noise producing mechanical equipment such as fans, heat pumps, etc. to minimize sounds and reduce impacts to adjacent properties.

Figure 19.62.070(E)

Examples of how to screen roof-mounted mechanical equipment.



The left illustration shows how rooftop mechanical equipment can be located and screened effectively. The right images shows effective location and screening, including side walls and a trellis to screen views from taller surrounding buildings.

Chapter 19.63 - BUILDING DESIGN

Sections:

- 19.63.010 - Purpose.
- 19.63.020 - Applicability.
- 19.63.030 - Building character and corporate architecture.
- 19.63.040 - Building massing and articulation.
- 19.63.050 - Building details.
- 19.63.060 - Building materials.
- 19.63.070 - Blank wall treatment.

19.63.010 - Purpose.

This section provides direction for the design of buildings consistent with the goals and policies of the Anacortes Comprehensive Plan. See the individual “purpose” statements for each section in this chapter.

19.63.020 - Applicability.

- A. The provisions of this chapter apply to all non-residential and multifamily development. The following are exempt:
 - 1. All development in the I, LM, AZ, CM2, and MS zones.
 - 2. Developments in the HM and LM1 zone when not abutting State Route 20 right-of-way.
- B. For clarification on the relationship between the provisions in this division and other documents and codes, see AMC 19.60.020(B).
- C. For the application of building additions and remodels and site improvements, see AMC 19.60.020(C).
- D. For clarification on how the provisions of this division are applied, see AMC 19.60.030.
- E. Public buildings may be exempted from building massing and articulation standards (see AMC 19.63.040), building details standards (see AMC 19.63.050), building materials provisions (see AMC 19.63.060), and blank wall treatment standards (see AMC 19.63.070) provided design treatments are integrated to meet the following objectives:
 - 1. Enliven the pedestrian environment along the adjacent sidewalks.
 - 2. Incorporate a prominent and inviting entry visible from the street.
 - 3. Building design and materials should evoke a sense of permanence.
 - 4. Site and building design stands out from the surrounding context as a distinct landmark and provides visual interest from all observable scales.

19.63.030 - Building character and corporate architecture.

A. Purpose.

1. To promote buildings with an architectural character that reflects the region's aesthetic and is based on human scaled design details, durable high quality materials, sustainable design measures, and respond uniquely to the site's context.
2. To emphasize that high quality design is most critical to Anacortes's high visibility sites and corridors.
3. To avoid generic, corporate architectural design that degrades the character and identity of Anacortes.

B. Architecture that is defined predominately by corporate identity features and is difficult to adapt to other uses is prohibited. For example, some franchise convenience uses have very specific architectural features (such as a distinctive roofline design that functions as a sign) that reinforce their identity. As tenants change in these types of buildings, these corporate identity features can negatively impact the character of the area and identity of new tenants. These features can also be very expensive to reconfigure and adapt to new uses.

19.63.040 - Building massing and articulation.

A. Purpose.

1. To employ façade articulation techniques that reduce the perceived scale of large buildings and add visual interest from all observable scales.
2. To create clear and welcoming building entries.

B. Exemption. Buildings with less than 60 horizontal-feet of façade are exempt from this section.

C. Façade articulation. Non-residential, mixed-use, and multifamily residential buildings must include façade articulation features at designated maximum intervals to create a human-scaled pattern. This standard applies to applicable building façades and other applicable building elevations facing parks, containing primary building entrances, and adjacent to lower intensity zones. Alley-facing building elevations not adjacent to a lower intensity zone are exempt.

1. The maximum horizontal length of intervals is:
 - a. MMU zone: 50-feet.
 - b. HM and LM1 zone (where applicable): 60-feet.
 - c. Buildings in all other applicable zones: 30-feet.
2. At least three of the following articulation features must be employed in compliance with maximum interval standards in subsection (C)(1) above:
 - a. Use of windows and/or entries.
 - b. Use of weather protection features.
 - c. Use of vertical piers/columns (applies to all floors of the façade, excluding upper level stepbacks).
 - d. Change in roofline per subsection (F) below.

- e. Change in building material, siding style, and/or window pattern (applies to all floors of the façade, excluding upper level stepbacks).
- f. Vertical elements such as a trellis with plants, green wall, art element that meet the purpose of the standard.
- g. Providing vertical building modulation of at least 12-inches in depth if tied to a change in roofline per subsection (F) below or a change in building material, siding style, or color. Balconies may be used to qualify for this option if they are recessed or projected from the façade by at least 18-inches. Juliet balconies or other balconies that appear to be tacked on to the façade will not qualify for this option unless they employ high quality materials and effectively meet the purpose of the standards.
- h. Other design techniques that effectively reinforce a pattern of small facades compatible with the building's surrounding context.

DEPARTURES will be considered provided they meet the purpose of the standards and the design criteria in subsection (D) below. For example, a departure may propose a design with only two articulation features instead of three or the articulation features exceed the maximum articulation interval.

Figure 19.63.040(C-1)

Storefront façade articulation examples.



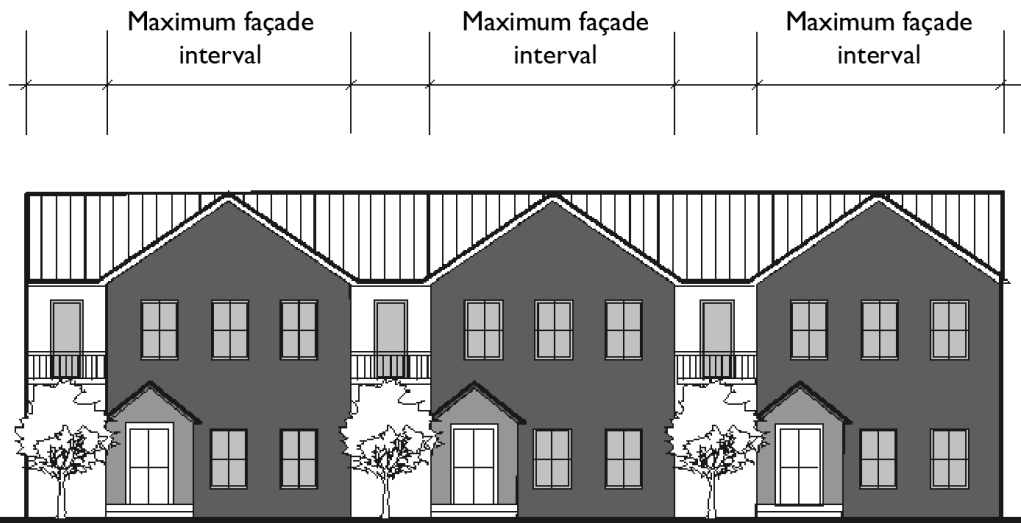
The left image uses window patterns, awnings, and roofline modulation. The photo example to the right also includes window patterns and weather protection along with brick vertical piers to articulate the façade.

The lower example illustrates how a multitenant retail building can successfully be articulated (windows, weather protection, vertical building modulation, and roofline changes).

Figure 19.63.040(C-1)
Storefront façade articulation examples.



Figure 19.63.040(C-2)
Residential façade articulation examples.



Below examples (except bottom right image) use a combination of vertical building modulation, window patterns, material changes, and roofline modulation.

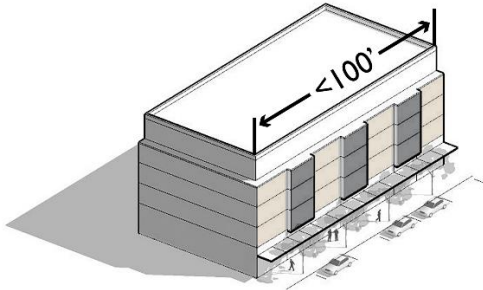




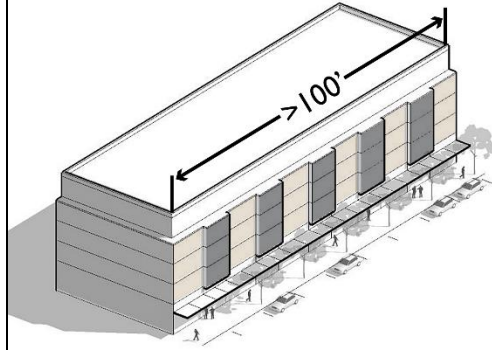
- D. DEPARTURE criteria associated with articulation standards.** Proposals must meet the purpose of the standards. The following criteria will be considered in determining whether the proposed articulation treatment meets the “purpose”.
1. Consider the type and width of the proposed articulation treatment and how effective it is in meeting the purpose given the building’s current and desired context (per Anacortes’s Comprehensive Plan).
 2. Consider the applicable block frontage designation. Undesignated block frontages warrant more flexibility than block frontages designated as Mixed or Landscaped.
 3. Consider the size and width of the building. Smaller buildings warrant greater flexibility than larger buildings.
 4. Consider the quality of façade materials in concert with doors, windows, and other façade features and their ability to add visual interest to the street from a pedestrian scale and more distant observable scales.
- E. Maximum façade width.** Building facades and other building elevations facing lower intensity zone edge must include at least one of the following features to break up the massing of the building and add visual interest. This standard applies to applicable building elevations wider than 100-feet (wider than 150-feet in the MMU zone).
1. Provide vertical building modulation at least six-feet deep and 15-feet wide. For multi-story buildings, the modulation must extend through at least one-half of the building floors.
 2. Use of a contrasting vertical modulated design component featuring all of the following:
 - a. Utilizes a change in building materials that effectively contrast from the rest of the façade.
 - b. Component is modulated vertically from the rest of the façade by an average of six-inches.
 3. Façade employs building walls with contrasting articulation that make it appear like multiple distinct buildings. To qualify for this option, these contrasting façades must employ all of the following:
 - a. Different building materials and/or configuration of building materials.
 - b. Contrasting window design (sizes or configurations).
 4. DEPARTURES to subsections (E)(1-3) will be considered provided the design meets the purpose of the standards. Supplemental consideration for approving alternative designs:
 - a. Width of the façade. The larger the façade, the more substantial articulation/ modulation features need to be.
 - b. Block frontage designation. Storefront designated block frontages warrant the most scrutiny while undesignated streets warrant more flexibility.
 - c. The type of articulation treatment and how effective it is in meeting the purpose given the building’s context.

Figure 19.63.040(E)

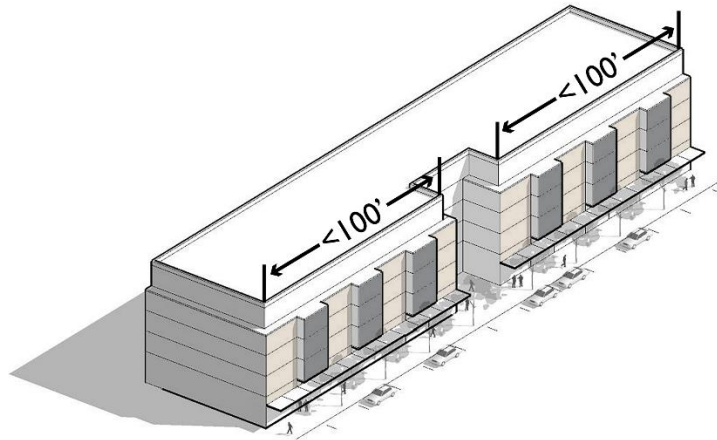
Illustrating maximum façade width standards and good and bad examples.



Less than 100' wide: Meets standard



More than 100' wide: Does not meet standard



Building incorporates a courtyard along the façade (technique #1 noted above) to effectively break it up into smaller components: Meets standard.



The left building uses technique # 1 (vertical building modulation at least six-feet deep and 15-feet wide). The right building uses technique #2 (contrasting vertical modulated design component). Both examples are effective in breaking up the perceived scale of the building and adding visual interest.

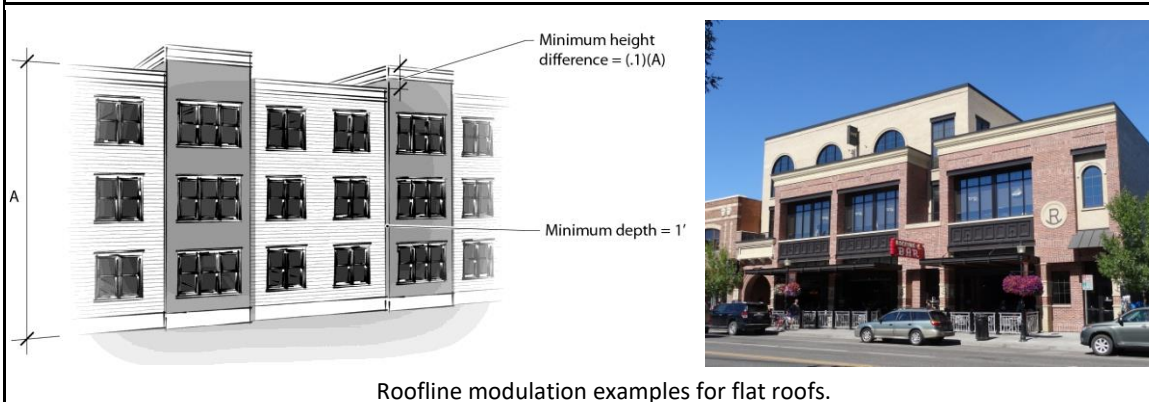
F. Roofline modulation. Roofline modulation is not required on all buildings. However, it can be used as one of the façade articulation features in subsection (C) above. In order to qualify as an articulation feature, rooflines must employ one or more of the following:

1. For flat roofs or façades with horizontal eave, fascia, or parapet, the minimum vertical dimension of roofline modulation is the greater of two-feet or 0.1 multiplied by the wall height (finish grade to top of the wall) when combined with vertical building modulation techniques described in subsections above. Otherwise, the minimum vertical dimension of roofline modulation is the greater of four-feet or 0.2 multiplied by the wall height.
2. A pitched roofline or gabled roofline segment of at least 20-feet in width. Buildings with pitched roofs must include a minimum slope of 5:12 and feature modulated roofline components at the interval required per the applicable standard above.
3. A combination of the above.

DEPARTURES will be considered provided the roofline modulation design effectively reduces the perceived scale of the building and adds visual interest.

Figure 19.63.040(F)

Acceptable examples of roofline modulation.



The left building illustrates a pitched roof example and the right building includes a combination of flat and gabled rooflines.

19.63.050 - Building details.

A. Purpose.

1. To encourage the incorporation of design details and small-scale elements into building façades that are attractive at a pedestrian scale.
2. To integrate window design that adds depth, richness, and visual interest to the façade.

B. Façade details - non-residential and mixed-use buildings. All non-residential and mixed-use buildings in the C, CBD, MMU, CM zones and MED-O overlay must be enhanced with appropriate details. This standard applies to applicable building façades and other building elevations facing parks and containing primary building entrances. All new buildings and additions and buildings associated with Level II and III Improvements [see AMC 19.60.020(C)] must employ at least one detail element from each of the three categories below for each façade articulation interval [see AMC 19.63.040(B)]. For example, a building with 120-feet of lot frontage with a façade articulated at 30-foot intervals will need to meet the standards for each of the three façade segments below.

1. Window and/or entry treatment, such as:
 - a. Display windows divided into a grid of multiple panes.
 - b. Transom windows.
 - c. Roll-up windows/doors.
 - d. Other distinctive window treatment that meets the purpose of the standards.
 - e. Recessed entry.
 - f. Decorative door.
 - g. Other decorative or specially designed entry treatment that meets the purpose of the standards.

Figure 19.63.050(B)(1)

Examples of decorative or specially designed windows and entries.

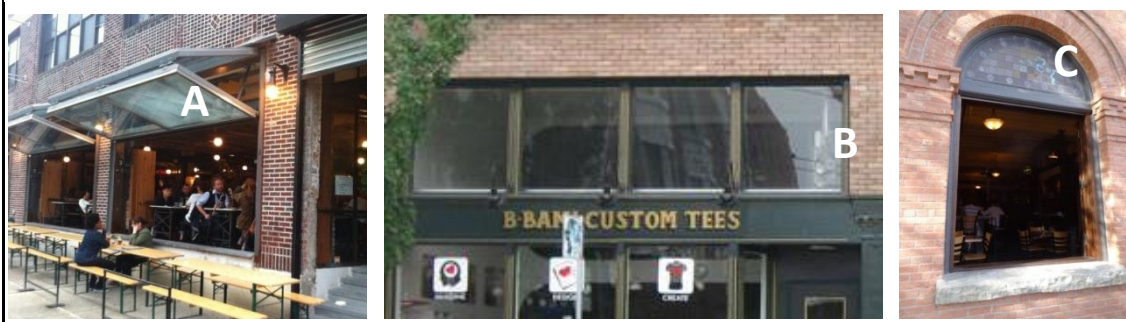
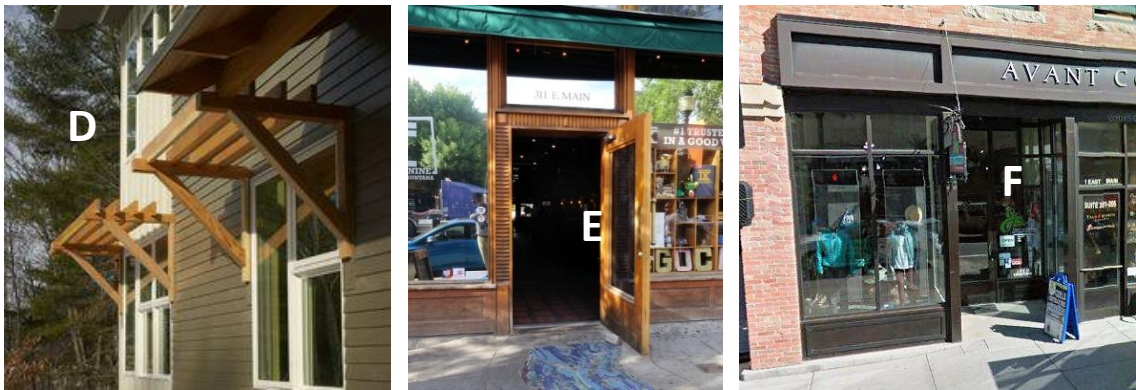


Figure 19.63.050(B)(1)

Examples of decorative or specially designed windows and entries.



Examples of decorative or specially designed windows and entries. A = openable storefront window. B = transom windows. C = openable window with decorative details. D = decorative window shades. E = Decorative door. F = recessed entry.

2. Building elements and façade details, such as:
 - a. Custom-designed weather protection element such as a steel canopy, cloth awning, or retractable awning.
 - b. Decorative building-mounted light fixtures.
 - c. Bay windows, trellises, towers, and similar elements.
 - d. Decorative, custom hanging sign(s) (option only available for building remodels).
 - e. Other details or elements that meet the purpose of these standards.

Figure 19.63.050(B)(2)

Examples of attached elements that enhance the visual intrigue of the building.



Figure 19.63.050(B)(2)

Examples of attached elements that enhance the visual intrigue of the building.



Examples of elements attached to façades that enhance the visual intrigue of the building. A = retractable awning. B = custom hanging bike rack and repair station integrated as a storefront design element. C = decorative façade/sign lighting. D and E = custom decorative canopy. F decorative tower.

3. Building materials and other façade elements, such as:
 - a. Use of decorative building materials/use of building materials. Examples include decorative use of brick, tile, or stonework.
 - b. Artwork on building (such as a mural) or bas-relief sculpture.
 - c. Decorative kick-plate, pilaster, base panel, or other similar feature.
 - d. Hand-crafted material, such as special wrought iron or carved wood.
 - e. Other details that meet the purpose of the standards.

Figure 19.63.050(B)(3)

Examples of building material details that enhance the visual intrigue of the building.



Figure 19.63.050(B)(3)

Examples of building material details that enhance the visual intrigue of the building.



Examples of decorative surface materials. A = decorative brick/design. B = decorative tile-work and column pattern. C = decorative medallion. D = decorative mosaic tile work. E = decorative bulkhead. F = Decorative materials and design.

DEPARTURES for façade detail standards of subsection (B) will be considered provided the façade (at the overall scale and at the individual articulation scale) meets the purpose of the standards.

C. Window design standards.

1. All windows (except storefront display windows) must employ designs that add depth and richness to the building façade. At least one of the following features must be included to meet this requirement:
 - a. Recess windows at least two-inches from the façade.
 - b. Incorporate window trim (at least three-inches wide) around windows
 - c. Incorporate other design treatments that add depth, richness, and visual interest to the façade.
2. Highly reflective glass must not be used on more than ten-percent of a building façade or other building elevations facing parks and containing primary building entrances.

Figure 19.63.050(C)

Acceptable and unacceptable window design examples.



Recessed and/or trimmed windows.



This window lacks any other detail that adds visual interest.

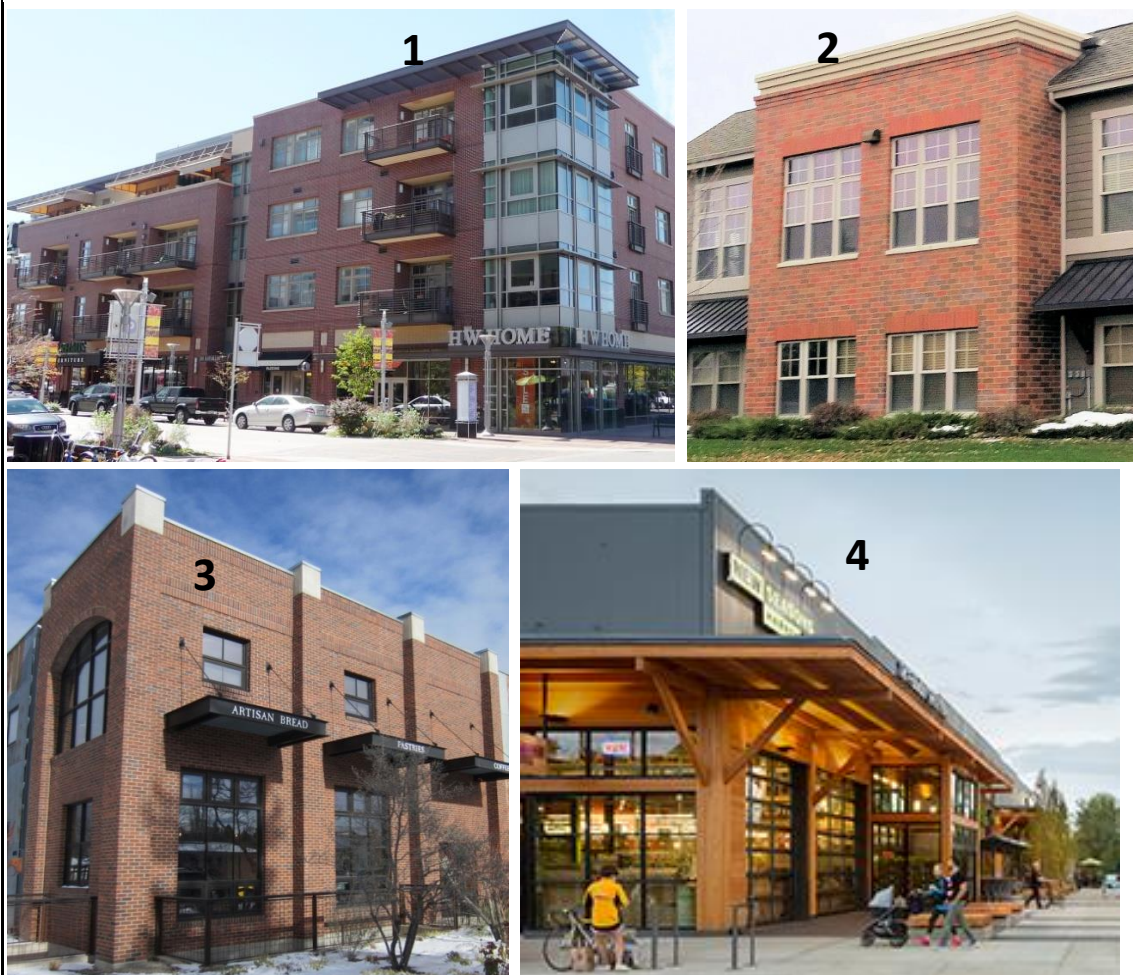
D. Cornice/roofline design. Buildings employing a flat roof must employ a distinctive roofline that effectively provides an identifiable “top” to the building. This could include a traditional cornice line or a contemporary interpretation of a traditional cornice line.

1. Such rooflines must be proportional to the size and scale of the building.
2. Understated cornice lines are permitted depending on the materials and design of the base and middle elements in reinforcing the base/middle/top configuration.

Figure 19.63.050(E) below illustrate acceptable and unacceptable examples.

Figure 19.63.050(D)

Examples of buildings employing confident and distinctive rooflines.



Building 1 uses a dramatic overhanging cornice at the corner. The left portion of Building 1 uses a very simple cornice line - to go with the upper level setback. Building 2 uses a traditional cornice line. Building 3 uses capped projecting columns along with an understated cornice line. Building 4 uses a very simple roofline - which is acceptable in this case due to the prominence of the wooden canopy.

Rooftop solar units are permitted, provided the placement and design of units visible from the surrounding streetscape are carefully integrated into the overall design concept of the building.

- E. Articulated building entries.** The primary building entrance for an office building, hotel, apartment building, public or community-based facility or other multi-story commercial building must be designed as a clearly defined and demarcated standout architectural feature of the building. Such entrances must be easily distinguishable from regular storefront entrances on the building. Such entries must be scaled proportional to the building. See Figure 19.63.050(F) below for good examples.

Figure 19.64.060(E)

Acceptable building entry examples.



19.63.060 - Building materials.

A. Purpose.

1. To encourage the use of durable, high quality, and urban building materials that minimize maintenance cost and provide visual interest from all observable vantage points.
2. To promote the use of a distinctive mix of materials that helps to articulate façades and lends a sense of depth and richness to the buildings.
3. To place the highest priority on the first floor in the quality and detailing of materials at the pedestrian scale.

B. Quality building materials. Applicants must use high quality durable materials. This is most important for the base of buildings, particularly for commercial and mixed-use buildings where the façade is sited close to sidewalks. Stone, brick or tile masonry, architectural concrete or other similar highly durable materials must be used for at least the bottom two-feet of the first floor façade on non-residential and mixed-use buildings (excluding window and door areas).

C. Special conditions and limitations for the use of certain cladding materials.

1. Concrete block (a.k.a. Concrete Masonry Unit or CMU) may be used as a secondary cladding material on all street facing building elevations if it is incorporated with other permitted materials.

DEPARTURES will be considered for alternative designs that use concrete block as the primary, but not the only, cladding material provided the design incorporates a combination of textures and/or colors to add visual interest. For example, combining split or rock-façade units with smooth blocks can create distinctive patterns. The figures below illustrate acceptable concrete block use/designs.

Figure 19.63.060(C)(1)

Acceptable concrete block use/design.



CMU is the primary cladding for the corner element above, but secondary to brick on the main façades. The corner element uses a combination of decorative split faced CMU closer to the sidewalk and smooth-faced CMU that is colored to look more like traditional white terra cotta tiles.



The above façade illustrates an acceptable alternative example, as CMU is used as the primary cladding material. Note the use of split-façade CMU's above each of the awnings and coupled with the use of smooth-façade CMU's on the vertical columns (which employ black accent tiles for added interest).

2. Metal siding may be used on all street facing building elevations provided it complies with the following standards:
 - a. It must feature visible corner molding and trim and does not extend to the ground level of non-residential and mixed-use buildings and no lower than two-feet above grade for residential buildings. Masonry, concrete, or other durable material must be incorporated between the metal siding and the ground plane.
 - b. Metal siding must be factory finished, with a matte, non-reflective surface.
 - c. Within the C and CBD zones, metal may only be used as a secondary cladding material if it is incorporated with other permitted materials.

DEPARTURES will be considered provided the material's integration and overall façade composition meets the purpose of the standards.

Figure 19.63.060(C)(2)
Acceptable metal siding examples



The use of metal siding in each example above is secondary to masonry. The left and right images are more contemporary in character, whereas the middle image is more rustic and industrial, with more refined windows.

3. Standards for the use of Exterior Insulation and Finish System (EIFS). Such material/finishes may be used when it complies with the following:
 - a. EIFS is limited to no more than 20-percent of the total façade area and may not be the primary cladding material on non-residential and mixed-use buildings in the CBD, C, MMU, and CM zones.
 - b. EIFS must feature a smooth or sand finish only.
 - c. EIFS must be trimmed in wood, masonry, or other material and must be sheltered from weather by roof overhangs or other methods.
 - d. EIFS must not be used on the ground floor of the following building elevations:
 - i. Ground level facades containing non-residential uses in the CBD, C, MMU, and CM zones.
 - ii. Other ground level building elevations containing non-residential uses in the CBD, C, MMU, and CM zones when facing parks or containing primary building entrances.

Concrete, masonry, or other highly durable material(s) must be used for the subject ground level building elevations to provide a durable surface where damage is most likely.

DEPARTURES will be considered provided the material's integration and overall façade composition meets the purpose of the standards.

Figure 19.63.060(C)(3)

Acceptable and unacceptable EIFS examples.



Left image: Note the use of brick and decorative concrete block on the ground level and EIFS on the second floor. The window treatments visible on the second floor add depth and interest to the façade. Right image: EIFS is between the window and sidewalk - this design is prohibited.

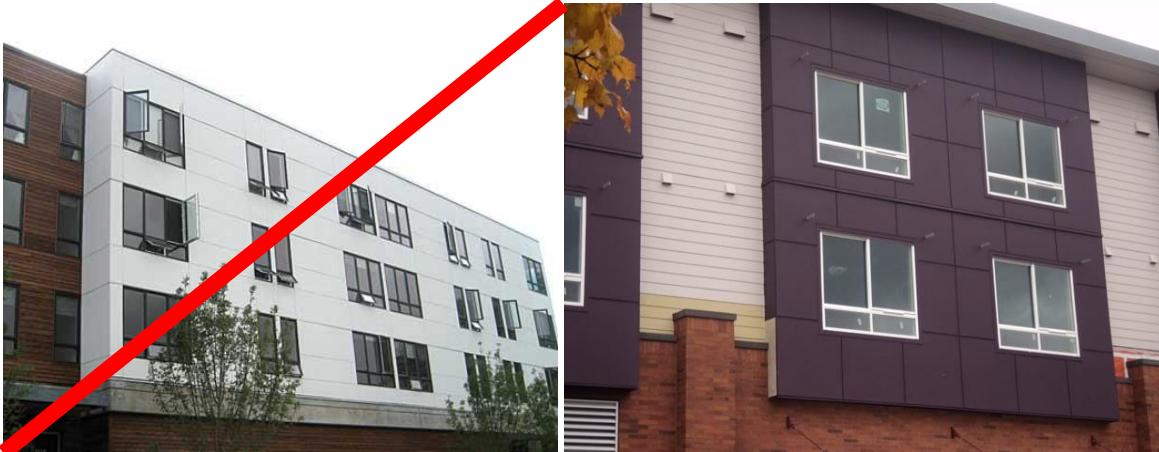
4. Cementitious wall board paneling/siding may be used provided it meets the following provisions:
 - a. Cement board paneling/siding may not be used on ground level facades containing non-residential uses.
 - b. Where cement board paneling/siding is the dominant siding material, the design must integrate a mix of colors and/or textures that are articulated consistent with windows, balconies, and modulated building surfaces and are balanced with façade details that add visual interest from the ground level and adjacent buildings.

DEPARTURES will be considered provided the material's integration and overall façade composition meets the purpose of the standards.

Figure 19.63.060(C)(4)
Acceptable and unacceptable cementitious wall board examples.



The above building uses cementitious wall board in different textures and colors to help articulate the façade. The white color replicates the board and batten style in the left image and green color in the right image effectively replicates horizontal wood siding.



The wall board panels covering a large area in a single color would not meet the purpose of the standards. The right image is a better example and combines larger panels (dark maroon color) with horizontal wall board siding (beige color) as effective articulation features. Below is a similar acceptable example.

Figure 19.63.060(C)(4)
Acceptable and unacceptable cementitious wall board examples.



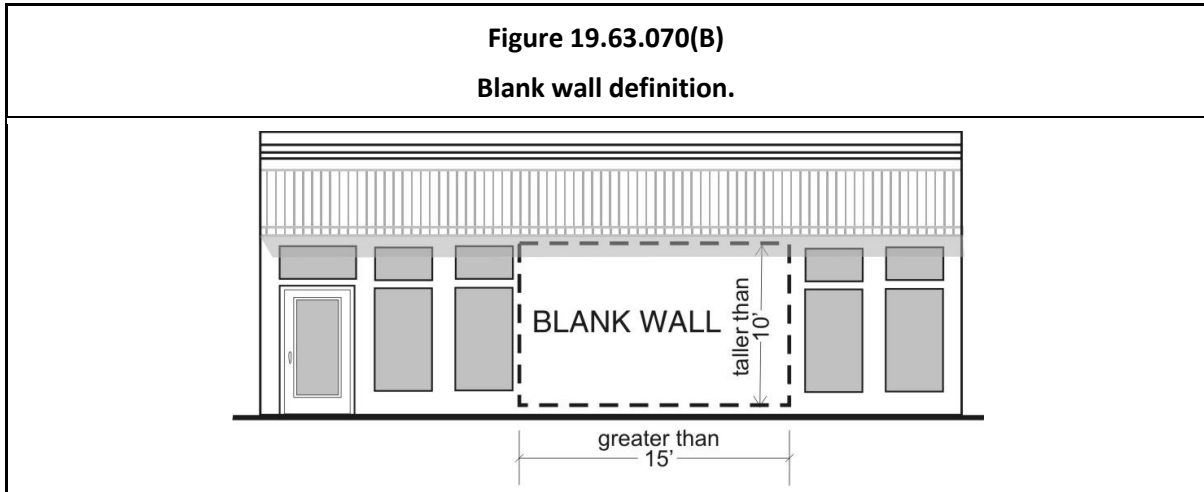
Another acceptable wall board example replicating board and batten style with horizontal siding integrated with different colors and roofline modulation.

19.63.070 - Blank wall treatment.

A. Purpose.

1. To avoid untreated blank walls.
2. To retain and enhance the character of Anacortes's streetscapes.

B. Blank wall definition. "Blank wall" means a ground floor wall or portion of a ground floor wall over 10-feet in height and a horizontal length greater than 15-feet and does not include a transparent window or door.



C. Blank wall treatment standards. Untreated blank walls adjacent to a public street, pedestrian-oriented space, common usable open space, or pedestrian pathway are prohibited. Methods to treat blank walls can include:

1. Display windows at least 16-inches of depth to allow for changeable displays. Tack-on display cases [see Figure 19.63.050(C) below] do not qualify as a blank wall treatment.
2. Landscape planting bed at least five-feet wide or a raised planter bed at least two-feet high and three-feet wide in front of the wall with planting materials that are sufficient to obscure or screen at least 60-percent of the wall's surface within three years.
3. Installing a vertical trellis in front of the wall with climbing vines or plant materials.
4. Installing a mural as approved by the director.
5. Special building detailing that adds visual interest at a pedestrian scale. Such detailing must use a variety of surfaces; monotonous designs will not meet the purpose of the standards.

For large visible blank walls, a variety of treatments may be required to meet the purpose of the standards.

DEPARTURES will be considered provided the entire façade composition meets the intent of the standards for the context of the wall (e.g., walls along pathway corridors connecting parking areas to building entries might be granted more flexibility than street facades).

Figure 19.63.070(C)
Blank wall treatment examples.



Acceptable and unacceptable blank wall treatments. Note in the far right example, the display cases don't meet the 16" depth requirement, nor does the design meet the purpose of the standards.

Chapter 19.64 - PARKING

Sections:

- 19.64.010 - Purpose.
- 19.64.020 - Generally.
- 19.64.030 - Computation of required parking spaces.
- 19.64.040 - Number of parking spaces required.
- 19.64.050 - Size of parking spaces.
- 19.64.060 - Modifications to parking requirements.
- 19.64.070 - Parking fee-in-lieu.
- 19.64.080 - Shared parking.
- 19.64.090 - Parking for shell building permits.
- 19.64.100 - Bicycle parking requirements.
- 19.64.110 - Parking area design and construction standards.
- 19.64.120 - Parking area maintenance.

19.64.010 - Purpose.

The purpose of this chapter is to:

- A. Provide for adequate, convenient, and safe parking for cars and bicycles for all uses allowed in this Code in all area of the city.
- B. Limit the overbuilding of parking, which has impacts on construction costs, land consumed, air and water quality, walkability, traffic congestion, and aesthetics.
- B. Provide for alternative parking arrangements such as flexible minimum requirements, shared parking, and in-lieu fees.
- D. Reduce demand for parking by encouraging walking, bicycling, public transit, and rideshare.

19.64.020 - Generally.

- A. Off-street parking in conjunction with all land and building uses established after the enactment of the ordinance codified in this title must be provided prior to the issuance of a certificate of occupancy.
- B. Off-street parking for non-residential use must be either on the same lot or within 500-feet (walking distance) of the building it is intended to serve.
- C. Residential off-street parking space must consist of a parking lot driveway, garage, carport, or a combination thereof and must be located on the lot they are intended to serve.
- D. Any area once designated as required off-street parking must not be changed to any other use unless and until parking facilities are provided elsewhere, which conform to the requirements of this chapter.
- E. Off-street parking existing at effective date of the ordinance codified in this title in connection with the operation of an existing building or use must not be reduced to an amount less than hereinafter required for a similar new building or new use.
- F. The required off-street parking area must be for occupants, employees, visitors, patrons, and must be limited in use to parking, except for approved temporary uses per AMC 19.48.020(A).

- G. Off-street parking meeting the minimum quantitative requirements of this chapter is not considered a principal use for the purpose of interpreting Table 19.41.040 and Table 19.41.050.
- H. Parking studies. For the purposes of this chapter, a parking study is a document that provides sufficient information to determine the parking requirements for a specific use. The estimate may be based on scientific data, census data, transit service, academic studies, similar uses in the city or comparable cities, or other sources accepted by the director. As required by this chapter, a parking study may be required for adjusting minimum and maximum quantitative requirements, determining times of peak parking demand, and determining impacts to on-street parking in the vicinity of the subject development site. All parking studies must be prepared by either a professional engineer with expertise in traffic and parking analyses or an equally qualified individual authorized by the director.
- I. Parking needs must be balanced with low-impact development planning that considers the reduction of impervious surfaces as a priority.

19.64.030 - Computation of required parking spaces.

A. Number of parking spaces.

- 1. Off-street parking areas must contain at a minimum the number of parking spaces as stipulated in AMC 19.64.040, except for modifications allowed elsewhere in this chapter.
- 2. If the formula for determining the number of off-street parking spaces results in a fraction, the number of off-street parking spaces must be rounded to the nearest whole number with fractions of .50 or greater rounding up and fractions below .50 rounding down.
- 3. In the case of two or more uses on the same site, the total requirements for off-street parking must be the sum of the requirements for each use computed separately, except as permitted in AMC 19.64.080 pertaining to shared parking.

B. Guest parking requirements.

- 1. Guest parking is required for all residential developments in accordance with this subsection. Guest parking provided is above and beyond the minimum quantitative requirements elsewhere in this chapter.
- 2. Guest parking location and accessibility standards:
 - a. On-street parking areas within or directly adjacent to the subdivision or other development may be used to meet guest parking requirements provide such areas aren't already used for the purpose of meeting minimum parking requirements. One parking space is equivalent to 20 lineal-feet of parallel on-street parking area.
 - b. Other off-street parking spaces within the subdivision/development that are above and beyond standard minimum parking requirements for the development may be used for guest parking.
 - c. Guest parking spaces must be available to guests of any residential unit in the development at all hours.
- 3. Minimum guest parking ratios by housing type.

Table 19.64.030(B) Minimum guest parking spaces required by housing type.	
Housing Type	Minimum guest parking ratio
Single-family	1 per 2 units
Cottage	1 per 4 units
Duplex or Triplex	1 per 4 units
Townhouse	1 per 4 units
Multifamily	1 per 8 units; 1 per 10 units if the multifamily use parking is provided entirely by structured parking; Where units average less than 700-square-feet, 1 per 4,000sf of net leasable floor area

4. Developments within the CBD zone are exempt from the guest parking requirements herein.
5. If the required number of guest parking spaces results in a fraction that requires less than one guest stall, no off-street guest parking space is required if on-street parking is available within 500-feet of the subject property.

C. Accessible parking requirements.

Accessible parking spaces must be provided in accordance with the Americans with Disabilities Act of 1990 and the current ADA Standards for Accessible Design.

19.64.040 - Number of parking spaces required.

- A. The minimum number of off-street parking spaces must be determined in accordance with Table 19.64.040.
- B. Special cases are indicated by the term “Director decision”, in which case parking requirements must be established by the director. For determination by the director, the applicant must supply one of the following:
 1. Documentation regarding actual parking demand for the proposed use.
 2. Technical studies prepared by a qualified professional relating to the parking need for the proposed use.
 3. Documentation of parking requirements for the proposed use from other comparable jurisdictions.
- C. Where a cell in Table 19.64.040 is blank, then there are no applicable requirements for the use.
- D. For unclassified uses, refer to AMC 19.41.030(E). Where the director finds that there is no similar use, the procedures for a “Director decision” under subsection (B) above apply.

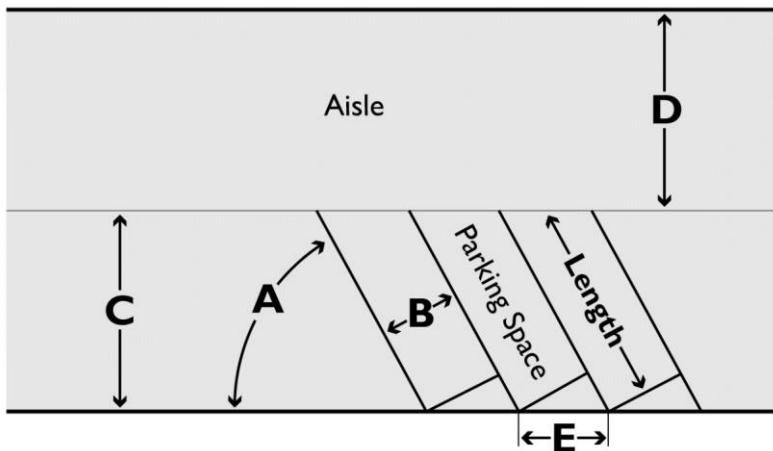
Table 19.64.040 Off-street parking spaces required.		
Use	Minimum Parking Spaces Required	Maximum Parking Spaces Allowed
RESIDENTIAL		
Household Living, as listed below		
Single-family	2 per unit	
Single-family, small lot	1 per unit	
Accessory dwelling unit	See AMC 19.47.030(B)(8)	
Cottage housing	1.5 per unit	
Duplex or triplex	Same as multifamily (based on number of bedrooms)	
Townhouse	Same as multifamily (based on number of bedrooms)	
Multifamily dwelling, one- bedroom or studio	1.0 per unit	1.5 per unit
Multifamily dwelling, two- bedrooms	1.4 per unit	2 per unit
Multifamily dwelling, three or more bedrooms	1.6 per unit	2.5 per unit
Multifamily dwelling, restricted	25% reduction in base multifamily parking requirements above (based on number of rooms)	Same as multifamily uses above
Live-work dwellings	Same as multifamily above plus: • Zero spaces for non-residential uses with <500sf non-residential floor area. • One space for non-residential uses with 500-1,000sf non-residential floor area. • Parking for non-residential floor area >1,000sf must meet applicable commercial use parking standards below.	
Group Living, as listed below		
Adult family home	2 per home	
Assisted living facility	0.5 per unit	
Nursing home	0.33 per bed	
Rooming houses	1 per rented room	
COMMERCIAL		
Day Care, as listed below		
Day care I facility	2 per facility	
Day care II facility	Director decision	
General-service, except as listed below	3 per 1,000-square-feet of NFA	5 per 1,000-square-feet of NFA

Table 19.64.040 Off-street parking spaces required.		
Use	Minimum Parking Spaces Required	Maximum Parking Spaces Allowed
Boat/marine equipment service	1 per 1,000-square-feet of NFA	
Heavy service	2 per 1,000-square-feet of NFA	
Water-oriented service use	Director decision	
Medical, as listed below		
Hospital	Director decision	
Medical office	3 per 1,000-square-feet of NFA	
Office	2.5 per 1,000-square-feet of NFA	4 per 1,000-square-feet of NFA
Overnight Lodging	1 per guest room	1.5 per guest room
Passenger Terminal	Director decision	
Personal Service, as listed below		
Personal services, with fixed stations	1.25 per station	1.5 per station
Personal services, without fixed stations	2.5 per 1,000-square-feet of NFA	4 per 1,000-square-feet of NFA
Recreation, Indoor, except as listed below	Director decision	
Adult concessions	3 per 1,000-square-feet of NFA	
Art gallery	2 per 1,000-square-feet of NFA	
Museum	4 per 1,000-square-feet of NFA	
Place of assembly	1 per 5 fixed seats or 8 per 1,000 NFA if no fixed seats	1 per 3 fixed seats or 12 per 1,000 NFA if no fixed seats
Recreation, Outdoor	Director decision	
Restaurant/Bar	5 per 1,000-square-feet of NFA	14 per 1,000-square-feet of NFA
Retail Sales, as listed below		
Retail or shopping center, less than 15,000-square-feet NFA	3 per 1,000-square-feet of NFA	5 per 1,000-square-feet of NFA
Retail or shopping center, 15,000-square-feet or more NFA	3 per 1,000-square-feet of NFA	4 per 1,000-square-feet of NFA
Heavy retail	2 per 1,000-square-feet of NFA	4 per 1,000-square-feet of NFA
Wholesale	1.5 per 1,000-square-feet of NFA	
Vehicle Sales/Rental	Director decision	
INDUSTRIAL		
Heavy Industrial	Director decision	1 per employee plus 2.5 per 1,000-square-feet of NFA

Table 19.64.040 Off-street parking spaces required.		
Use	Minimum Parking Spaces Required	Maximum Parking Spaces Allowed
Light Industrial, except as listed below	1.5 per 1,000-square-feet of NFA	1 per employee plus 2.5 per 1,000-square-feet of NFA
Marijuana production	Director decision	
Marijuana, processing	Director decision	
Light Manufacturing, except as listed below	1.5 per 1,000-square-feet of NFA	
Artisan manufacturing	2.5 per 1,000-square-feet of NFA	
Research & Development	2 per 1,000-square-feet of NFA	
Self-Service Storage	0.5 per 1,000-square-feet of NFA	
Warehouse & Distribution	0.05 per 1,000-square-feet of NFA	
Waste Related Services	Director decision	
Water-Oriented Industrial Uses	Director decision	
Wholesale Trade	Director decision	
PUBLIC, INSTITUTIONAL & OPEN SPACE USES		
Agriculture	Director decision	
Civic	Director decision	
Parks, Plazas, Open Spaces, and Natural Areas	Director decision	
Resource Extraction	Director decision	
Utilities	Director decision	

19.64.050 - Size of parking spaces.

A. Minimum requirements. Parking space and aisle dimensions for parking facilities must meet the standards in Table 19.64.050.



The columns A-E below refer the parking layout graphic above. Column A is measured in degrees and columns B-E are measured in-feet.

A Parking Angle	B Space Width	C Space Length	D Aisle Width	E Curb Width
0 (Parallel)	8	N/A	N/A	23
30	9	18	11	18
45	9	20	13	12.7
60	9	21	18	10.5
90 (Perpendicular)	9	19	26	9

B. Parking space length.

1. Parking spaces must be a minimum of 18-feet long and a maximum of 23-feet long.
2. Two-feet of parking space length may overhang designating walking paths. See for AMC 19.53.050(C)(1)(b) and AMC 19.62.050(D)(3) for related walking path dimensional standards.

C. Compact parking spaces.

1. Up to 33-percent of required non-accessible parking spaces may be designated as compact.
2. Compact parking spaces have a minimum space length of 15-feet and a minimum space width of eight-feet.
3. Each compact parking space must be clearly identified by painting the word "COMPACT" in capital letters, a minimum of eight-inches high, on the pavement at the base of the parking space and centered between the striping.

D. Alley parking. When parking spaces located on a property are directly accessed from an alley, the alley right-of-way may be treated as the aisle per Table 19.64.050. The parking spaces must be located and angled to allow adequate turning space.

E. Large vehicles. When parking lots may have substantial traffic by trucks or other large vehicles, the director may establish larger minimum dimensions.

- F. Alternative standards.** The director may approve alternate designs not meeting these standards when a qualified Transportation Engineer demonstrates that the alternate design proposal meets current and accepted standards such those maintained by the Institute of Transportation Engineers.

19.64.060 - Modifications to parking requirements.

- A. For new development in the CBD zone, the minimum parking spaces required is 50-percent of that shown in Table 19.64.040.
- B. Ground floor commercial uses in the CBD zone are exempt from the minimum parking requirements of this chapter.
- C. Existing developments in mixed-use and industrial zones that change use or expand their net floor area by less than 50-percent are exempt from the minimum parking requirements of this chapter for the life of the building. Existing developments that expand their net floor area by 50-percent or more must meet the minimum requirements of this chapter. In no case may any new or expanded development exceed the maximum parking spaces allowed by this chapter, unless meeting the requirements of subsection (E) below.
- D. Minimum off-street parking for uses in the C, MMU, LM, LM1, HM, MS, I, CM2, R3, R3A, and R4 zones may be reduced from the requirements of Table 19.64.040 with any of the following options:
 - 1. The director may allow up to a 50-percent reduction in minimum parking spaces if the reduction is supported by a parking study per AMC 19.64.020(H).
 - 2. For non-residential uses 5,000-gross-square-feet or larger, two parking spaces may be replaced by one space reserved for employee carpools. Use of this of provision is limited to a 10-percent reduction in total parking spaces as determined by the director.
 - 3. For non-residential uses 5,000-gross-square-feet or larger, provide showers, changing rooms, and day-use lockers near long-term bicycle parking (see AMC 19.64.100 for related requirements). Use of this provision is limited to a five-percent reduction in total parking spaces as determined by the director.
 - 4. For new residential uses with 20 or more dwelling units, three parking spaces may be replaced by one space reserved for a car-sharing provider. Use of this provision is limited to a 15-percent reduction in total parking spaces as determined by the director. A long-term agreement between the property owner and a car-sharing provider must be approved by the director. The agreement, along with a notice that the agreement is the basis for modified parking requirements under this chapter, must be recorded with the title to the property before a certificate of occupancy is issued.
 - 5. The applicant may propose other transportation-related options that reduce parking demand in exchange for reduced minimum parking spaces if the director determines they meet the purpose of this chapter.
- E. Maximum off-street parking outside the CBD zone may be increased up to 25-percent from the requirements of Table 19.64.040 if the increase is supported by a parking study per AMC 19.64.020(H). For increases more than 25-percent, the director may require any of the following as a condition of the increase:
 - 1. For non-residential uses 5,000-gross-square-feet or larger, provide spaces reserved for employee carpools.

2. For non-residential uses 5,000-gross-square-feet or larger, provide showers, changing rooms, and day-use lockers near long-term bicycle parking (see AMC 19.64.100 for related requirements).
3. For non-residential uses 5,000-square-feet or larger, provide a designated passenger loading and unloading area. This area may be located on the street with approval of the public works director or off-street in conformance with the standards of AMC 19.62.060 and AMC Chapter 19.53 Private Driveways and Access.
4. For new residential uses with 20 or more dwelling units, provide spaces reserved for a car-sharing provider. A long-term agreement between the property owner and a car-sharing provider must be approved by the director. The agreement, along with a notice that the agreement is the basis for modified parking requirements under this chapter, must be recorded with the title to the property before a certificate of occupancy is issued.
5. The applicant may propose other transportation-related conditions that reduce parking demand in exchange for increased maximum parking spaces if they meet the purpose of this chapter.

19.64.070 - Parking fee-in-lieu.

A. Applicability. Developments may pay a fee in-lieu of off-street parking requirements established in AMC 19.64.040, provided the following conditions are met:

1. The City has adopted a parking fee-in-lieu plan with provisions for the rates, collection, and use of funds.
2. The development is new or an expansion of leasable area.
3. The development is in one of the following locations:
 - a. The CBD zone.
 - b. The OT zone east of M Avenue.
 - c. The C zone north of 12th Street.
 - d. The MS zone west of R Avenue.
 - e. The CM zone west of R Avenue.

B. Number of spaces. Up to 50-percent of the minimum parking space requirements of this chapter may be waived if all provisions of this section are met. Additional reduction opportunities up to an additional 50-percent may be waived if supported by a parking study per AMC 19.64.020(H).

C. Fee payment.

1. Rate. The fee-in-lieu per parking space must be set by the director and be based upon the current market rates for acquiring, planning, designing, developing, financing, and maintaining public off-street parking facilities. The director may maintain separate rate schedules based upon the different costs of surface parking facilities and structured parking facilities. The director may apply the rate that is consistent with the City's current public parking plan.
3. Timing. The fee must be paid prior to the issuance of a building permit.

D. Use of fee.

1. Funds from the parking fee-in-lieu program must be deposited by the City of Anacortes treasurer in a special fund to be designated the "Anacortes off-street parking cumulative fund."

The City Council may direct that other moneys be transferred into the fund to be used for the purposes of the fund.

2. The fund must be used exclusively for acquiring, planning, designing, developing, financing, and maintaining public off-street parking facilities by purchase or lease in the areas identified in subsection (A)(3) above. The number of parking spaces planned and provided must be at least equal to the number of parking spaces waived for private development under this section.
3. Parking facilities provided with this fee must be available for general public use at all times, including for long-term residential parking. Use of such parking facilities may require time-based fees, and other restrictions may apply, as determined by the City's current parking plan.

19.64.080 - Shared parking.

- A. Two or more buildings or uses may collectively provide the required off-street parking to achieve efficiency of vehicular and pedestrian circulation, economy of space, and a superior grouping of buildings or uses. Legally binding documents, such as a covenant or reciprocal easement agreement, or by participation in a local improvement district or parking cooperative or association, must be approved by the City attorney and recorded with the Skagit County Auditor in the chain of title for the properties at expense of the applicant.
- B. When cooperative parking facilities can be provided, the director may reduce the on-site parking requirements based on the following criteria:
 1. Peak demand occurs at distinctly different times as reported by the Institute of Transportation Engineers or found with a parking study per AMC 19.64.020(H).
 2. The minimum required parking must be based upon the minimum amount necessary to satisfy the daily peak demand generated by the uses.
 3. In no case may the minimum required parking for a multi-tenant facility be less than 60-percent of the total required for the individual uses.
- B. Shared parking associated with multi-tenant retail and commercial facilities will be considered to be a shared parking facility. Lease agreements will satisfy the requirement for a sufficient legal document.
- C. If any requirements for shared parking are violated, the affected property owners must provide a remedy satisfactory to the director or provide the full amount of required off-street parking for each use, in accordance with the requirements of this chapter, unless a satisfactory alternative remedy is approved by the director.

19.64.090 - Parking for shell building permits.

When the city has received a shell building permit application, off-street parking requirements must be based on the possible tenant improvements or uses authorized by the zone designation and compatible with the limitations of the shell permit. When the range of possible uses results in different parking requirements, the director must establish the amount of parking based on a likely range of uses.

19.64.100 - Bicycle parking requirements.

- A. **Minimum required.**

1. The minimum number of short-term and long-term bicycle parking spaces required is in Table 19.64.080. For the purposes of this section, the director must determine what use applies to the development.
2. If the formula for determining the number of bicycle parking spaces results in a fraction, the number of off-street parking spaces must be rounded to the nearest whole number with fractions of .50 or greater rounding up and fractions below .50 rounding down. If the formula results in a number less than one, then at least one bicycle parking space is required.
3. In the case of two or more uses on the same site, the total requirements for bicycle parking must be the sum of the requirements for each use computed separately.

Table 19.64.100 Bicycle parking spaces required.		
Use	Minimum Short-Term Bicycle Parking Spaces Required	Minimum Long-Term Bicycle Parking Spaces Required
Multifamily, group living	0.5 per 10 dwelling units, and 2 minimum	5per 10 dwelling units, and 2 minimum
Overnight lodging	0.5 per 10 guest rooms, and 2 minimum	0.3 per 10 guest rooms, and 2 minimum
Place of assembly, civic, indoor recreation, day care	Fixed seats: 3 per 100 No fixed seats: 0.20 per 1,000-square-feet of NLA 2 minimum	Fixed seats: 2 per 100 No fixed seats: 0.10 per 1,000-square-feet of NLA 2 minimum
Retail sales, general service, personal service	0.25 per 1,000-square-feet of NLA, and 2 minimum	0.10 per 1,000-square-feet of NLA, and 2 minimum
Restaurant/bar	0.5 per 1,000-square-feet of NLA, and 2 minimum	0.10 per 1,000-square-feet of NLA, and 2 minimum
Office	0.10per 1,000-square-feet of NLA, and 2 minimum	0.20 per 1,000-square-feet of NLA
Medical	0.05 per 1,000-square-feet of NLA, and 2 minimum	0.05 per 1,000-square-feet of NLA, and 2 minimum
Industrial, utilities	0.05 per 1,000-square-feet of NLA, and 2 minimum	0.05 per 1,000-square-feet of NLA, and 2 mminimum
Schools, pre-kindergarten and K-12	0.75 per 10 students of planned capacity, and 2 minimum	1 per 10 employees and 1 per 20 students of planned capacity, and 2 minimum
Colleges and universities	1 per 10 students of planned capacity, and 2 minimum	1 per 10 employees and 1 per 10 students of planned capacity, and 2 minimum

B. Location.

1. Short-term bicycle parking spaces may be located in the areas described in subsection (a) and (b):
 - a. Indoors or outdoors on the development site.
 - b. On a public sidewalk or street outside the development, provided of all of the following requirements are met:

- i. If on a sidewalk, the total sidewalk width (including any planting area or landscaped strip) is at least 12-feet wide in a mixed-use or industrial zone or at least eight-feet wide in a residential zone.
- ii. The bicycle parking spaces are within 100-feet of the development's primary pedestrian entry.
- iii. The public works director certifies bicycle parking in the public right-of-way in the proposed location does not conflict with the Transportation Plan.
- iv. The property owner maintains the bicycle parking in perpetuity per the terms of an encroachment permit recorded to the property title.
- c. Short-term bicycle spaces on a public sidewalk or street for multiple businesses or properties are encouraged to be consolidated, where practical to comply with the requirements of subsection (b).
- 2. Long-term bicycle parking spaces must be located on the development site.

C. Design.

- 1. The design of short-term and long-term bicycle parking spaces must substantially comply with the current "Essentials of Bike Parking" maintained by the Association of Pedestrian and Bicycle Professionals, or similar standards approved for use by the director.
- 2. Locating all bicycle parking spaces under weather protection cover is encouraged.

19.64.110 - Parking area design and construction standards.

- A. Parking area plans.** Developments featuring new off-street parking areas must submit plans of such parking area(s) showing adjacent streets, proposed circulation of traffic, proposed stormwater management, lighting, landscaping, and fencing.
- B. Parking lot access.** Ingress and egress to the parking lot or area must be provided at locations approved by the city engineer.
- C. Surfacing and grading.** All required off-street parking area must be graded and surfaced to a standard comparable to the street which serves the parking area as determined by the city engineer. Off-street parking areas must have dust-free, all-weather surfacing. Off-street parking areas must conform to City of Anacortes development standards.
- D. Drainage.** Drainage and erosion/sedimentation control facilities must be provided in accordance with City of Anacortes development standards.
- E. Parking space markings.** Asphalt or concrete surfaced parking areas must have parking spaces marked by surface paint lines or suitable substitute traffic marking material. Wheel stops or curbing are required where a parked vehicle would encroach on adjacent property, pedestrian access or circulation areas, right-of-way, or landscaped areas.
- F. Traffic control devices.** All traffic control devices such as parking strips, designated car stalls, directional arrow or signs, bull rails, curbs, and other developments must be installed and completed as shown on the approved plans. Hard surfaced parking areas must use paint or similar devices to delineate car stalls and direction of traffic.

- G. Curbing.** All access and parking areas must use cast-in-place vertical curbs or functionally equivalent designs that provide pedestrian safety. Curbs may be cut to allow surface water runoff to enter low impact development best management practices.

19.64.120 - Parking area maintenance.

- A. The property owner must maintain all off-street access and parking areas.
- B. Maintenance must include:
1. Removal and replacement of dead and dying trees, grass and shrubs.
 2. Removal of trash and weeds
 3. Repair and maintenance of traffic control devices, parking space striping, signs, light standards, fences, walls, surfacing materials, curbs, railings, landscaping, and stormwater best management practice elements.
 4. Repair and maintenance of permanent stormwater best management practice elements.

Chapter 19.65 - LANDSCAPING

Sections:

- 19.65.010 - Purpose.
- 19.65.020 - Applicability and compliance.
- 19.65.030 - Landscaped area, defined.
- 19.65.040 - Landscape plans.
- 19.65.050 - Plant material and installation standards.
- 19.65.060 - Landscaping types.
- 19.65.070 - Landscaping site design standards.
- 19.65.080 - Maintenance.
- 19.65.090 - Irrigation standards.
- 19.65.100 - Performance assurance/bonding.

19.65.010 - Purpose.

Landscaping is necessary to provide a well-balanced, aesthetically pleasing environment for the residents of Anacortes. Specifically, these requirements are intended to accomplish the following:

- A. Maintain and enhance property values.
- B. Enhance the character and appearance of each neighborhood and the community.
- C. Promote tree retention and the protection of existing native vegetation.
- D. Implement tree and landscaping plans and programs adopted by the city.
- E. Provide adequate buffers between differing land uses.
- F. Define, break up, and screen parking areas to reduce potentially negative impacts on adjacent uses.
- G. Improve the air quality and provide wildlife habitat.
- H. Reduce erosion and stormwater runoff.

19.65.020 - Applicability and compliance.

- A. Applicability. This chapter applies to all required landscaping installed or altered on all properties.
- B. For clarification on the relationship between the provisions in this division and other documents and codes, see AMC 19.60.020(B).
- C. For the application of building additions and remodels and site improvements, see AMC 19.60.020(C).
- D. For clarification on how the provisions of this division are applied, see AMC 19.60.030.
- E. The director may waive or relax these provisions in the HM, I, LM, MS, and CM2 zones depending on the type of use, number of anticipated employees and customers, and the site's physical context. Greater numbers of employees and/or customers and higher visibility levels warrant a greater application of building design standards.

19.65.030 - Landscaped area, defined.

Minimum landscaped areas required in Tables 19.42.020-.030 consist of grade level or elevated planting beds featuring trees, shrubs, flowers, ferns, groundcover, lawn grass, and other vegetation. Landscaped area may include xeriscape elements.

Exceptions and exemptions:

- A. Developments on sites with a designated Storefront block frontage are exempt.
- B. Developments on sites featuring a building or buildings meeting Storefront block frontage standards along the entire lot frontage are exempt.
- C. Commercial or multifamily developments may use rooftop planting areas to provide required landscaped area provided at least 50-percent of all required parking is located within and/or below the structure.

19.65.040 - Landscape plans.

- A. A landscape plan is required for all new development containing landscaping, including landscaping within the adjacent right-of-way. The landscape plan must be submitted as part of the applicable review process within AMC 19.20.030.
- B. Landscape plans must be completed by a Washington state licensed landscape architect or Washington-Certified Professional Horticulturalist (CPH) for multifamily and nonresidential developments with a development site area of 10,000-gross-square-feet or more.
- C. Landscape plans must show the following elements:
 - 1. Boundaries and dimensions of the site.
 - 2. Location of existing and proposed streets, curbs, utility lines, sidewalks.
 - 3. Location of buildings and structures, parking lots, driveways, loading areas, outdoor mechanical equipment, signs, refuse enclosures, overhead utilities, water meter location, grassy swales, parking lot lighting, and any plants or trees that are to remain on site.
 - 4. The location and design of landscape areas to be preserved and planted, and plant list to include the location, number, size and type of plant material by botanical and common name.
 - 5. North arrow and scale.
 - 6. Irrigation system if a permanent or temporary system is proposed.
 - 7. Planting details.
 - 8. Name, address and phone number of the person preparing the plan.
 - 9. Landscaping calculations in compliance with this chapter.
 - 10. A maintenance plan for any infiltration-based stormwater best management practices (BMPs) built as part of the landscaping design, including the specifications and maintenance procedures of any soil amendments.
 - 11. The location of existing trees to be preserved, or new trees to be planted, in conformance with AMC Chapter 16.50 Tree Preservation, when applicable.

- D. No building permits or certificate of occupancy (CO) must be issued until a landscape plan is reviewed and approved and improvements installed per the approved landscape plan. A suitable guarantee may be provided if installation is not possible or advisable due to seasonal constraints.

19.65.050 - Plant material and installation standards.

A. Native and naturalized plant species.

New landscaping materials must include species native to the region or hardy, waterwise, and non-invasive species appropriate in the climatic conditions of the region (decorative annuals are an exception). Generally acceptable plant materials must be those identified as hardy in Zone 8b as described in the United States Department of Agriculture's Plant Hardiness Zone Map. The selection of plant species should include consideration of soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, compatibility with existing native vegetation preserved on the site, water conservation where needed, soil infiltration capacity, and the impact of landscaping on visibility of the site for purposes of public safety and surveillance.

B. Tree standards and guidelines.

1. Tree heights may be called for within this chapter or elsewhere within this title:
 - a. Large tree: Capable of growing 35-feet high or greater under normal growing conditions.
 - b. Medium tree: Capable of growing over 15-feet high and less than 35-feet high under normal growing conditions.
 - c. Small tree: Capable of growing up to 15-feet high under normal growing conditions.
2. Unless otherwise noted herein, required trees must meet the following standards at the time of planting:
 - a. Required deciduous trees (other than street trees) must be fully branched, have a minimum caliper of 1 1/2-inches (as measured six-inches above the root ball), and a minimum height of 6-feet at the time of planting.
 - b. Required deciduous trees within parking areas must be a minimum caliper of one-inch (as measured six-inches above the root ball) and a minimum height of 10-feet at the time of planting.
 - c. Required evergreen trees must be fully branched and a minimum of six-feet in height, measured from the treetop to the ground, at the time of planting.

C. Shrub standard.

Shrubs, except for ornamental grasses, must be a minimum of one-gallon size at the time of planting.

D. Ground cover standards and guidelines.

1. Ground covers must be planted and spaced to result in total coverage of the required landscape area within three years, or as per recommendations by a Washington state licensed landscape architect or Washington-Certified Professional Horticulturalist as follows:
 - a. Four-inch pots at 18-inches on-center.
 - b. One-gallon or greater sized containers at 24-inches on-center.

- c. A bed of flowers in place of ground cover plants. A reduction in the minimum size may be permitted if certified by a Washington state licensed landscape architect or Washington-Certified Professional Horticulturalist that the reduction must not diminish the intended effect or the likelihood the plants will survive.
- 2. Grass is acceptable as ground cover in landscaped areas, but generally not preferred for water conservation and maintenance purposes (lawn areas designed as play areas are an exception).
- 3. Ground cover areas must contain at least two-inches of composted organic material at finished grade.

E. Tree and plant diversity.

- 1. If there are more than eight required trees, no more than 40-percent of them may be of one species.
- 2. If there are more than 24 required trees, no more than 20-percent of them may be of one species.
- 3. If there are more than 24 required shrubs, no more than 75-percent of them may be of one species.

F. Soil augmentation and mulching.

- 1. Existing soils must be augmented with a two-inch layer of fully composted organic material tilled a minimum of 6-inches deep prior to initial planting.
- 2. Landscape areas must be covered with at least two-inches of mulch to minimize evaporation. Mulch must consist of organic materials such as bark chips and wood grindings or yard waste, sawdust, and/or manure that is fully composted. Washed rock can also be used as a mulch.

G. Landscape installation standards

- 1. All required landscaping must be in-ground, except when in raised planters. Plant materials will be installed to current nursery industry standards.
- 2. Plant materials must be properly supported to ensure survival. Support devices such as guy wires or stakes must not interfere with vehicular or pedestrian movement. Where support is necessary, stakes, guy wires or other measures must be removed as soon as the plant can support itself.
- 3. Existing trees and plant materials to be retained must be protected during construction, such as by use of chain link or other sturdy fence placed at the dripline of trees to be retained. Grading, topsoil storage, construction material storage, vehicles and equipment must not be allowed within the dripline of trees to be retained.
- 4. Installation of landscaping materials must take into consideration access to utility vaults, pedestals, and other public and private utility facilities.
- 5. Tree/shrub height and location. The landscape plan should plan for the mature size of trees and major shrubs to avoid interference with windows, decks or lighting.
- 6. Trees must be protected by fencing until they are mature enough to withstand typical wildlife activity.

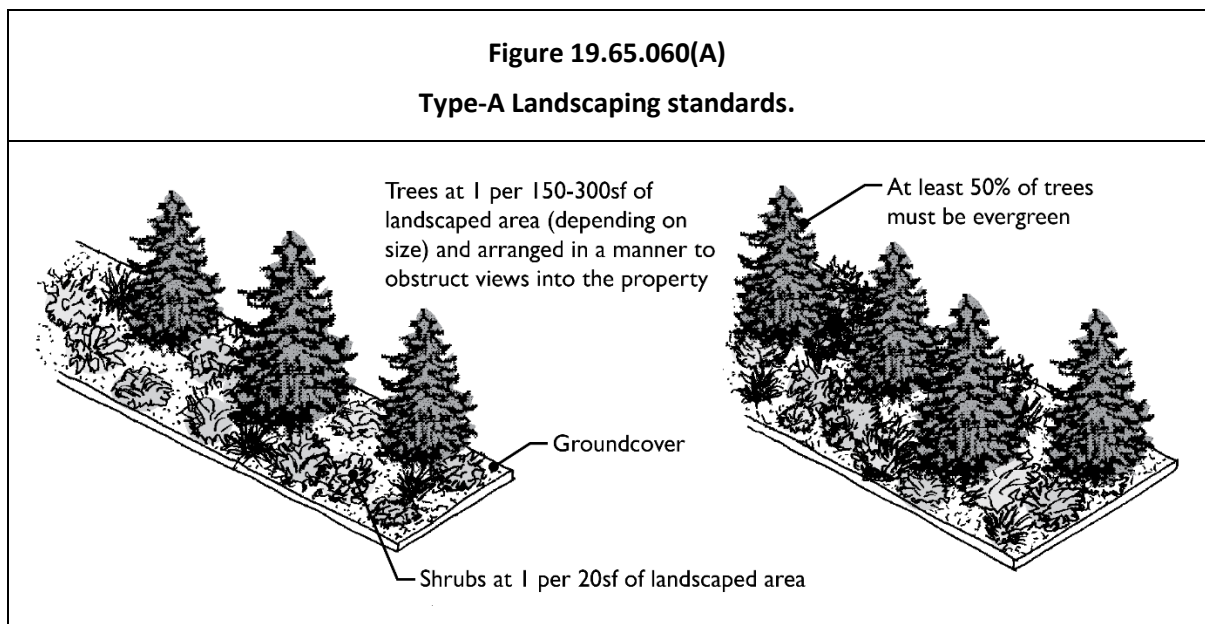
19.65.060 - Landscaping types.

Below are the planting and design requirements for specific landscaping types. These landscaping types apply when required by different sections of code within this chapter and elsewhere in this division.

A. Type-A Landscaping.

1. Purpose. Type-A Landscaping functions as a full screen and visual barrier. This landscaping is typically found between residential and nonresidential areas for screening unwanted views.
2. Screening requirement. The selected plant materials and configuration must be able to screen 70-percent of the unwanted views within five years of planting and screen 100-percent of the unwanted views within six years of planting. This requirement must account for the size and characteristics of materials planted, their typical growth rate, and size at maturity.
3. Planting requirements. Type-A Landscaping must minimally consist of the following:
 - a. Trees which are predominately evergreen (more than 50-percent).
 - b. Tree size: A variety of tree sizes may be used, provided at least 70-percent are medium or large [see AMC 19.65.050(B)(1)]. Trees must be planted at the following spacing standards ("on-center" refers to the distance from other trees of any size):
 - i. Large trees must be spaced between 20 and 25-feet on-center.
 - ii. Medium trees must be spaced between 15 and 20-feet on-center.
 - iii. Small trees must be spaced between 10 and 15-feet on-center.
 - c. Shrubs: Predominately evergreen provided at the rate of one shrub per 20-square-feet of landscape strip.
 - d. Groundcover: Planted at a density to cover the buffer within three years.
 - e. Species diversity: Trees and shrubs must comply with AMC 19.65.050(E).

DEPARTURES that vary from the planting requirements of subsection (3) will be considered provided the proposal meets the screening requirement of subsection (2).

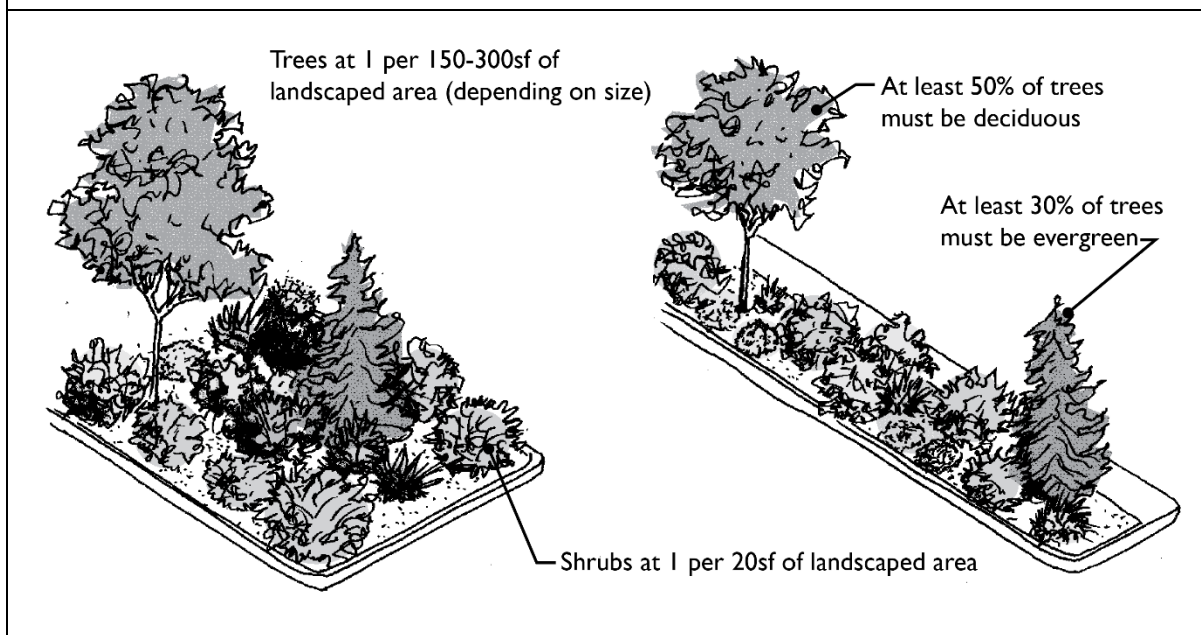


B. Type-B Landscaping.

1. Purpose. Type-B Landscaping is a “filtered screen” that functions as a visual separator. This landscaping is typically found between differing types of residential development and used for screening unwanted views from the pedestrian environment.
2. Screening requirement. The selected plant materials and configuration must meet the purpose of the standards within five years of planting. This requirement must account for the size and characteristics of materials planted, their typical growth rate, and size at maturity.
3. Planting requirements. Type-B Landscaping must minimally consist of:
 - a. Trees which are at least 50-percent deciduous and at least 30-percent evergreen.
 - b. Tree size: A variety of tree sizes may be used, provided at least 70-percent are medium or large [see AMC 19.65.050(B)(1)]. Trees must be planted at the following spacing standards (“on-center” refers to the distance from other trees of any size):
 - i. Large trees must be spaced between 20 and 25-feet on-center.
 - ii. Medium trees must be spaced between 15 and 20-feet on-center.
 - iii. Small trees must be spaced between 10 and 15-feet on-center.
 - c. Shrubs: Provided at the rate of one shrub per 20-square-feet of landscape strip and spaced no more than eight-feet on-center.
 - d. Groundcover: Planted at a density to cover the buffer within three years.
 - e. Species diversity: Trees and shrubs must comply with AMC 19.65.050(E).

DEPARTURES that vary from the planting requirements of subsection (3) will be considered provided the proposal meets the screening requirement of subsection (2).

Figure 19.65.060(B)
Type-B Landscaping standards.

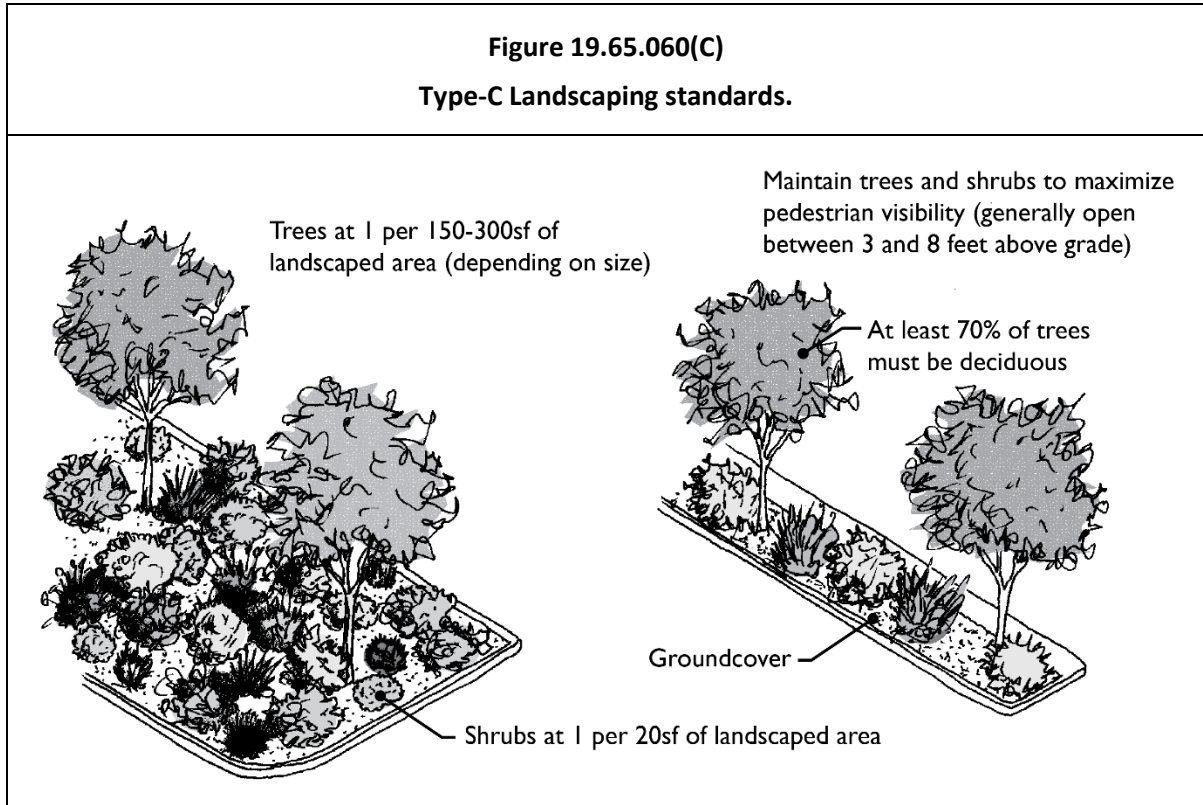


C. Type-C Landscaping.

1. Purpose. Type-C Landscaping is a “see-through screen” that functions as a partial visual separator to soften the appearance of parking areas and building elevations. This landscaping is typically found along lot frontages or between multifamily developments.
2. Screening requirement. The selected plant materials and configuration must meet the purpose of the standards within five years of planting. This requirement must account for the size and characteristics of materials planted, their typical growth rate, and size at maturity.
3. Planting requirements. Type-C Landscaping must minimally consist of:
 - a. Trees which are at least 70-percent deciduous.
 - b. Tree size: A variety of tree sizes may be used, provided at least 70-percent are medium or large [see AMC 19.65.050(B)(1)]. Trees must be planted at the following spacing standards (“on-center” refers to the distance from other trees of any size):
 - i. Large trees must be spaced between 20 and 25-feet on-center.
 - ii. Medium trees must be spaced between 15 and 20-feet on-center.
 - iii. Small trees must be spaced between 10 and 15-feet on-center.
 - c. Shrubs: Provided at the rate of one shrub per 20-square-feet of landscape strip and spaced no more than eight-feet on-center.
 - d. Groundcover: Planted at a density to cover the buffer within three years.
 - e. Species diversity: Trees and shrubs must comply with AMC 19.65.050(E).

- f. Maintain trees and shrubs to maximize pedestrian visibility (generally between three and eight-feet above grade).

DEPARTURES that vary from the planting requirements of subsection (3) will be considered provided the proposal meets the screening requirement of subsection (2).



D. Type-D Landscaping.

1. Type-D Landscaping refers to all other landscaped areas that do not qualify as Type-A, B, or C Landscaping, a hedge, or rain garden. While native and low maintenance trees and shrubs are encouraged in these areas, lawn areas may be used for recreational or design purposes. These areas may also include flower beds and perennial beds.
2. Type-D Landscaping may include any combination of plant materials provided they comply with the plant materials standards in AMC 19.65.050.

E. Type-E Landscaping - Low hedge.

A low hedge is intended to function as an attractive visual divider of space rather than a visual buffer between uses and properties. To qualify as a hedge landscaping type, the planting must be at least 30-inches wide and 30-inches tall. The hedge include plant materials that typically grow no taller than five-feet at maturity or are maintained between 30-inches and 48-inches tall.

Figure 19.65.060(E)

Low hedge examples.

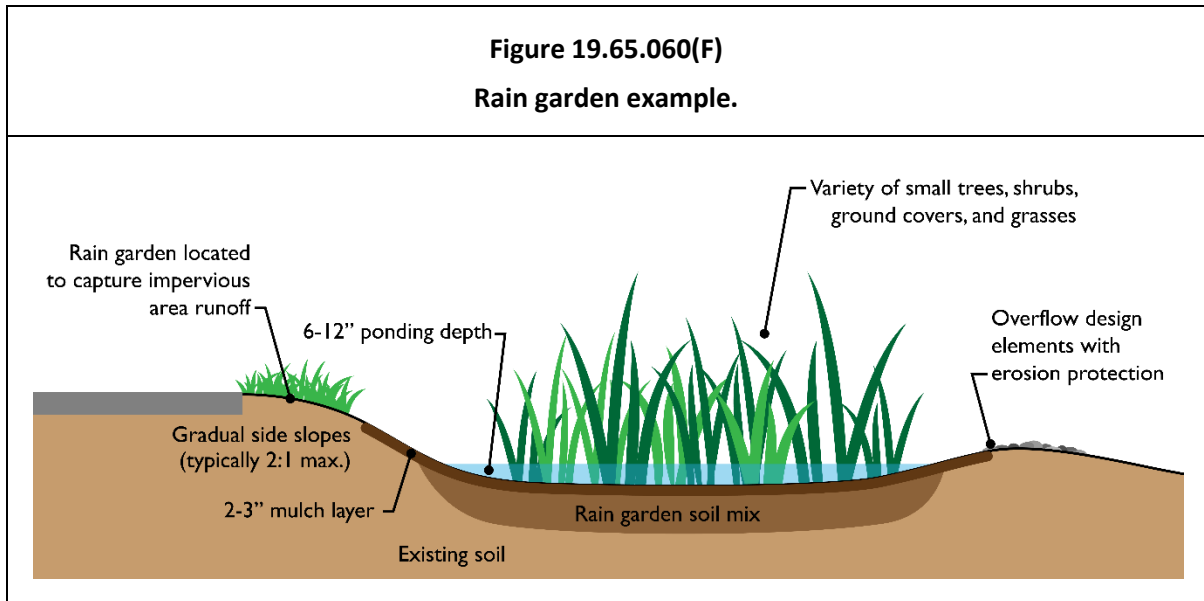


F. Type-F Landscaping - Rain garden.

1. A rain garden is a non-engineered planted depression that collects, absorbs, and filters rain water runoff from impervious areas. They are sized to accommodate temporary ponding and are not meant to be permanent ponds. They can also function as an attractive visual divider of space. To qualify as a rain garden, the following elements must be included:
 - a. Garden is located and designed to capture impervious area runoff.
 - b. Six to 12-inch ponding depth.
 - c. Two to three-inch mulch layer.
 - d. Gradual side slopes (typically 2:1 maximum).
 - e. Overflow design elements with measures to prevent erosion.
 - f. Generous plantings of a variety of small trees, shrubs, ground covers, and grasses. Select plants suitable for the planting zones within the garden and around the perimeter.

Refer to the current Rain Garden Handbook for Western Washington for further guidance on rain garden location, design, planting, construction, and maintenance. Compliance with the current Stormwater Management Manual for Western Washington (SWMMWW) may alter these requirements.

2. The applicability of rain gardens in site design will be determined by project size and flow control exemptions based upon Minimum Requirement #5 of the Western Washington Phase II municipal stormwater permit.



19.65.070 - Landscaping site design standards.

A. Required buffer standards. Screening between certain uses may be called for in Table 19.65.070(A) below or elsewhere in this title. Interpretation of Table 19.65.070(A):

1. Where mature trees and vegetation exists within the required buffer areas, the preservation of said mature trees and vegetation may be preferable to new plant materials. The director may require any of the following to better ensure the survival of existing mature trees and vegetation:
 - a. Augment existing plantings with new plant materials to meet the purpose of the standards,
 - b. Require wider buffers to better ensure the survival of existing mature trees and vegetation. This must be accompanied by use of a buffer averaging approach in which the buffer may be reduced in other locations to achieve, on average, the minimum buffer width required in Table 19.65.070(A) or elsewhere in this title.
 - c. Other supplemental planting conditions.
2. The letters A, B, C, D, E, and F refer to the landscape types described in AMC 19.65.060. Where more than one buffer type is referenced in a cell, one of the subject buffer types is required. The term "All" means that any of the landscaping types may be used.
3. The term "Fence" refers to the requirement of a six-foot high sight-screening fence. Such fences must comply with the provisions of AMC Chapter 19.66 Fences, Walls, and Hedges.
4. Where the cells are empty, there are no landscaping buffer requirements for the particular situation.
5. The numbers refer to the minimum required width of the required landscaping buffer.
6. Where superscript numbers are included in a cell, see the corresponding note matching the number below the table.
7. The screening elements must extend along the entire property line between the uses/properties except where precluded by structures, driveways, or similar obstructions.

8. Where the developing use is across the street from an existing abutting use or zone, only the buffer type listed for the abutting street is required.
9. DEPARTURES. Alternative buffer treatments may be approved per AMC 19.20.220 for any of the buffer types required below, provided they meet the purpose of this chapter.

Table 19.65.070(A)						
Required buffer types.						
Developing use	Existing abutting uses and zones					
	Street	R1, R2, R2A zones¹	R3, R3A, R4, R4A & OT zones or Multi-family use	C, CBD, MMU & CM zones¹	HM, MS, CM2, I LM & LM1 zones	P, parks & trails
Multifamily	Note ²	Fence plus BC-5'	Fence or ABCDEF-5' or path ³	Fence or BC-5' or path ³	Fence plus ABC-10'	Fence or All-10' Note ⁴
Low intensity non-residential use ⁶	Note ²	Fence plus ABC-5'	Fence or AB-5'	See site planning standards in chapter 19.62		Note ⁵
Moderate intensity non-residential use ⁷	Note ²	Fence plus ABC-10'	Fence plus ABC-5'			Note ⁵
High intensity non-residential use ⁸	Note ²	Fence plus ABC-15'	Fence plus ABC-10'			Note ⁵
Outdoor storage	Note ² plus A-10'	Fence plus ABC-10'	Fence plus ABC-10'	Fence or A-5' or B-10'		Fence plus ABC-5' or A-10'
Heavy industry	Note ²	Fence plus ABC-20'	Fence plus ABC-20'	Fence plus ABC-5' or A-10'	Fence plus ABC-5' or A-10'	Fence plus ABC-10' or AB-20'

Notes:

1. Where the abutting use meets the definition of multifamily, the developing use is subject to the landscape buffer type under the multifamily use column.
2. For landscaping between developing uses and streets, see the applicable block frontage map for the property in AMC 19.61.040 and the corresponding block frontage standards in AMC Chapter 19.61 Block Frontage Standards. Multifamily uses in residential zones are subject to the landscape block frontage standards in AMC 19.61.070.
3. A paved or gravel pathway separating the properties/uses. Landscaping planters at least three-feet wide separating the pathway from buildings (or other effective visual transitions between the pathway and building as determined by the director) is required.
4. For developing multifamily uses adjacent to parks and trails, the director may adjust requirements to emphasize buffer types that enhance visibility between the developing use or focus more on visual screening depending on the context of the park or trail and type of developing use.
5. See AMC 19.61.120 for trail block frontage standards.

6. “Low-intensity non-residential use” is a small scale commercial use or development (as defined in AMC Chapters 19.44-46). This includes uses and/or developments with less than 25,000-square-feet of gross floor area and containing no outdoor storage along a site edge requiring a landscape buffer in this section.
7. “Moderate-intensity non-residential use” includes uses and/or developments that are moderate in scale and intensity. This includes uses and/or developments that don’t qualify as a low-intensity non-residential use (either they are too large or have some outdoor storage areas along the site edge requiring a landscape buffer in this section) or a high-intensity non-residential use (not large enough or don’t meet the use qualifications).
8. “High-intensity non-residential use” includes uses and/or developments with over 120,000-square-feet of gross floor area or are classified as an industrial use per AMC Chapter 19.45 Industrial Uses.

B. Supplemental buffer standards.

1. For screening requirements for service areas and mechanical equipment for non-residential and multifamily development, see AMC 19.62.070.
2. Required buffer vegetation must be planted within the property boundaries. However, additional plantings above the minimum requirement may extend into the right-of-way per AMC 19.65.070(F).
3. The height of any screen material required by this chapter in the vicinity of a point of ingress and egress may not exceed 2-1/2-feet in height within the clear-vision triangle (AMC 19.69.070).

C. Trees and block frontage landscaping.

1. Non-residential and multifamily developments must include landscaping between the sidewalk and building or parking areas in conformance with this chapter. Exceptions are allowed for pedestrian and vehicular access, pedestrian-oriented space, utility elements, and permitted signage.
2. Where buildings are setback at least 15-feet from a street property line, trees must be planted at an average of 30-feet apart in such planting areas, with groundcover or shrubs used liberally. DEPARTURES may be considered provided alternative treatments meet the purposes of this chapter.
3. Trees utilized in these planting areas must minimize conflict with underground and overhead utilities. Trees to be utilized must be from the approved list of recommended plant materials or an approved equivalent.

D. Parking lot landscaping.

1. Purpose. The purpose of parking lot landscape development is to soften the visual effect created by large expanses of barren asphalt.
2. Required area. Planting areas in new parking areas with 20 or more spaces or in upgraded or improved parking areas with 20 or more spaces must constitute at least five-percent of the parking area.
3. Minimum width and length. Planting areas must have a minimum average width of ten-feet (measured inside the curb) and must be the same length as the parking stall or column.

4. Planting type: Type-C Landscaping must be used in required planting areas. Rain gardens may be integrated into planting strips provided they integrate the same number of trees as for Type-C Landscaping.

5. Distribution: Landscaped areas must be distributed throughout the parking lot.

6. Parking lot perimeters:

a. For parking lots adjacent to public streets, use Type-C Landscaping at a width equal to or greater than the minimum building setback specified for the applicable block frontage type specified in AMC Chapter 19.61 Block Frontage Standards.

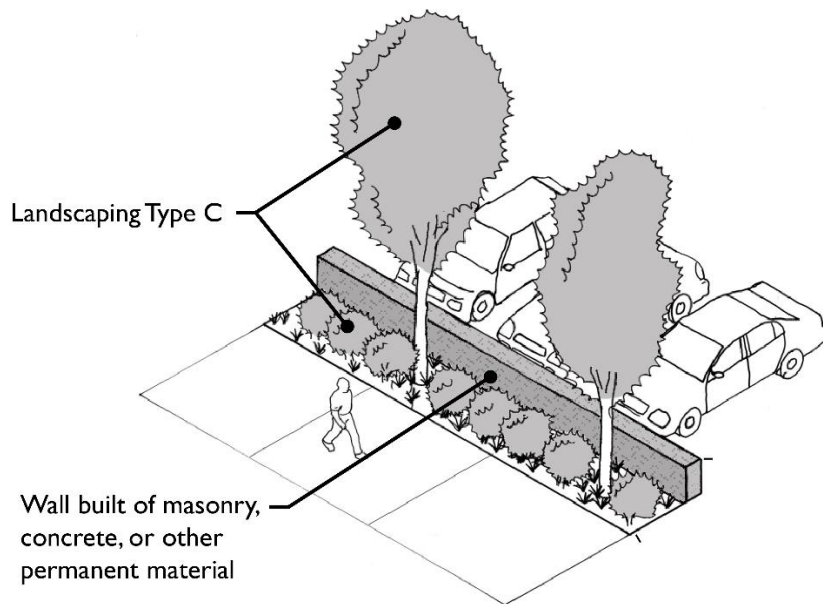
DEPARTURES to this standard will be considered via AMC 19.20.220 provided they meet the purpose of the standards noted above.

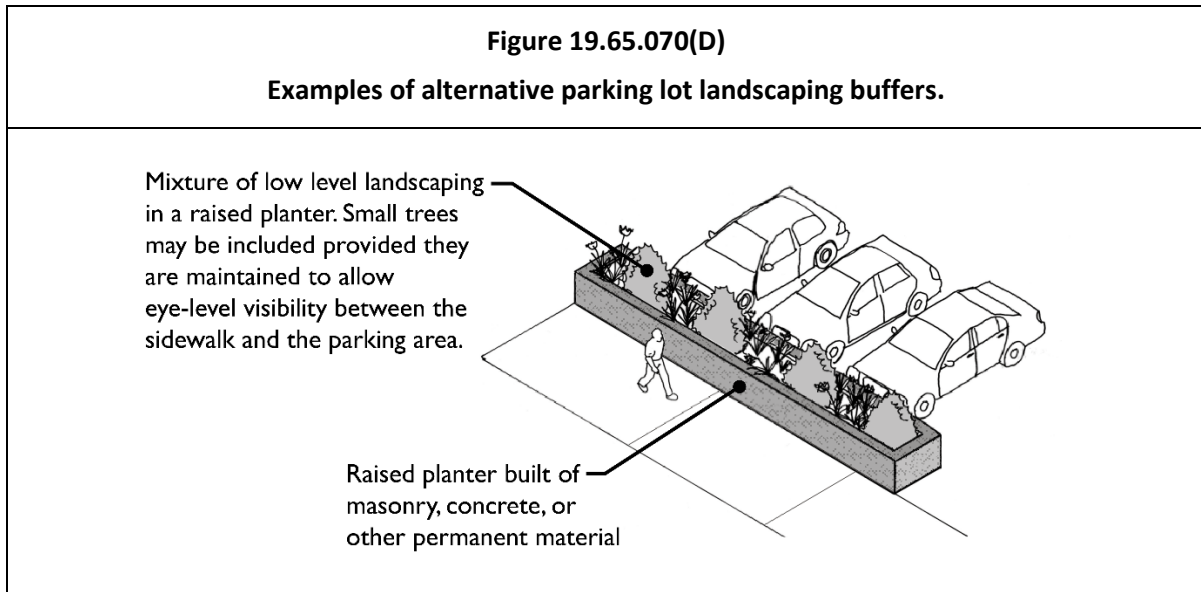
b. For parking lots along internal lot lines, use Type-A, B, or C Landscaping at least ten-feet deep, except where a greater buffer width is required per the standards in subsections (A) and (B). Where recorded cooperative parking agreements are in place between adjacent properties, sites must be exempted from the subject parking lot landscaping buffer.

DEPARTURES to this standard will be considered via AMC 19.20.220 provided they meet the purpose of the standards noted above. Examples of acceptable departures may include decorative low walls with landscaping, decorative elevated planters, landscaping with a trellis, a shared-access drive, or a shared pathway.

Figure 19.65.070(D)

Examples of alternative parking lot landscaping buffers.





E. Existing site vegetation.

1. General. Applicants are encouraged to retain significant existing vegetation on the subject property. Significant existing vegetation means deciduous and evergreen trees at least six-inches in diameter at a point five-feet above the ground.
2. Bonus for retention. For each significant tree as defined in subsection (E)(1) of this section, the applicant may measure the canopy of the tree and receive a bonus of 200-percent of the square-footage of the canopy to count as landscaped area for the purpose of complying with the standards for the applicable zone in AMC Chapter 19.42 Form and Intensity Standards, provided that the soil within the drip line of the tree is undisturbed, root systems are protected from damage, and approved methods are utilized to ensure proper irrigation.
3. Required review. The city will review the proposed retention of significant existing vegetation as part of the application for development. Any bonus for retention must be approved only after on-site inspection.
4. If any tree used for bonus credit is removed or lost, it must be replaced promptly with the same species or an approved substitute under AMC 19.65.080(C), at a ratio of three replacement trees at least 12-feet in height for each bonus tree lost.

F. Use of right-of-way.

In addition to the required planting areas above, landscaping of excess (unused) street and alley right-of-way and/or stormwater detention facilities is encouraged.

1. Excess right-of-way is defined as the area of an undeveloped alley or street right-of-way, or the area between the property line and the street pavement, whether or not it contains a sidewalk.
2. All landscaping materials proposed to be installed in the right-of-way must be reviewed to ensure that traffic safety considerations are met and future sidewalks can be added if they do not currently exist.
3. Irrigation or sprinkling systems are subject to the standards in AMC 19.65.090

4. Maintenance of landscaping in the right-of-way must be the responsibility of the adjacent property owner; provided, however, that nothing in this section must create or imply any interest of the property owner in the excess right-of-way, and provided further, that in the event the city must undertake to utilize the excess right-of-way, any landscaping must be removed by the property owner at their sole expense, or if not so removed may be destroyed by the city.

G. Special Fire Department standards.

1. Landscaping in the vicinity of any fire hydrant, Fire Department sprinkler connection or standpipe connection should not prevent such equipment from being immediately discernible nor in any other manner deter or hinder the Fire Department from gaining immediate access to the equipment. Subsections (H)(2) and (3) are guidelines for the landscaping around the equipment, with final approval from the city fire marshal.
2. Fire hydrants.
 - a. Fire hydrants must be free from obstruction on all sides by a minimum clearance of three-feet.
 - b. Fire hydrants along streets, driveways, parking lots, fire access routes (fire lanes), or at intersections must be visible for at least 100-feet in all directions along such streets, driveways, access routes or intersections. No plants or shrubs with a height of over 18-inches and no tree with branches or foliage below five-feet must be allowed in this sight visibility area.
3. Sprinkler and standpipe connections.
 - a. Fire Department connections for sprinklers and standpipes must be free from obstructions on all sides by a minimum clearance of three-feet.
 - b. When a Fire Department connection is over 25-feet from a street, driveway, parking lot or fire access route, there must be maintained a clear path with minimum width of three-feet between the Fire Department connection and the street, driveway, parking lot or fire access route.

H. Stormwater detention ponds must have at least ten-foot setbacks from adjacent property lines and must be landscaped in compliance with this chapter.

19.65.080 - Maintenance.

- A. The owners of the property and their agents, heirs, or assigns must be responsible for maintaining all required landscaping and screening areas in a healthy, growing condition.
- B. All landscaping and screening areas must be maintained reasonably free of weeds and trash, must be treated for pest/diseases in accordance with the approved landscape plan, and must be maintained so as to prevent mulch, straw, dirt, or other materials from washing onto streets, sidewalks, and adjoining properties.
- C. Any dead, unhealthy, or missing vegetation, or vegetation disfigured by severe or excessive pruning, unusual weather occurrence or natural catastrophe, or other natural occurrence such as damage by wild or domestic animals, must be replaced with equivalent vegetation that conforms to the plant materials and installation standards in AMC 19.65.050, other applicable standards of this title, and the approved site and/or subdivision plan.

- D. Any engineered soil amendments must be maintained to continue the original function of stormwater best management practices.

19.65.090 - Irrigation standards.

The purpose of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering.

All required landscaped areas in the city must comply with at least one of the following:

- A. A permanent built-in irrigation system with an automatic controller will serve the proposed landscape area, and the system will be installed and operational before the city grants an occupancy permit or final inspection for the development.
- B. A temporary irrigation system will serve the proposed landscape area, provided the applicant can successfully demonstrate that the proposed temporary irrigation system will provide sufficient water to ensure that the plant materials to be planted will survive installation and, once established, will survive without watering other than natural rainfall.
- C. A permanent or temporary irrigation system will not serve the proposed landscape area, provided:
 - 1. The director finds the landscape area otherwise fulfills the requirements of this section, and
 - 2. The applicant submits all of the following with the site plan application:
 - a. A statement from a Washington state licensed landscape architect or Washington-Certified Professional Horticulturalist (CPH) certifying that the materials to be planted will survive without watering other than natural rainfall.
 - b. A plan for monitoring the survival of required vegetation on the approved site plan for at least one year and for detection and replacement of required vegetation that does not survive with like-kind material or other material approved by the reviewing authority.
 - c. A statement from the applicant agreeing to install an irrigation system if the reviewing authority finds one is needed to ensure survival of required vegetation, based on the results of the monitoring plan.

19.65.100 - Performance assurance/bonding.

In the event that landscaping improvements cannot be installed prior to formal certificate of occupancy, a cash deposit, letter of credit or other assurance acceptable to the city equal to 150-percent of the estimated construction costs must be required. Such deposit must be accompanied by a letter which stipulates completion of all landscape development no later than the next autumn planting season following issuance of the certificate of occupancy or date of final approval, whichever is later. If these conditions are not met, the city may use the deposit to install the landscaping.

Chapter 19.66 - FENCES, WALLS & HEDGES

Sections:

19.66.010 - Purpose.

19.66.020 - Applicability.

19.66.030 - Fences, walls, and hedges for residential zones.

19.66.040 - Fences, walls, and hedges for mixed-use and industrial zones

19.66.050 - Fence, wall, hedge, and rockery measurements.

19.66.060 - Fence and wall location and maintenance.

19.66.070 - Fence types prohibited.

19.66.080 - Retaining walls and rockeries.

19.66.010 - Purpose.

The purpose of this chapter is to:

- A. Protect life and secure property while protecting the public from hazardous fences and walls.
- B. Increase visibility in appropriate circumstances by using the principles of Crime Prevention Through Environmental Design (CPTED) to increase public safety and to deter crime.
- C. Promote and enhance Anacortes neighborhoods as walkable places and reduce impacts on the pedestrian experience that may result from taller fences and walls.

19.66.020 - Applicability.

This chapter applies to all fences, walls, and hedges, of whatever nature and wherever located, within the City.

19.66.030 - Fences, walls, and hedges for residential zones.

- A. **Height and design standards by location.** Table 19.66.030 provides height and transparency standards for fences, walls, and hedges for residential uses and zones. Figure 19.66.030(A) provides clarification on the location of fences, walls, and hedges associated with the standards in Table 19.66.030.

Figure 19.66.030(A)

Clarification on the location of fences, walls, and hedges
associated with the standards in Table 19.66.030.

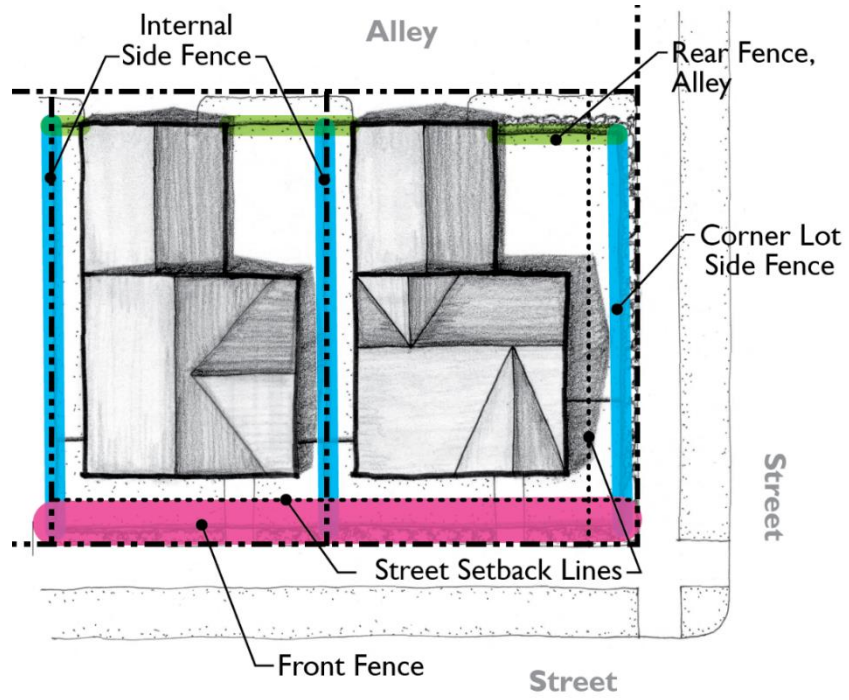


Table 19.66.030 Height standards for fences, walls, and hedges in residential zones by location.			
Location		Maximum height	Maximum height for homes with accessory daycare uses
Front	Within the street setback	42"	54", and any portion above 42" must be at least 50-percent transparent
	Elsewhere between the façade and street property line	7' See subsection (A)(2) below for exceptions for lots on the north side of Oakes Avenue between D Avenue and Ferry Terminal Road.	7'
Side	Corner lot – side fence, within 5-feet of any street property line	42"	54", and any portion above 42" must be at least 50-percent transparent
	Corner lot – side fence, more than 5-feet from any street property line	7'	7'
	Along/near any internal side property line	7'	7'
Rear	Along/near rear property line with or without an abutting alley	7'	7'
	Through lots – within 5' of a street property line	42"	54" within 5' of the property line, and any portion above 42" must be at least 50-percent transparent
	Through lots – 5' or more from street property line	7' See subsection (A)(2) below for exceptions for lots on the north side of Oakes Avenue between D Avenue and Ferry Terminal Road.	7'

- The following standards apply to all lots created after adoption of this section on the north side of Oakes Avenue between D Avenue and Ferry Terminal Road. Fences, walls, and hedges are limited in height to 42-inches for the entire street setback or rear setback for through lots where such lots abut Oakes Avenue. Exceptions may be made to the height and design of landscaping hedges through the subdivision approval process provided the design allows for visual access to the water from Oakes Avenue. Notes must be placed on the final plat indicating the applicable fence standard and any applicable exceptions.

Figures 19.66.030(B) through (D) below provide acceptable and unacceptable examples of fences, walls, and hedges.

Figure 19.66.030(B)

Acceptable fences, walls, and hedges for the street setback for residential zones.



The left image uses a picket fence. The right image uses a low wrought iron fence.



The left image uses a low masonry retaining wall and the right image uses a low hedge.

Figure 19.66.030(C)

Unacceptable fences, walls, and hedges for the street setback for residential zones.



The fence and hedge are both taller than the maximum 42-inch height.

Figure 19.66.030(D)

Acceptable and unacceptable side fences on corner lots in residential zones or along through lots where the rear setback abuts a street.



The left example is a low picket fence. Taller fences like that in the middle image are acceptable along the side and rear setback, but are not allowed within 5-feet of a property line. The right image shows an acceptable example where the fence is setback from the sidewalk to allow space for landscaping.

B. Fences for accessory recreational uses and non-residential uses in a residential zone. Fences or walls used in conjunction with an accessory to a residential use must meet the following requirements:

1. Fences that are used to enclose recreational facilities accessory to multi-family uses may be up to 12-feet in height provided they are not built within the minimum required setbacks.
2. The director may allow taller fences (than referenced in Table 19.66.030) for permitted non-residential uses in residential zones provided they are necessary for security purposes and the design of the fences meets the purposes of the standards.

19.66.040 - Fences, walls, and hedges for mixed-use and industrial zones.

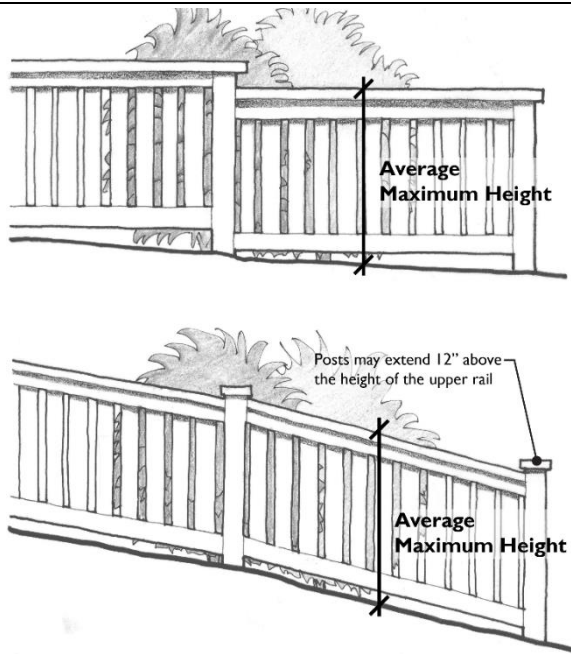
- A. Fences within the street setback:
 - 1. Fences within the street setback area are subject to applicable block frontage standards in AMC Chapter 19.61 Block Frontage Standards.
 - 2. Supplemental street setback standards: Fences less than 10-feet from a property line are limited to 42-inches in height. Exceptions:
 - a. Day care uses are allowed fences up to 54-inches tall in this area, provided the portion of the fence above 42-inches is at least 30-percent transparent.
 - b. Within the industrial zones, this provision only applies to sites across the street the CBD zone or a residential zone.
- B. Fences may be required along the side and/or rear property lines as a required buffer feature depending on the proposed use and existing abutting uses and zone per Table 19.65.070(A).
- C. The maximum height for fences and walls is seven-feet. The director may allow taller fences provided they are necessary for functional and security purposes and the design of the fences meets the purposes of the standards.

19.66.050 - Fence, wall, hedge, and rockery measurements.

Fence, wall, hedge, and rockery height must be measured from the finished grade to the top of the fence as shown in Figure 19.66.050. Where fence, walls or hedges feature varying heights of finished grade on opposite sides of the fence, wall or hedge, then the height must be measured from the side with the lower grade. Fence posts may exceed the height of the top rail by up to 12-inches. For sloped sites, the average height between posts may be used provided no portion of the fence exceeds the height limit by one foot.

Figure 19.66.050

Height measurements of fences and walls on sloped sites.



For sloped sites, the average height between posts may be used provided no portion of the fence exceeds the height limit by 12-inches.

19.66.060 - Fence and wall location and maintenance.

- A. No fence, wall, or other such structure, or hedge, over 36-inches in height may be placed within three-feet of any dwelling unit where such fence, wall, or hedge substantially interferes with access to such dwelling unit for fire and public safety purposes or substantially impairs the ability of an occupant of a dwelling unit to use windows and doors, as emergency exits.
- B. Where a fence, wall, or hedge forms a complete enclosure of an area adjacent to a dwelling or dwelling unit, a gate must be provided for emergency egress.

19.66.070 - Fence types prohibited.

- A. Chain link fences are prohibited in the following areas:
 - 1. All non-industrial zones within ten-feet of a street right-of-way.
 - 2. Industrial zones when across the street from the CBD zone or residential zones and within ten-feet of a street right-of-way.
 - 3. Between a street right-of-way and the front of any residential building.

DEPARTURES to subsections (1) and (2) above per AMC 19.20.220 will be allowed where the design of the fence and landscape buffer treatment meets the purposes of the standards.
- B. Electric fences are prohibited in all zones except R1 zones and may be allowed only by the director for the purpose of containing animals in a permitted area. No electric fence may be allowed or maintained which does not conform to state electrical codes.
- C. Barbed wire and razor wire fences are prohibited in all zones.

Exceptions may be granted in the following conditions:

1. When barbed wire fences are pre-existing and are used to contain animals kept on a property continuously since 1999. In such cases at such time as animals are not kept in the fenced area for ninety days or more, the right to maintain these existing fences must be considered extinguished, and these fences must be removed within thirty days.
2. For sensitive public facilities operated by public agencies. The facility operator must demonstrate security needs cannot be reasonably met with other fence types. The director must consider the facility's location, hours of operation, volume of public visitors, and neighboring uses. Higher visitor volumes and visibility to the general public warrant greater application of the prohibition.

19.66.080 - Retaining walls and rockeries.

A. Building permit. A building permit is required for retaining walls or rockeries not exempted from permit by Section 105.2 of the International Building Code or the International Residential Code, AMC Chapter 19.14 International Codes.

B. Drainage control. Drainage control must be provided for the area behind retaining walls and rockeries.

C. Retaining wall and rockery terracing standards.

1. This subsection (C) applies to any combination of constructed retaining walls or constructed rockeries located within a required setback and used to protect a cut or cuts or used to raise grade and protect a fill slope.
2. If the total height of the retaining wall or rockeries exceeds five-feet, the retaining wall or rockery must be terraced as shown in Figure 19.66.080(C).

DEPARTURES for alternative terracing dimensions will be considered where natural topographic or geologic features make compliance with this section infeasible.

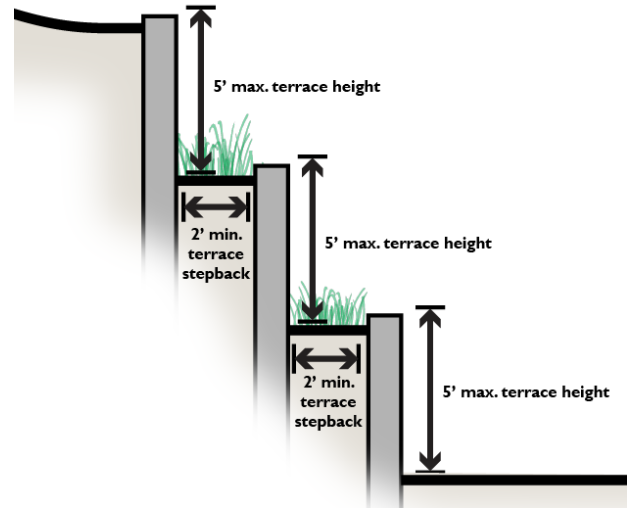
3. The director may require the retaining walls or rockeries to be designed by a structural engineer if drainage issues, unstable soils, or other structural concerns are present.

Figure 19.66.080(C)

Terracing standards for retaining walls and rockeries.



Terraced retaining wall example



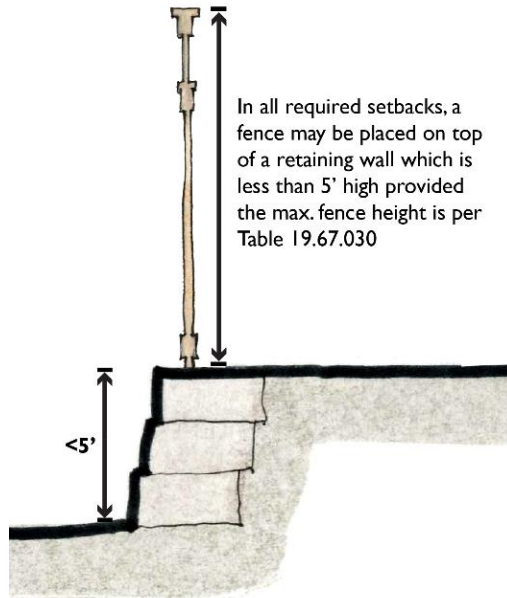
D. Standards for fences on and near retaining walls and rockeries.

1. Retaining walls or rockeries less than five-feet in total height.
 - a. Fences may be located on top of retaining walls or rockeries provided the maximum fence height complies with Table 19.66.030.
2. Retaining walls or rockeries five-feet in total height or greater.
 - a. In required rear and side setbacks only, a fence may be placed on top of retaining walls and rockeries provided the total combined height of the retaining wall or rockery and the fence is less than 12-feet.
 - b. In all required setbacks, the total combined height of the retaining wall or rockery and the fence may be 12-feet or greater provided the fence is setback at least five-feet from the edge of the retaining wall rockery.

Figure 19.66.080(D)

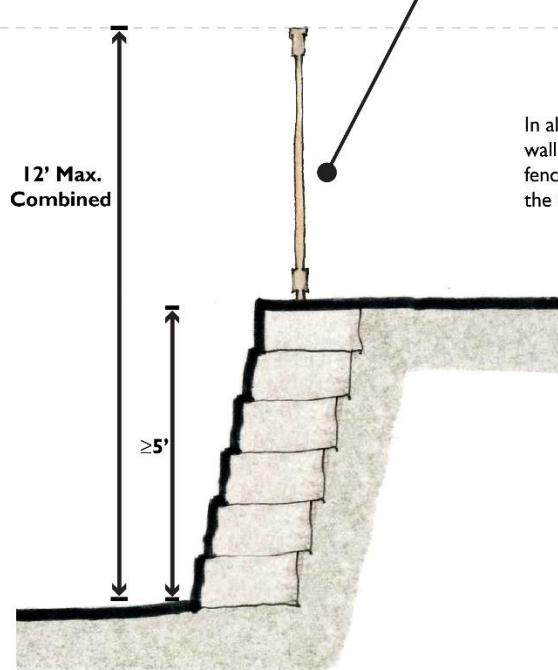
Standards for fences on and near retaining walls.

Retaining Wall Less Than 5' High

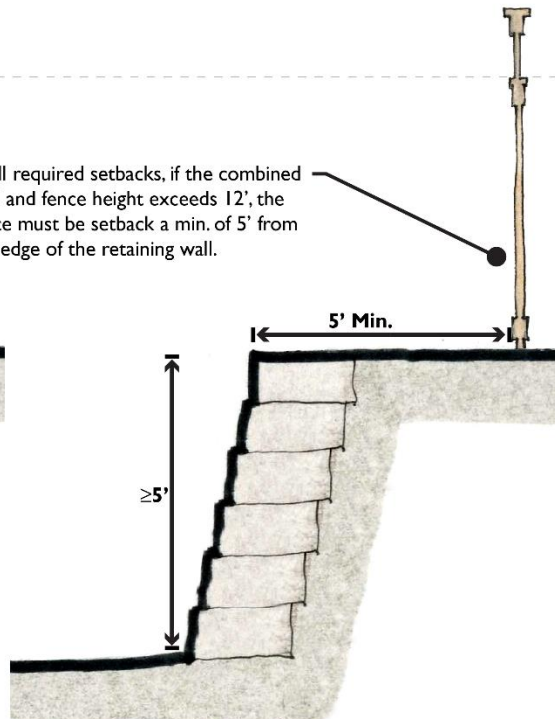


Retaining Wall 5' High or More

In required side and rear setbacks only, a fence may be on top of a retaining wall which is 5' high or greater; provided the max. height of the fence and wall combined is 12' or less.



In all required setbacks, if the combined wall and fence height exceeds 12', the fence must be setback a min. of 5' from the edge of the retaining wall.



E. Standards for large scale manufactured blocks used for retaining walls (e.g., ecology blocks or jersey barriers).

1. Such blocks are prohibited for construction of retaining walls in all residential zones, the CBD zone, and the C zone.
2. In all other zones, such blocks may be used for retaining walls provided retaining walls greater than four-feet in height incorporate decorative materials, stamped patterns, or other treatments which create visual interest approved by the director.

Chapter 19.67 - SIGNS

Sections:

- 19.67.010 - Purpose.
- 19.67.020 - Applicability.
- 19.67.030 - Sign definitions.
- 19.67.040 - General requirements.
- 19.67.050 - Measurement of sign area.
- 19.67.060 - Signs types and standards.
- 19.67.070 - Signs types permitted by zone.
- 19.67.080 - Supplemental freestanding sign standards.
- 19.67.090 - Supplemental building-mounted sign standards.
- 19.67.100 - Noncommercial speech signs.
- 19.67.110 - Temporary sign standards.
- 19.67.120 - Supplemental sign setback requirements.
- 19.67.130 - Nonconforming signs.
- 19.67.140 - Violations.
- 19.67.150 - Severability.

19.67.010 - Purpose.

The purpose of this chapter is to:

- A. Regulate the number, size, placement and physical characteristics of signs and sign structures.
- B. Promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor signs of all types.
- C. Promote economic development of the city's business districts and corridors.
- D. Ensure that signs are compatible with the desired character of Anacortes and its various districts and corridors.
- E. Enhance and protect property values, the local economy, and the quality of life by preserving and enhancing the appearance of the streetscape.
- F. Recognize free speech rights by regulating signs in a content neutral manner.
- G. Promote the free flow of vehicular traffic and protect pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting, and/or illegal signage.
- H. Prevent property damage, personal injury, and litter from signs which are improperly constructed, poorly maintained, or of flimsy materials.
- I. Provide consistent sign design standards.

19.67.020 - Applicability.

A. Applicability. This chapter applies to all signs erected or altered after the effective date of this code, except for those signs provided in subsection (C).

B. Interpretation.

1. This chapter is not intended to, and does not restrict speech on the basis of its content, viewpoint, or message.
2. Any classification of signs in this chapter that permits speech by reason of the type of sign, identity of the sign owner, or otherwise, must also be interpreted to allow non-commercial speech on the sign.
3. No part of this chapter may be construed to favor commercial speech over non-commercial speech.
4. To the extent any provision of this chapter is ambiguous, the term must be interpreted not to regulate on the basis of the content of the message.

C. Exemptions. The following signs are exempted from the regulations of this chapter:

1. Traffic signs, signals, wayfinding signs, and other traffic control devices erected by the City or other public authority.
2. Public notices pertaining to public health or safety issues, or for notification of legal or legislative action erected by the City or other public authority.
3. Permanent commemorative or memorial plaques and building nameplates less than six-square-feet in size, cornerstones, and other building identification markings carved into the building materials and which are integral parts of the structure. Signs that advertise the name of the building and not associated with the name of any individual business are addressed in AMC 19.67.090(A)(6).

Figure 19.67.020(C)(3)

Building nameplate example.



4. Signs within buildings, provided they are not legible from a distance of more than three-feet beyond the building on which the sign is located.

5. Incidental signs intended for public information or convenience and which consist of no more than two-square-feet per sign face. These may include restroom signs, hours of operation signs, address numbers, help wanted, credit card signs, and similar.
6. The American flag, State of Washington flag, and other political or special purpose flags that are not intended to contribute to a commercial advertising display.
7. Wall graphics of an artistic nature and that do not conform to the definition of "sign."
8. Noncommercial speech signs meeting the provisions in AMC 19.67.100.
9. Signs not readable from public or private right-of-way or waterway.
10. Signs intended for general public information, such as bulletin board/kiosk, that accommodate changeable copy such as private or public notices, special event information, and other short-term messages, at a scale suitable for pedestrians and not intended to be read by passing motorists, and not for commercial advertising purposes.
11. Holiday and community special event decorations that do not display a commercial message.
12. Signs on athletic fields and scoreboards intended for on-premises viewing.
13. Signs located on public parks, public trails and designated public open space, including any such parks, trails and open space open to the public, whether owned and maintained by the City or by another entity.
14. Signs located on any other city-owned property not specifically addressed in this chapter.
15. Point-of-purchase advertising displays such as product dispensers.
16. Any sign on a vehicle, unless such vehicle is regularly parked in any prominently visible location from public right-of-way or other public space for the primary purpose of attracting public attention to the sign, which is prohibited pursuant to AMC 19.67.040(A)(8).

19.67.030 - Sign definitions.

"A-board" means a temporary, portable, double-sided sign of basic self-supporting design. A-board signs may also be referred to as "A-frame" or "sandwich board" signs.

"Advertise" means to describe or draw attention to a product, service, or event in a public medium in order to promote sales or attendance.

"Building-mounted sign" means a sign affixed to a building, painted directly on a wall, or erected against the wall of a building.

"Conforming sign" means a sign which meets the specifications of this chapter.

"Copy" means the graphic content or message of a sign.

"Feather sign" means a temporary and portable sign made of light-weight materials that is prone to move in the wind, and that contains a harpoon-style pole or staff that is driven into the ground or supported by means of an individual stand. This definition includes such signs of any shape including flutter, bow, teardrop, rectangular, shark, and U-shaped.

"Freestanding sign" means a permanent sign anchored directly to the ground or supported by one or more posts, columns, or other vertical structures or supports, and not attached to or dependent for support from any building.

“Incidental sign” means sign depicting products, services, or activities directly related to the business within. These are permitted provided the incidental sign is not on an “A” board or a sign on the marquee or a sign under the marquee.

“Internal way-finding sign” means a type of freestanding sign used to aid customers in circulation within parking lots of commercial uses. These signs could come in the form of monument, pylon, post & arm, or wall sign types.

“Marquee/awning sign” means a type of building-mounted sign that is either attached to, affixed to, or painted on a marquee, awning, or canopy.

“Monument sign” means a type of freestanding sign which is attached to the ground by means of a wide base of solid appearance.

“Permanent sign” means a stationary sign permanently attached to the ground or to a structure.

“Pole sign” means a type of freestanding sign supported by one vertical pylon, and subject to the same regulations as a freestanding sign.

“Portable sign” means a nonpermanent, easily movable sign.

“Post & arm sign” means a type of freestanding sign supported by a post and arm.

“Projecting sign” means a type of building-mounted sign extending outward from the face of the building.

“Pylon sign” means a type of freestanding sign mounted on two posts.

“Real estate signs” means signs used for the purpose of marketing real property as opposed to identifying place of business.

“Sign” means any communication device, structure, or fixture which is intended to identify a building, use, business, or event; or to promote the sale of products, goods or services; using graphics, letters, figures, symbols, trademarks or written copy. Painted wall designs or patterns which do not represent a product, service or registered trademark, and which do not identify the user, are not considered signs.

“Sign copy” means any graphic, word numeral, symbol, insignia, text, sample, model, device or combination thereof which is primarily intended to advertise, identify, or notify.

“Standing sign” means a double-sided, portable sign mounted on a pedestal.

“Temporary signs” means conforming signs permitted for a specified period of time.

“Under-canopy sign” means a type of building-mounted sign attached to the underside of an awning, canopy, balcony or arcade.

“Wall sign” means a type of building-mounted sign painted directly on the wall, attached to, or erected against the wall of a building or structure with the exposed face of the sign parallel to the plane of such wall.

“Window sign” means a sign that can be observed by the general public as displayed in or applied to the transparent or translucent window and door areas of a building.

19.67.040 - General requirements.

A. Sign location restrictions. Except where specifically authorized by this chapter, signs are prohibited in the locations described below. Prohibited signs are subject to removal (except nonconforming signs as defined by this chapter) by the city at the owner's expense.

1. Any temporary or permanent freestanding sign located within or projecting over a city right-of-way or within five-feet of a city right-of-way, unless otherwise noted in this chapter.
2. Any sign attached to any public utility pole, structure or street light, tree, fence, fire hydrant, bridge, curb, sidewalk, park bench, statue, memorial, or other location on public property, except those signs approved as part of a special event permit on city property or banner signs permitted by the city on light poles in certain zones within the city. Nothing in this section must be construed to prohibit a person from holding a sign while located on public property so long as the person holding the sign is located on public property determined to be a traditional public forum and does not block ingress and egress from buildings or create a safety hazard by impeding travel on sidewalks, bike and vehicle lanes, and trails.
3. Any sign, which by reason of its location, will obstruct the view of any authorized traffic sign, signal, or other traffic control device or which by reason of shape, color, or position interferes with or could be confused with any authorized traffic signal or device
4. Any sign which is placed so as to prevent or inhibit free ingress to or egress from any door, window, or any exit way required by the building and/or fire code currently in effect.
5. Any commercial, advertising, or business sign that is not located on the premises of the business to which it refers.
6. No sign may be placed on the roof of any building.
7. No portable or temporary sign may be placed on the front or face of a building or on any premises except as authorized in AMC 19.67.110 Temporary sign standards.
8. Placement on private property for more than ten days in any 90-day period of any truck, boat, trailer or other vehicle or vehicle part which has affixed thereto any commercial advertising message not pertaining to the legally permitted use carried on within such property is prohibited.

B. Sign display restrictions.

1. Purpose. The purpose of this subsection is to regulate the manner in which signs convey their messages by specifying prohibited display features that create distractions to the traveling public and create visual clutter that mar the natural and architectural aesthetics of the city.
2. Applicability. The display features described below are prohibited. Prohibited signs are subject to removal (except legal nonconforming signs as defined by this chapter) by the city at the owner's expense.
 - a. Any sign or lighting device, whether on the exterior of a building or on the inside of a window which is visible beyond the boundaries of the lot or parcel, or from any public right-of-way, with intermittent, flashing, rotating, blinking or strobe light illumination.
 - b. Any sign with an exposed light source, except for neon incorporated into the design of the sign.
 - c. Any sign which emits sound, odor, smoke, laser or hologram lights, or other visible matter, including any sign that uses motion picture projection.

- d. Any sign animated by any means, including fixed aerial displays, balloons, pennants, spinners, including strings of flags, streamers, tubes, or other devices affected by the movement of the air or other atmospheric or mechanical means, except for:
 - i. Signs exempted from this chapter as established in AMC 19.67.020.
 - ii. Temporary signs as provided for in AMC 19.67.110.
- e. Any sign in which the sign body or any portion of the sign rotates, moves up and down, or any other type of action involving a change in position of the sign body or any portion of the sign, whether by mechanical or any other means, except for signs exempted from this chapter as established in AMC 19.67.020.
- f. Digital and other changeable copy signs, except as provided for in Table 19.67.040(C)(2) and AMC 19.67.080(D) for certain freestanding signs.
- g. Mannequins holding a sign or displaying advertising, whether stationary or animated, except within a building as part of a window or interior display.

C. Sign illumination.

- 1. General illumination standards.
 - a. Indirect sign illumination must be no further away from the sign than the height of the sign.
 - b. Externally illuminated signs must be arranged so that no direct rays of light are projected from such artificial source into residences, business or any street right-of-way.
 - c. External sign light fixtures must complement the design of the sign and building façades or structures associated with the sign.
 - d. External sign lighting must be “full cutoff” and must not result in direct illumination of the sky and adjacent properties and structures, and must be designed to minimize reflected glare to adjacent properties and structures.
- 2. Permitted sign illumination types. Table 19.67.040(C)(2) below specifies permitted sign illumination types by zone.

Table 19.67.040(C)(2) Permitted signs illumination types.			
Illumination Type		Permitted zones	Other requirements
Channel letter. Light is emitted through the front or face of the letters.		All mixed-use and industrial zones, except CBD	May be incorporated into a permitted wall, pole, or monument sign

Table 19.67.040(C)(2) Permitted signs illumination types.			
Illumination Type		Permitted zones	Other requirements
Reverse channel letter. Letter faces are opaque and light source provides halo effect through backlighting.		All mixed-use and industrial zones and the MED-O zone	May be incorporated into a permitted wall, pole, or monument sign
Push-through. Letters are cut out of opaque sign face. Interior light shines through letter faces only.		All mixed-use and industrial zones and the MED-O zone	May be incorporated into a permitted wall, pole, or monument sign
Neon.		All mixed-use and industrial zones	May be incorporated into a permitted wall, projecting, window, pole, or monument sign
Internally-illuminated cabinet signs. Sign face is illuminated through translucent casing. This includes internally illuminated changeable copy signs.		LM, LM1, MS, I & HM	May be incorporated into a permitted wall, pole, pylon, or monument sign
Digital message signage.		All mixed-use and industrial zones, except CBD	Only allowed to be integrated on permitted monument and pole signs per AMC 19.67.080(D)

Table 19.67.040(C)(2) Permitted signs illumination types.			
Illumination Type		Permitted zones	Other requirements
Internally-illuminated awning signs. Awning face is illuminated through awning material.		Not allowed in any zone	
Externally-illuminated sign.		All zones	Illumination techniques must focus the light on the sign and avoid glare to the sky, streets, sidewalks, and other public spaces, and adjacent uses.

E. Sign materials, structural, and electrical restrictions.

1. Except flags, temporary, and portable signs, and window signs conforming in all respects with the requirements of this ordinance, all signs must be constructed of durable materials and must be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.
2. All attached signs and sign support frames must be mounted and attached to a building or the ground in a secure manner and must be maintained in good repair for safety and appearance.
3. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs must be in accordance with the provisions of the National Electric Code or the local electric code in effect. All such signs require an electrical permit and inspection by state of Washington Department of Labor and Industry, Electrical Division or equivalent inspection.

F. Sign maintenance and inspection.

1. Maintenance. All signs, including signs heretofore installed must be constantly maintained in a state of security, safety, appearance and repair. If any sign is found not to be so maintained or is insecurely fastened or otherwise dangerous, it is the duty of the owner and/or occupant of the premises on which the sign is fastened to repair or remove the sign within five days after receiving notice from the director. The premises surrounding a free-standing sign must be free and clear of rubbish and the landscaping area must be maintained.
2. Inspection. All sign owners must permit the periodic inspection of their signs by the city upon city request.

19.67.050 - Measurement of sign area.

Sign area for all sign types is measured as follows:

- A. The area of painted signs, individual letter signs, and other indirectly illuminated signs is calculated on the basis of the smallest rectangle, circle or spherical figure that will enclose the entire copy area of the sign. Any such calculation must include the areas between letters and lines, as well as the areas of any devices, illuminated or non-illuminated, which are intended to attract attention.
- B. Where signs are placed on a display board attached to a wall or weather protection feature, the entire display board must be included in the sign area calculations. Where the display board includes a visible frame, only the area inside the frame must be included in the sign area calculations.
- C. For freestanding signs, the entire display board must be included in the sign area calculations. Where the display board includes a visible frame, only the area inside the frame must be included in the sign area calculations.
- D. Multiple-faced signs must have each face measured separately. The sign area allotment for each sign type applies to just one side of the sign. For example, if the maximum size for a certain monument sign is 25-square-feet, then each face of the monument sign may be up to 25-square-feet.
- E. Four or more faced signs, spherical, free-form, sculptural or other non-planar sign area is measured as 50-percent of the sum of the areas using only the four vertical sides of the smallest four-sided polyhedron that will encompass the sign structure, as shown in Figure 19.67.050. Signs with greater than four polyhedron faces are prohibited.

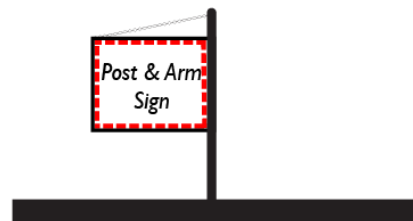
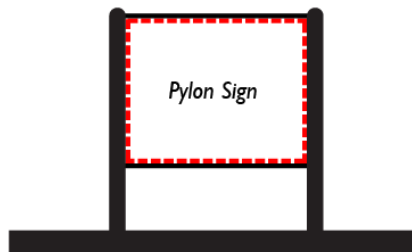
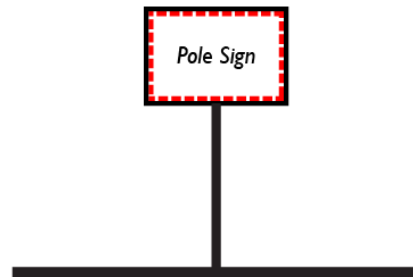
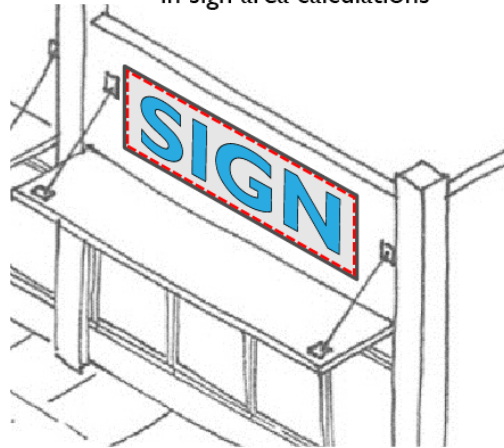
Figure 19.67.050(1)
Clarifying sign area measurement.

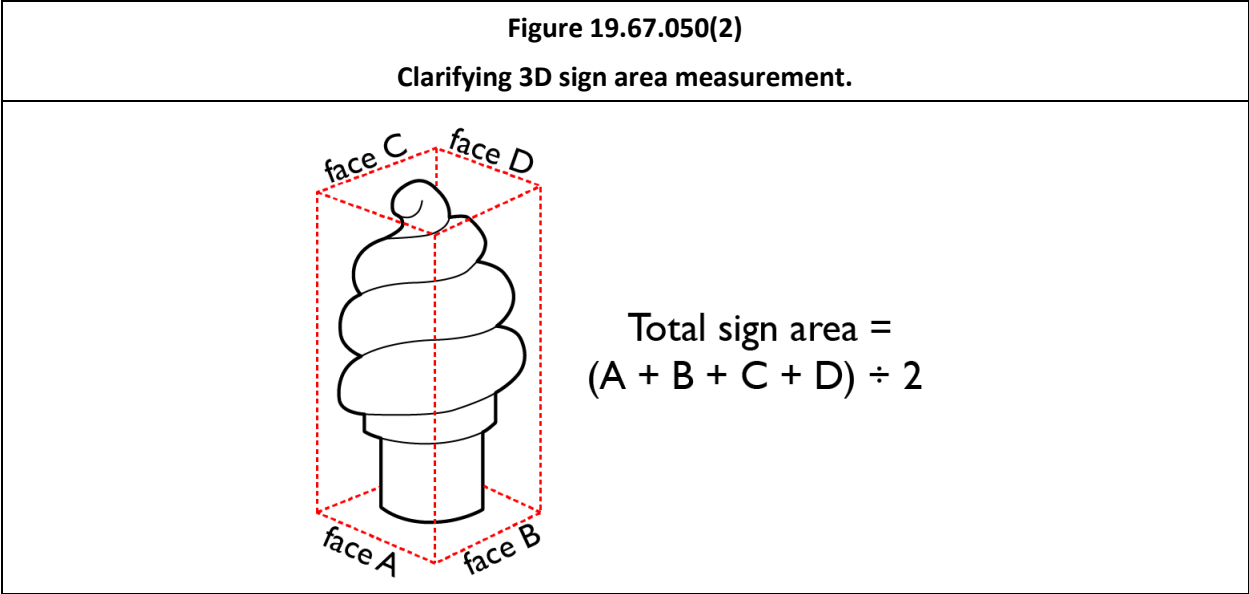
 = Sign area

For individual letter signs, sign area is calculated using the smallest rectangle or circle that will enclose the entire copy



For signs on a display board, the entire display board within the frame is included in sign area calculations





19.67.060 - Signs types and standards.

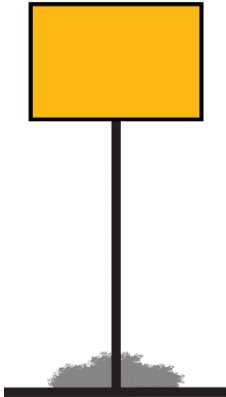
Table 19.67.060(A) Freestanding sign types and standards.				
Sign type	Location and street setback	Maximum quantity	Maximum height above existing grade	Maximum sign area
Pole sign A sign supported by one vertical post. 	Only allowed in LM1 and HM zones within 100' of SR-20 right-of-way 5' minimum setback	1 pole sign per 400' of SR-20 lot frontage	30'	1 sq. ft. per linear foot of SR-20 frontage, up to a maximum of 160 sq. ft.

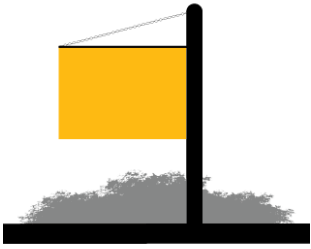
Table 19.67.060(A) Freestanding sign types and standards.				
Sign type	Location and street setback	Maximum quantity	Maximum height above existing grade	Maximum sign area
Monument sign A sign which is attached to the ground by means of a wide base of solid appearance. See AMC 19.67.080(B) for supplemental design standards. 	5' minimum street setback	1 monument, pylon, or post & arm sign/ lot frontage, except: 1 such freestanding sign per 150' of lot frontage where speed limit less than 35 mph 1 such freestanding sign per 200' of lot frontage where speed limit 35 mph or greater	See Table 19.67.080(B)(4) In LM1 and HM zones within 100' of SR-20 right-of-way, maximum height is 30'	See Table 19.67.080(B)(4) In LM1 and HM zones within 100' of SR-20 right-of-way, 1 sq. ft. per linear foot of SR-20 frontage, up to a maximum of 160 sq. ft.
Pylon sign A sign mounted on two posts. 	5' minimum street setback	1 monument, pylon, or post & arm sign/ lot frontage, except: 1 such freestanding sign per 150' of lot frontage where speed limit less than 35 mph 1 freestanding sign per 200' of lot frontage where speed limit 35 mph or greater	Monument sign standards apply per Table 19.67.080(B)(4) except pylon signs are limited to 8' in height In LM1 and HM zones within 100' of SR-20 right-of-way, maximum height is 30'	Monument sign standards apply per Table 19.67.080(B)(4) In LM1 and HM zones within 100' of SR-20 right-of-way, 1sf per linear foot of SR-20 frontage, up to a maximum of 160sf
Post & arm sign A small sign supported by a post and arm. 	5' minimum street setback	1 such monument, pylon, or post & arm sign/ lot frontage, except: 1 freestanding sign per 150' of lot frontage where speed limit less than 35 mph 1 freestanding sign per 200' of lot frontage where speed limit 35 mph or greater	5'	10 sq. ft.

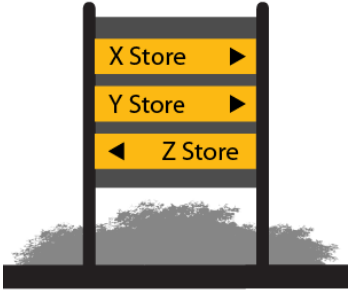
Table 19.67.060(A) Freestanding sign types and standards.				
Sign type	Location and street setback	Maximum quantity	Maximum height above existing grade	Maximum sign area
Internal way-finding sign A sign used to aid customers in circulation within parking lots of commercial uses. These signs could come in the form of monument, pylon, post & arm, or wall sign types. See AMC 19.67.080(C) for supplemental design standards. 	May be located in landscaped areas or on pathways provided the sign does not inhibit pedestrian movement. When such sign types are mounted on buildings, they must be oriented to a pathway.	Appropriate number of signs to provide directional assistance given size of site and circulation pattern as determined by the director.	8'	15 sq ft. When such sign types are mounted on buildings, they are limited to a maximum of 10sf

Table 19.67.060(B)
Building-mounted sign types and standards.

Sign type	Location	Maximum quantity	Maximum sign area	Maximum sign height
Wall sign A sign painted directly on the wall, attached to, or erected against the wall of a building or structure with the exposed face of the sign parallel to the plane of such wall. See AMC 19.67.090(A) for supplemental design standards. 	See AMC 19.67.090(A)(2)	1 sign per tenant façade that is visible from an adjacent street, customer parking lot, alley One wall sign is allowed per façade facing a waterfront provided the requirements of the Shoreline Master Program are met See 19.67.090(A) for additional quantity standards	See Table 19.67.080(A)(3)	Signs must not extend above the building parapet, soffit, or eave line of the building

Table 19.67.060(B)
Building-mounted sign types and standards.

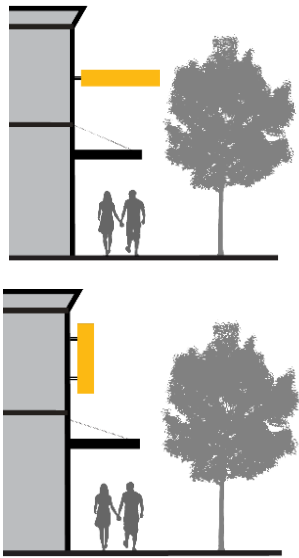
Sign type	Location	Maximum quantity	Maximum sign area	Maximum sign height
Projecting sign A sign attached to and extending outward from the face of the building. See 19.67.090(B) for supplemental design standards. 	Minimum 8' vertical clearance above sidewalk or pathway, and minimum 14' minimum vertical clearance when within 5' of a roadway Must not be located directly over windows or in conflict with other signs or architectural features of the building	1 sign per façade that is visible from a street or customer parking lot	See AMC 19.67.080(B)(1)	Signs must not extend above the building parapet, soffit, or eave line of the building

Table 19.67.060(B)
Building-mounted sign types and standards.

Sign type	Location	Maximum quantity	Maximum sign area	Maximum sign height
Marquee/awning sign A sign that is either attached to, affixed to, or painted on a marquee, awning, or canopy. See 19.67.090(C) for supplemental design standards. 	Minimum 8' vertical clearance above sidewalk or pathway May be placed on the front, above, or below the marquee Signage must not exceed 2/3 of individual awning or marquee width	1 sign per marquee, awning, or canopy that is visible from a street or customer parking lot	Same as wall sign standards, see Table 19.67.080(A)(3)	See 19.67.080(C)(1)
Under-canopy sign A sign attached to the underside of an awning, canopy, balcony or arcade. See 19.67.090(D) for examples. 	Minimum 8' vertical clearance above sidewalk or pathway Minimum 1' horizontal clearance from the building and canopy edge	1 sign per entrance that is visible from a street or customer parking lot	None	2'

Table 19.67.060(B)
Building-mounted sign types and standards.

Sign type	Location	Maximum quantity	Maximum sign area	Maximum sign height
Window sign A sign that is applied to or attached to the exterior or interior of a window or located in such manner within a building that it is visible from the exterior of the building through a window, but excludes merchandise in a window display. See 19.67.090(E) for window sign examples. 	Windows include glass doors	None	30% of total tenant window area/ façade	None

19.67.070 - Signs types permitted by zone.

- A. In mixed-use and industrial zones, all sign types are permitted unless otherwise noted in AMC 19.67.060.
- B. Table 19.67.070 illustrates the types of signs that are allowed for different development/use types in residential zones. The letter “P” indicates permitted sign types. A blank cell indicates the particular sign type is not permitted.

Table 19.67.070					
Signs permitted in residential zones.					
Sign Type	Development or use type				
	Single family subdivision	Mixed-residential or multifamily complex	Home occupation	Public use	Other non-residential use
Freestanding signs (AMC 19.67.080)					
Pole sign					
Monument sign	p ¹	p ¹		P	p ³
Pylon sign				P	p ³
Post & arm sign				P	p ³
Internal wayfinding sign					
Building-mounted signs (19.67.090)					
Wall sign			p ²		P
Projecting sign					
Marquee/awning sign					P
Under-canopy sign					P
Window sign			p ²		P

Conditions:

- Single-family subdivisions and mixed-residential or multifamily complex. One monument sign is permitted per entrance from an access street, provided said signs do not exceed 18-square-feet in sign area each and five-feet in height. Such signs can be low profile monument or fence mounted and can be placed anywhere on the property along access streets, not necessarily at entrances.
- One non-illuminated wall sign or window sign up to two-square-feet is permitted for a home occupation.
- Other non-residential uses:
 - Monument signs are permitted for those permitted non-residential uses that exceed 10,000 in gross floor area. One monument sign is permitted per lot frontage, provided said sign does not exceed 18-square-feet in sign area each and five-feet in height. Such signs can be low profile monument or fence-mounted and can be placed anywhere on the property along access streets (not only at entrances).
 - Pylon and post and arm signs are limited to six-feet in height and 16-square-feet in area.

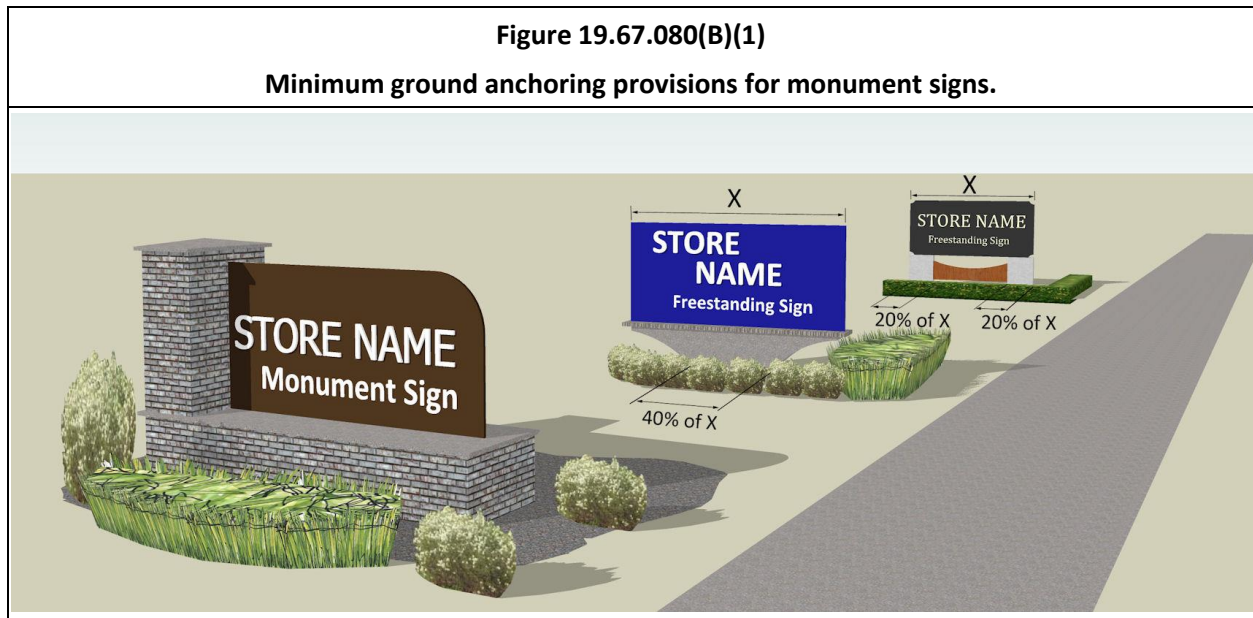
19.67.080 - Supplemental freestanding sign design standards.

A. Location and landscaping.

1. Freestanding signs are prohibited on block frontages that are designated Storefront per maps in AMC 19.61.040. All business signs along such frontages must be building-mounted (see AMC 19.67.090).
2. Landscaping. The base of all freestanding signs must be enhanced with one-square foot of landscaped area per one-square foot of sign area.

B. Monument signs.

1. Sign form. At least 40-percent of the total sign width must meet the ground plane.



2. Materials and design. Monument signs located in the CBD, C, MMU, CM, and residential zones must be designed as an integrated architectural feature of the site. Specifically:
 - a. Framing. Monument signs must include design elements that effectively frame the sign on both faces. Alternatively, signs that have a substantial framing element on one side will meet this provision.

DEPARTURES per AMC 19.20.220 will be considered provided the design meets other provisions herein, integrates a distinctive, one-of-a-kind design that contributes to the visual character of the area.

Figure 19.67.080(B)(2)(a)

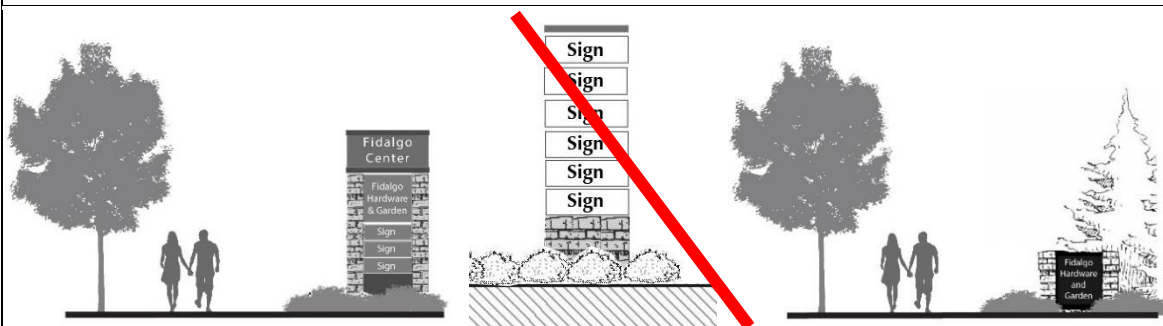
Good examples of monument signs with framing elements on one side.



- b. Materials and design. Monument signs must include durable high-quality materials such as stone, brick, concrete, or steel and a design that relates to and/or complements the design of on-site buildings and/or is coordinated with other site design elements (such as distinctive lighting, monuments, way-finding signs).
- c. Top/middle/bottom. Monument signs must integrate a top, middle, and bottom element. The top could include a distinctive sign cap and/or include the name of a multi-tenant center. The middle can include a consistent framing technique for an individual sign or multiple signs in a multi-tenant center. The bottom could include a distinctive base design with special materials and/or design. See the figures below for examples that meet this requirement.
Signs less than six-feet tall are exempt from this provision.

Figure 19.67.080(B)(2)(c-1)

Acceptable and unacceptable sign examples.



The left image utilizes a clearly identifiable top, middle, and bottom elements and meets the framing provision. The middle image includes a base, but insufficient top or framing element. The shorter sign to the right includes framing but is exempt from the top, middle, and bottom elements.

Figure 19.67.080(B)(2)(c-2)

Good examples of monument signs with top-middle-bottom elements.



Each of these three signs includes a frame, top/middle/bottom components, and feature high quality materials that relate to and/or complement the design of on-site buildings and/or is coordinated with other site design elements.

Figure 19.67.080(B)(2)(c-3)

Unacceptable examples of monument signs.



3. Minimum base height. The copy of all signage must be at least one foot above grade.

Figure 19.67.070(B)(3)
Minimum base height for sign copy.



4. Maximum size and height. Table 19.67.080(A)(5) illustrates the maximum allowable sign area and height for all monument signs.

Table 19.67.080(B)(4)
Maximum allowable sign area and height for monument signs.

Total ROW Frontage of Parcel (on each streets)	Allowable Sign Area	Maximum Height
Less than 80 feet	16 sq. ft.	5-feet
80-119-feet	24 sq. ft.	6-feet
120-199-feet	30 sq. ft.	7-feet
200 - 299-feet	40 sq. ft.	8-feet
300 - 399-feet	50 sq. ft.	9-feet
400-feet or More	70 sq. ft.	10-feet

C. Internal wayfinding signs.

1. Purpose. To aid visitors in finding the location of a business, use, or building on large commercial development sites.
2. Sign content. Signs may include only the name of the business, use, or building together with the directional guidance information.
4. Sign types. Internal way findings signs may come in the form of monument, pylon, or post & arm sign types, except that signs placed along pathways may be placed on buildings.
6. Design. Signs must designed in a uniform manner (within individual subdivision or center) using consistent background color typeface colors. Dark background colors with light colored text are required. See Figure 19.67.080(C) for an example.

Figure 19.67.080(C)

Internal wayfinding sign examples.



Note the consistent design themes using dark backgrounds with light colored text.

D. Digital and changeable copy signage integration.

Digital and changeable copy signage elements may be integrated into any pole or monument sign permitted in this section, subject to the following provisions:

1. Up to 50-percent of allowed sign copy area may be used for digital or changeable copy directory purposes.
2. Up to 33-percent of allowed sign copy area may be used for changing message purposes. For single tenant signs, up to 50-percent of the allowed sign copy area may be used for changing message purposes.
3. Where both a digital directory and changing message signage is included on one freestanding sign, such elements may collectively be used for up to 67-percent of the total allowed sign copy area.
4. Digital or internally lit changeable copy signs are not allowed in residential zones.

Figure 19.67.080(D)
Example of integrating digital signage.



The sign above features digital directory signage (Tahitian Pearls, which occupies the middle 33% of the sign copy) and digital signage that features changeable messages (bottom 33% of sign copy). The combined digital signage represents the maximum 67% of the total sign copy area.

4. Any form of technology may be used for the sign elements described herein, provided they meet the following provisions:
 - a. Maintain a 10 second minimum dwell time for the directory and any images. Changes in directory and images must be instantaneous and not faded. Animation, movement, or video imaging is prohibited.
 - b. Brightness limits:
 - i. Integrate automatic dimming capability that adjusts to the brightness of ambient light at all times of the day and night.
 - ii. Daytime: 5,000 maximum nits.
 - iii. Nighttime: 150 maximum nits.
 - c. Light trespass standard. Maximum 0.1 foot-candles at the property line of any park or residential property.

19.67.090 - Supplemental building-mounted sign standards.

Building-mounted signs include wall signs, projecting signs, marquee/awning signs, under-canopy signs, and window signs.

A. Wall signs.

1. Permitted number of signs. See Table 19.67.060(B). Supplemental standards:
 - a. In multi-story buildings, businesses above the ground floor are limited to one sign per business, except that a business with frontage on more than one street may have one sign

facing each street. Each sign must consist only of lettering and/or a logo painted on or applied to the surface of one window in a manner that allows light to pass between and around the individual letters. The area of the sign may not exceed 12-square-feet.

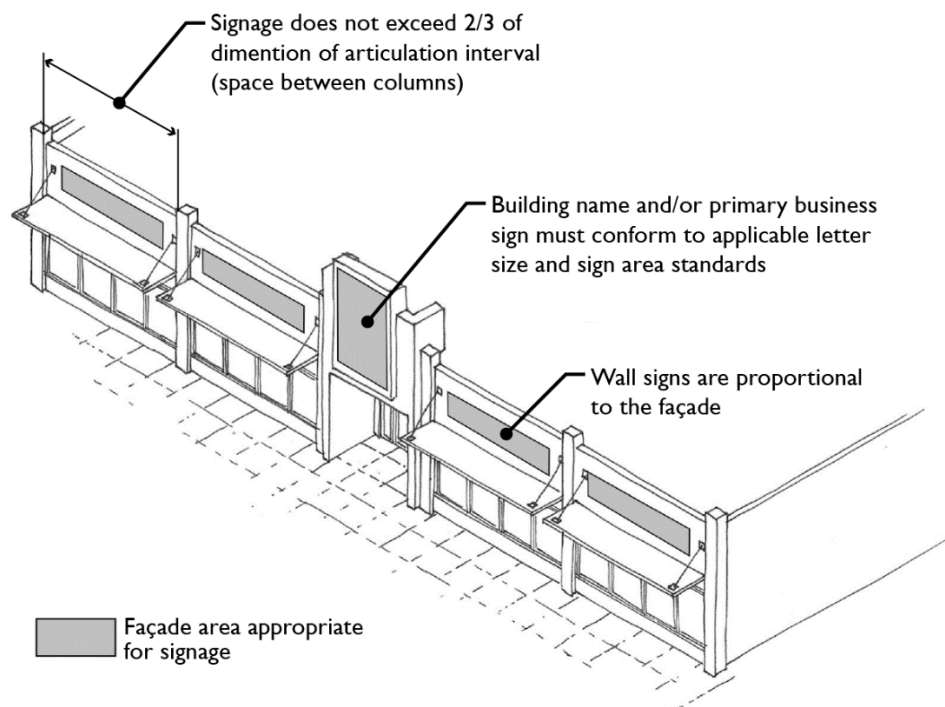
- b. In a multi-tenant building with businesses on upper floors and/or in interior spaces having no street façade on which to place a sign, a building directory listing businesses in the building, and not exceeding 12-square-feet, may be located on the building wall at each primary entrance. This directory may be in addition to the sign area permitted for the building.

2. Location and design.

- a. Wall signs must be proportional to the façade and are limited to 2/3 of individual façade width dimension. This standard also applies to upper level businesses.
- b. Wall signs may not cover windows, building trim, an existing building name sign, or special ornamentation features. Preferred areas for installation of wall signs include blank areas above marquees, areas between vertical piers or columns, blank areas on a gabled roof, or upper reaches of a false fronted building.
- c. Stacked words on wall signs are permitted. Generally, the primary business name is encouraged to be provided on one line, with additional text on rows above and/or below providing supporting information about the business in smaller fonts.

Figure 19.67.090(A)(2)

Illustrating wall sign standards.



- 3. Maximum size for individual tenants that occupy space on the building façade . Table 19.67.090(A)(3) below provides standards for the maximum amount of wall, canopy, or awning

signage on each tenant's façade. For building elevations that include signage for upper level businesses, the standards apply to the entire building elevation.

Table 19.67.090(A)(3)		
Sign area standards for wall, canopy, or awning signs for each tenant's façade.		
Tenant façade area	Maximum sign area (for tenant's façade)	
	Sign with internal lighting	Sign without internal lighting
Below 200 sf	15% of the façade	25% of the façade
200 - 349 sf	14% of the façade	22.5% of the façade
350 - 499 sf	13% of the façade	20% of the façade
500 - 999 sf	12% of the façade	17.5% of the façade
999 - 1499 sf	11% of the façade	15% of the façade
1500-1999 sf	10% of the façade	12.5% of the façade
Over 2000 sf	10% of the façade	10% of the façade

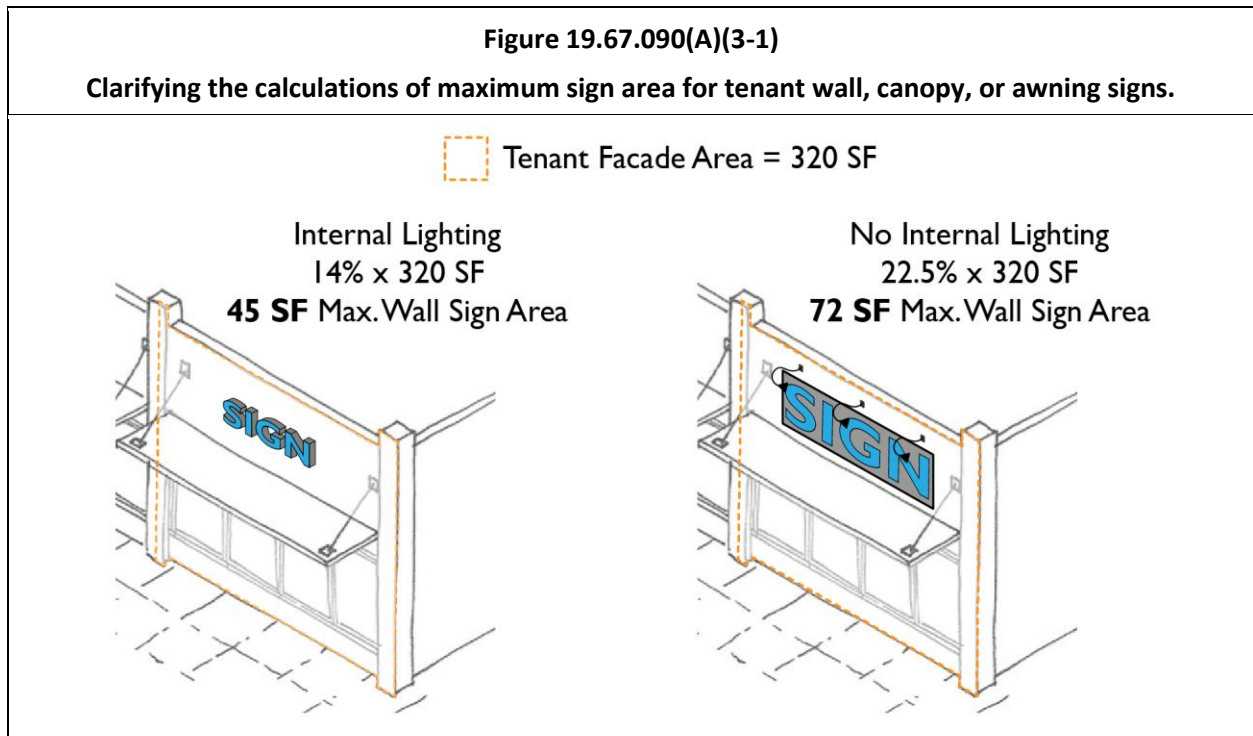


Figure 19.67.090(A)(3-2)
Acceptable wall sign examples.



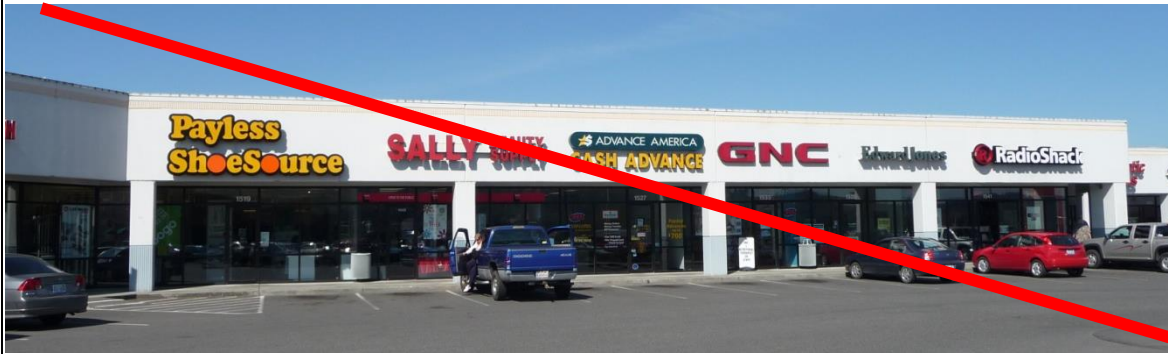
Note the different styles of signs and use of stacked (both left images) and supplemental text (lower left).



More acceptable wall sign examples. In the right image, the signs are centered on the articulation elements of the façade.

Figure 19.67.090(A)(3-3)

Unacceptable wall sign example.



Most or all of these signs clearly exceed 2/3's of the width of their respective individual storefronts.

4. Mounting.

- a. Wall signs should be mounted plumb with the building, with a maximum protrusion of one-foot plus a four-inch mounting, unless the sign incorporates sculptural elements or architectural devices.
- b. The sign frame must be concealed or integrated into the building's architectural character in terms of form, color, and materials.

5. Building name signs.

- a. Signs that advertise the name of the building and not associated with the name of any individual business are exempt from the sign area standards in Table 19.67.090(A)(3) above, provided they are designed and sized in proportion to the façade [see Figure 19.67.090(A)(5) for an example].
- b. Signs must be placed near the top of the façade and generally centered on the architectural features of the building.
- c. DEPARTURES per AMC 19.20.220 will be considered provided the sign is located in a place that is independent from individual businesses on the building and helps to provide identity for the particular building.

Figure 19.67.090(A)(5)

Acceptable building name sign.

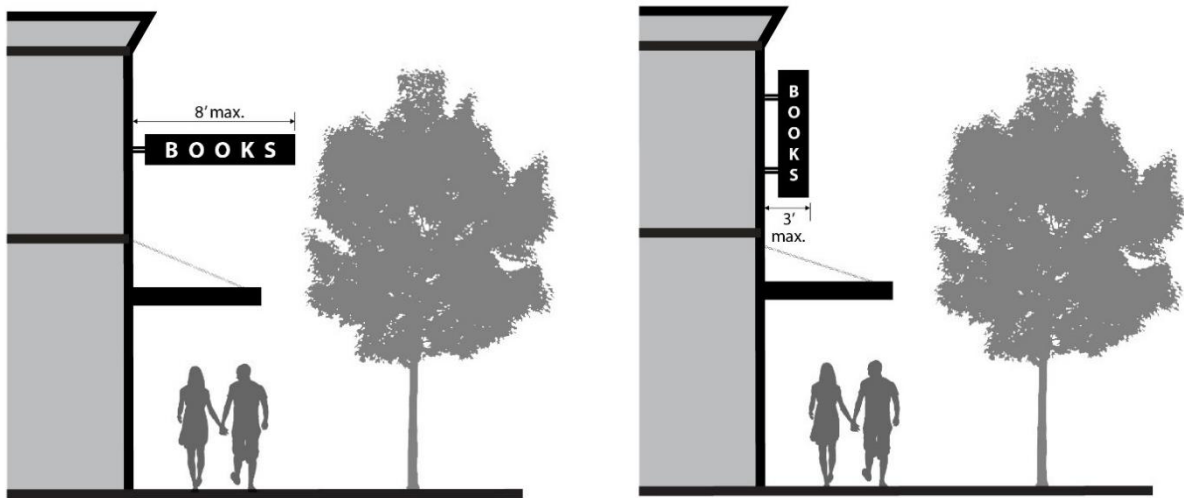


B. Projecting signs. Projecting signs meeting the following conditions are allowed for commercial uses adjacent to and facing a street. They may be used in addition to wall, marquee, and/or awning signs provided they meet the applicable standards below.

1. Sign area. Projecting signs are not based on sign area standards, but on the dimensional standards below. Projecting signs may be either vertical or horizontal oriented. Projecting banner signs must all be vertically oriented.
 - a. Projection:
 - i. Horizontally oriented signs: No more than eight-feet.
 - ii. Square or vertically oriented signs: No more than three-feet.
 - iii. Signs may project into public right-of-way for storefront buildings, but must not extend over the curb into the travel lane.
 - b. Height:
 - i. Horizontally oriented signs: No more than three-feet.
 - ii. Vertically oriented signs: Must not extend above the building parapet, soffit, the eave line or the roof of the building.

Figure 19.67.090(B)(1)

Dimensional standards for horizontal (left) and vertically-oriented (right) projecting signs.



- c. DEPARTURES per AMC 19.20.220 to the provisions in subsection (a) and (b) above will be considered provided the sign design is compatible with the design of the building in terms of location, scale, and design elements, doesn't create a public safety hazard, and provides a positive contribution to the streetscape.

Figure 19.67.080(B)(4)

Acceptable and unacceptable projecting sign examples.



The example on the right includes two complementary projecting signs that are separated enough that they don't conflict or cause visual clutter. The second sign is smaller and advertises the lounge that's within the restaurant.



Both examples include signs that project over the roofline. In the right example there are far too many signs that visually conflict and create unwanted sign clutter.

C. Marquee/awning signs. Marquee or awning signs may be used in place of permitted wall signs provided they meet the following conditions:

1. Sign form and size.
 - a. Signs consisting of individual letters placed on the outside edge of the marquee or above the marquee are limited in 200-percent of the height of the vertical dimension of the marquee. For example, if the vertical dimension of the marquee is 12-inches, the letters may be up to 24-inches high. Such signs are limited to 2/3 of individual marquee width dimension or no more than 20-feet, whichever is less.
 - b. Sign boards may be placed on vertical edge of a canopy provided the height of the sign board is no more than 200-percent the height of the vertical dimension of the marquee. For example, if the vertical dimension of the marquee is 12-inches, the sign board may be up to

24-inches high. Such signs are limited to 2/3 of individual marquee width dimension or no more than 20-feet, whichever is less.

- c. Signs placed on the vertical edge of awnings are limited to 80-percent the height of the vertical edge of the awning. Where signs are placed on sloping portion of the awning, they must be sized proportional to the architectural features of the building and are limited to two-feet in height. The width of awning signs are limited to 2/3 of individual awning width dimension or no more than 20-feet, whichever is less.

- 2. Number of signs: For individual façades that include multiple awnings or marquees, secondary business signage may be included on the additional signs. For example, where the primary sign might advertise the name of a bakery, the secondary signs could advertise coffee, ice cream or other types of products sold by the business.

Figure 19.67.090(C)

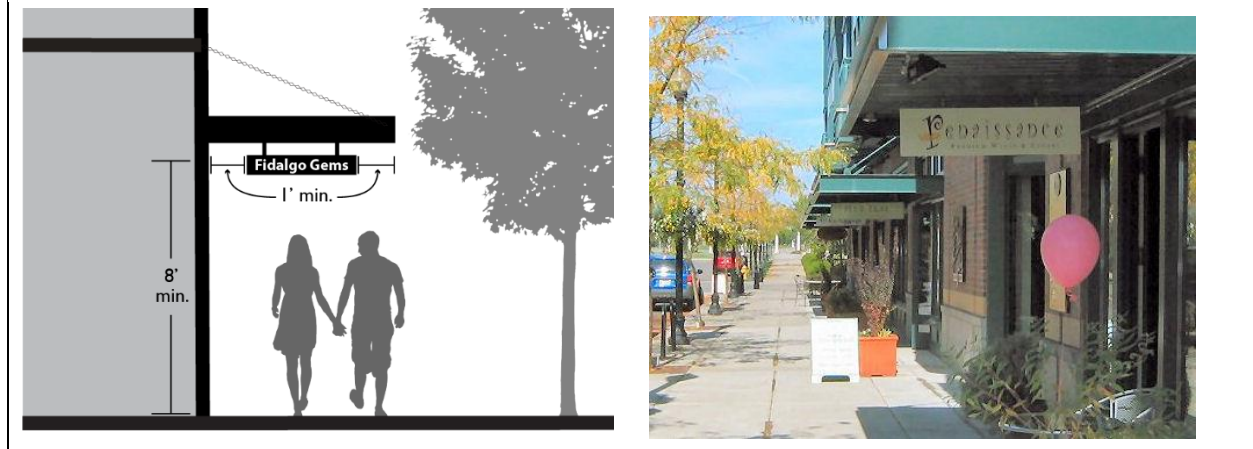
Marquee and awning sign examples & standards.



- D. Under-canopy signs.** Under canopy signs are placed under awnings, marquees or canopies and placed perpendicular to the storefronts and thus oriented to pedestrians on the sidewalk or an internal pathway.

Figure 19.67.090(D)

Under canopy standards and example.



E. Window signs.

Figure 19.67.090(E)

Window sign standards and examples.



Signs in windows are limited to 30-percent of the total tenant window area. The coffee shop in the upper right image uses a variety of window signs, but meets the 30% limit. The lower right image clearly exceeds the 30% limit and effectively minimizes the transparency of this storefront.



19.67.100 - Noncommercial speech signs.

Noncommercial speech signs express noncommercial speech such as public community events, religious, political, social, or other philosophical messages.

Noncommercial speech signs do not promote commercial products or services. The content of such signs is not regulated, but is subject to the following requirements:

- A. The maximum sign area and height of noncommercial speech signs must be consistent with the monument sign standards (regardless of sign type) set forth in Table 19.67.080(B)(4) based on the total right-of-way frontage of the applicable parcel (on each street).
- B. Noncommercial speech signs that do not comply with the requirements of this section must be subject to the permit requirements, sign area, setback and other provisions of this chapter. All noncommercial speech signs must comply with general sign requirements per AMC 19.67.040 General requirements.

19.67.110 - Temporary sign standards.

A. Applicability. All temporary signs are subject to the placement, size, and height requirements of this chapter, and the requirements in the underlying zone. Additionally, the following requirements apply.

B. Permitting. A sign permit is not required for temporary signs.

C. Location requirements.

- 1. Generally.
 - a. Temporary signs may be located on private property with the property owner's permission.
 - b. Temporary signs attached to building walls must not be placed in a manner that obstructs any door, Fire Department sprinkler connection, or street number sign.
 - c. Temporary signs must not be placed on the roof of a building, or affixed to a permanent sign or its structure, tree, utility pole, or street sign.
 - d. No part of a temporary sign may overhang a paved roadway, bicycle path, parking space, driveway, loading area, or wheelchair access.
 - e. Temporary signs must not be permanently attached to the ground, a building, or to any other structure, other than what is necessary to secure the sign to prevent theft, wind damage, or safety problems.
 - f. Temporary signs must not be placed in any public park, trail, open space, or other public space, except for those signs placed by the City.
- 2. Only Type-4 temporary signs may be placed within the public right-of-way. Such signs are subject to the standards in AMC 19.67.110(H).
- 3. Only Type-4 temporary signs may be placed on a sidewalk or other pedestrian pathway. Such signs are subject to the standards in AMC 19.67.110(H).

D. Materials. Temporary signs may be made of any durable material, and the sign face may be of rigid or flexible construction.

E. Illumination prohibited. Temporary signs may not be directly illuminated or be provided with any electric service.

F. Noncommercial temporary signs. Noncommercial signs do not promote commercial products or services. The content of such signs is not regulated, but is subject to the following requirements:

1. Noncommercial temporary signs are subject to the requirements of Table 19.67.110(F).

Figure 19.67.110(F)			
Size and duration of noncommercial temporary signs.			
	Non-A-board sign in the public right-of-way	A-board sign in the public right-of-way	Any temporary sign on private property
Sign area, maximum	4-square-feet	See subsection (H)(4) for A-board (Type-4 temporary sign) standards	12-square-feet
Height above grade, maximum	3-feet		8-feet
Duration, maximum	180 days per calendar year unless otherwise limited by the temporary sign type		180 days per calendar year unless otherwise limited by the temporary sign type
Location requirements	See AMC 19.67.110(H)(4)(f)		See AMC 19.67.110(C)(1)

2. Community banner signs up to 100-square-feet in size and 20-feet above grade in height may only be located on public banner poles erected by the City for that use. Community banner signs may not be illuminated.
3. Signs advertising a public event. Maximum duration must be from one month before the event to five days after the event.

G. Commercial temporary signs.

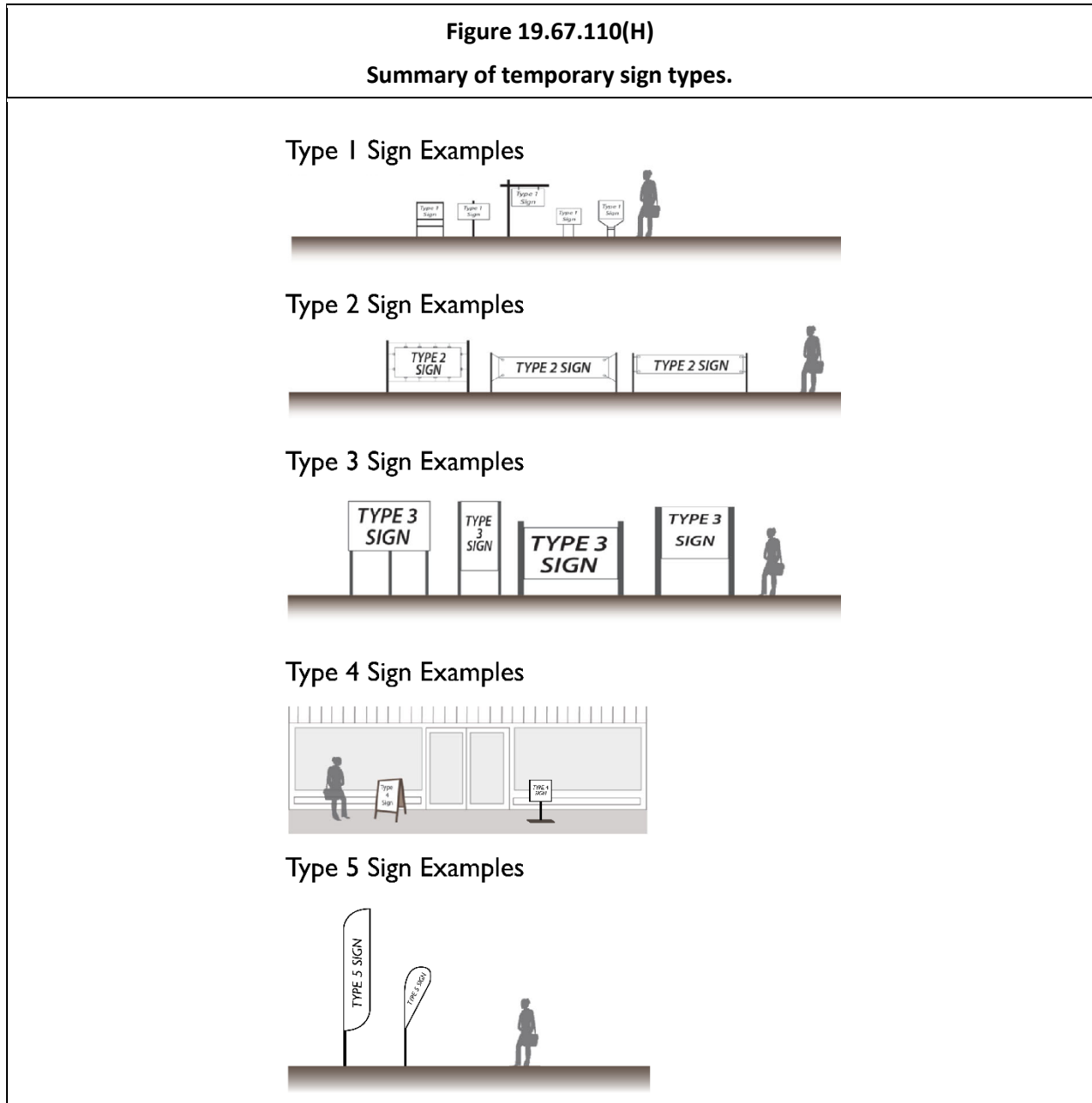
1. Construction signs. On properties with active construction, temporary signs must meet the following requirements:
 - a. Number. One non-illuminated, double-faced temporary sign is permitted for each lot frontage.
 - b. Sign area. Maximum size of 24-square-feet.
 - c. Height. Maximum height of eight-feet above grade.
 - d. Permitted sign types. Types 2-3.
 - e. Duration. Temporary signs must be removed by the date of first occupancy of the property or one year after placement of the sign, whichever occurs first.
2. Exterior event signs, such as grand opening signs, sale signs, promotional signs, exhibitions, quitting business signs, and other nonpermanent exterior signs used to advertise an event.
 - a. Number. There is no limit to the number of exterior event signs that may be displayed at any one time for any one business or tenant.
 - b. Applicability/location. Businesses in mixed-use and industrial zones may display exterior event signs.

- c. Sign area. Exterior event signs are limited to 20-square-feet in size, except for building-mounted Type-2 temporary signs, which are subject to the area standards in subsection (H)(2) below.
 - d. Height. Based on height limits of allowed temporary sign types in subsection (H) below.
 - e. Permitted sign types. Types 1-5.
 - f. Duration. Exterior event signs (individual signs and/or groups of signs) may be displayed for no more than 60 cumulative days per calendar year per business or tenant.
3. Residential real estate. Signs associated with residential properties for sale or rent must comply with the following:
- a. On-site residential “For Sale,” “For Rent” and “Sold” signs.
 - i. Number. Limited to one sign per lot frontage on the subject property.
 - ii. Sign area. Maximum size of six-square-feet.
 - iii. Height. Maximum height of six-feet above grade.
 - iv. Permitted sign types: Type-1.
 - iv. Duration. Must be removed within five days of the final sale or rental.
 - b. Off-site residential “For Sale” and “For Rent” signs.
 - i. Location. No further from the subject property than the nearest arterial street intersection.
 - ii. Quantity. No more than one “For Sale” or “For Rent” sign may be used at any street intersection for any one developer, broker, seller or owner.
 - iii. Sign area. Maximum size of two-square-feet.
 - iv. Height. Maximum height of six-feet above grade.
 - v. Permitted sign types: Type-1.
 - vi. Duration. Must be removed within five days of the final sale or rental.
4. Commercial and industrial real estate. Signs associated with commercial and industrial properties for sale or rent must comply with the following:
- a. Location and quantity. Limited to one sign per lot frontage on the subject property.
 - b. Sign area. Maximum size of 16-square-feet.
 - c. Height. Maximum height of eight-feet above grade for properties adjacent to State Route 20 in the LM1 or HM zones and six-feet above grade in all other areas.
 - d. Permitted sign types: Types 1-3.
 - e. Duration. Must be removed within five days of the final sale or rental.
5. Commercial temporary signs in a residential zone. Permitted commercial temporary signs in residential zones are limited to:
- a. Residential real estate signs as established in subsection (3) above.
 - b. Home occupation signs as established in Table 19.67.070(A).

- c. Signs associated with permitted non-residential uses are subject to the standards of this section.

H. Temporary sign requirements by sign type.

Below are standards for a wide variety of temporary sign types that may be allowed based on the site's zoning, land use, or context. Where the provisions of subsection (F) or (G) conflict with the provisions of this subsection (H), the provisions of subsection (F) or (G) apply.



1. **Type-1 temporary signs.** Signs in this category consist of small, temporary yard signs that are typically associated with (but not limited to) the advertisement of real estate, political campaigns, and event announcements.

- a. Location. Type-1 temporary signs may be located in any zone.
 - b. Quantity.
 - i. For developed property, one sign may be displayed per dwelling unit and per business. For undeveloped and vacant property, one sign may be displayed per 0.25 acres of land.
 - ii. The provisions of subsection (i) are suspended during the 60 day period before any primary or general election scheduled by Skagit County. Following the end of such period, the provisions of subsection (i) are in force until the following period of suspension.
 - c. Size. Maximum sign area is six-square-feet (per side if dual sided) per sign. Signs placed in windows are subject the size standards of AMC 19.67.090(E).
 - d. Height. Maximum height of the sign, including supports, is six-feet above grade (except for noncommercial signs located in a public right-of-way per subsection (F)).
 - e. Material. If outdoors, the sign face must be composed of a rigid material.
 - f. Mounting. Outdoor signs may be only mounted and supported by posts or stakes which are attached to the ground.
 - g. Duration. No limit unless otherwise specified in this section for the particular location, use, or context.
- 2. Type-2 temporary signs.** Signs in this category are typically referred to as “banners” that are typically associated with (but not limited to) the announcement of community events. These may be freestanding (supported by posts on either end) or building mounted signs.
- a. Location. Type-2 temporary signs are permitted in the mixed-use and industrial zones, on any property owned by a public agency, and on any property owned by a nonprofit corporation organized under Section 501(c)(3) of the United States Internal Revenue Code.
 - b. Quantity. One sign may be displayed per property.
 - c. Size. Maximum sign area for freestanding Type-2 signs is 18-square-feet (per face of dual sided signs). The maximum sign area for Type-2 signs attached to buildings is the same as sign area for wall signs (with internal lighting) as established in Table 19.67.090(A)(3) based on the size of the façade.

Exception: Lesser maximum sign area may be allowed for the particular use per subsection (F) or (G)
 - d. Height. Maximum height of any freestanding signs, including supports, is six-feet above grade (except for noncommercial signs located in a public right-of-way per subsection (F)). Type-2 signs attached to a building must not be placed on or above the roof of a building and must not be placed over any windows.
 - e. Material. The sign face must be composed of a flexible material.
 - f. Mounting. Freestanding signs may be only mounted and supported by posts or stakes which are attached to the ground.
 - g. Duration. For each property, Type-2 signs may be displayed for a maximum 30 calendar days per year. A maximum of six separate displays are permitted each year, with a minimum of ten calendar days of separation between displays.

- 3. Type 3 temporary signs.** Signs in this category are large signs typically associated with (but not limited to) the advertisement of land sales, construction activity, and commercial and industrial buildings for rent.
- a. Location. Type-3 temporary signs may be located in any zone under the following conditions:
 - i. The parcel upon which the sign is displayed has a minimum of 100-feet of lot frontage.
 - ii. The parcel does not contain a permanent freestanding sign with digital or changeable copy.
 - b. Quantity. One sign may be displayed per property.
 - c. Size. Maximum sign area is 24-square-feet (per face of dual sided signs) unless lesser maximum sign area applies for the particular use per subsection (F) or (G).
 - d. Height. Maximum height of the sign, including supports, is eight-feet above grade unless lesser maximum height applies for the particular use per subsection (F) or (G).
 - e. Material. The sign face must be composed of a rigid material.
 - f. Mounting. Signs may be only mounted and supported by posts or stakes which are attached to the ground.
 - g. Duration. Unless otherwise specified in this section for the particular location, use, or context:
 - i. Type-3 temporary signs may be displayed without limit to duration on properties that undeveloped or vacant.
 - ii. In all other cases, signs may be displayed a maximum of one year, with a minimum of 60-calendar days of separation between displays. The minimum separation period applies regardless of whether the previous display reached the maximum duration of display.
- 4. Type 4 temporary signs.** Signs in this category must only include A-board and standing signs as defined by AMC 19.67.030. Signs in this category are typically associated with (but not limited to) the advertisement of retail businesses and announcement of public events.
- a. Location. Type-4 temporary signs may only be displayed in the mixed-use, industrial, and overlay designations provided they comply with the standards herein.
 - b. Quantity.
 - i. Commercial use. One sign may be displayed per customer entrance, and no more than two signs may be displayed per business.
 - ii. Noncommercial use. Two signs per lot may be displayed for each single noncommercial purpose.
 - c. Size. Maximum sign area is six-square-feet (per face of dual sided signs).
 - d. Height. Maximum height of the sign when placed in its display position, including supports, is four-feet above grade (except for noncommercial signs located in a public right-of-way per subsection (F)).
 - e. Material. The sign face must be composed of a rigid material.
 - f. Placement standards:

- i. Signs for a commercial use must be located within 15-feet of a customer entrance.
- ii. Signs must maintain at least 25-feet of separation from other Type-4 temporary signs.
- iii. Signs placed on a pathway or sidewalk must be placed to one side of the sidewalk or pathway and provide a minimum of four-feet of unobstructed sidewalk or pathway width. Signs must not be placed on sidewalks or pathways less than four-feet in width.
- iv. Signs must not be located within center medians, traffic circles, traffic islands, and roundabouts.
- g. Duration. Signs may only be displayed during the period beginning 30-minutes prior to the daily opening and ending 30-minutes following the daily closing of the business displaying the sign.

Figure 19.67.110(H)(4)

Examples of Type-4 temporary signs.



The sign above illustrates a proper location for a Type-4 temporary sign, whereas the sign(s) below are placed in the middle of the sidewalk where it obstructs pedestrian traffic.

Type-4 temporary signs may come in the A-board form (upper left example) or in a standing form (as above).



5. **Type-5 temporary signs.** Signs in this category are feather signs. Feather signs are prohibited except where used for an exterior event sign [see subsection (G)(2)] or for multi-tenant centers meeting the criteria below.

- a. Location. Type-5 temporary signs may only be displayed in properties in a mixed-use or industrial zone.
 - b. Quantity. One sign may be displayed per site/property. For site/properties with more than 100-feet of block frontage, multiple signs are allowed provided there's at least 100-feet of separation between signs.
 - c. Size. Maximum height of feather signs is 13-feet.
 - d. Design. Signs must be designed in a uniform manner, including consistent size and shape, where more than one sign is permitted.
 - e. Duration. Type-5 temporary signs associated with an exterior event are subject to the duration provisions of subsection (G)(2) above. Type-5 temporary signs associated with an existing on-site tenant may be displayed without limit to duration.
- 6. Type-6 temporary signs.** Signs in this category include fixed aerial displays, balloons, pennants, spinners, including strings of flags, streamers, tubes, or other devices affected by the movement of the air or other atmospheric or mechanical means. Such signs are prohibited except where used for an exterior event sign [see subsection (G)(2)].
- H. Special community event signage.** The purpose of this provision is to provide for a periodic increase in the number of temporary signs that may be displayed for special community events which promote economic activity in Anacortes.
- 1. Qualifying events. Events sponsored by the city, non-profit agency, and/or multiple Anacortes' based businesses that are intended to attract tourism activity in Anacortes.
 - 2. Period of applicability. Beginning 10-days prior to the date of the event (or beginning date of a multi-day event) and ending 24 hours following the conclusion of the event.
 - 3. Additional temporary signs permitted. An unlimited number of temporary signs may be displayed in the CBD, C, CM, I and LM1 zones during the period of applicability.
 - 4. Other regulations remain in effect. During the period of applicability, all other temporary sign regulations remain in effect.

19.67.120 - Supplemental sign setback requirements.

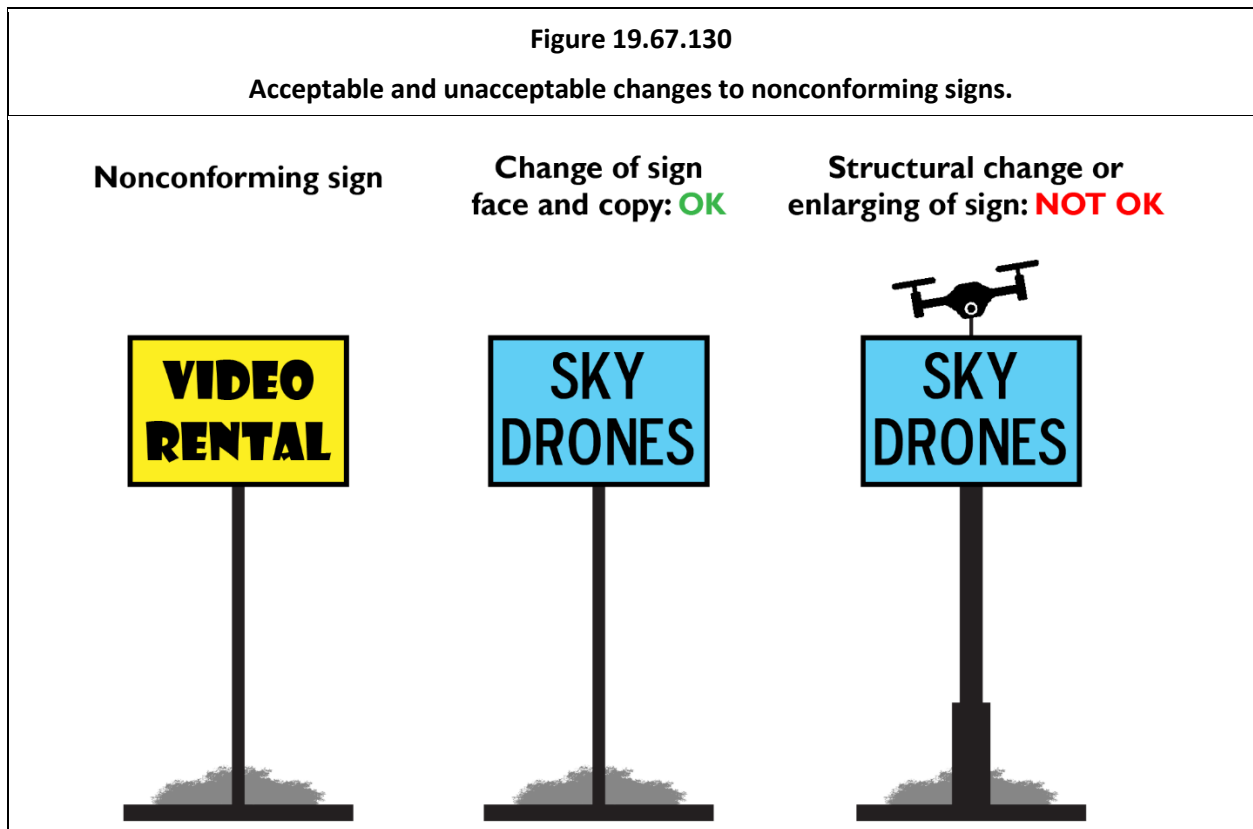
- A. Side and rear setbacks.** Signs and advertising structures where permitted must be erected or placed in conformity with the side and rear setbacks requirements of the district in which located except that no sign or advertising structure in a nonresidential zone must be erected or placed closer than 50-feet of a side or rear lot line in any adjacent residential zone.
- B. Industrial zone.** In the I-zone east of "R" Avenue and between 22nd and 34th Streets, the sign setback must be 30-feet from the curb at the east side of "R" Avenue.

19.67.130 - Nonconforming signs.

A nonconforming sign is a sign that was validly installed under laws or ordinances in effect prior to the effective date of this chapter or subsequent revisions, but is in conflict with the provisions of this chapter. Nonconforming signs may remain in use only under the following conditions:

- A. No such sign may be changed in any manner that increases the nonconformance of any such sign.

- B. The burden of establishing a sign to be legally nonconforming under this section rests upon the person or persons, firm or corporation claiming legal status for a sign.
- C. Changes to the sign copy or the replacement of a sign face on a nonconforming sign are permitted.
- D. When a sign is structurally altered, it ceases to be a nonconforming sign and must conform with the provisions of this chapter. Structural alteration means any action that changes the height, size, or shape of the sign or any action that affects the base or support(s) of the sign.
- E. When the footprint of a building containing a business or activity associated with a nonconforming sign is enlarged 200-percent or more, then such sign must be brought into conformity with this chapter.
- F. When a business or activity containing a nonconforming sign changes the type of the business, then such sign must be brought into conformance with this chapter.
- G. Such signs may be removed for maintenance for periods not to exceed 60 days. If removed for a longer period they must comply with provisions of this chapter upon reinstallation. This does not apply to existing billboards, but once removed for more than 60 days billboards cannot be replaced.



19.67.140 - Violations.

In case any sign must be installed, erected, constructed or maintained in violation of any of the terms of this title, the director must notify in writing the owner or lessee thereof to alter such sign so as to comply with this title. Failure to comply with any of the provisions of this chapter must be deemed a violation and must be punishable under AMC Title 20.

Signs on public property and in public right-of-way deemed to be in violation of this title may be removed by the city upon notice of the violation.

19.67.150 - Severability.

- A. If any section, sentence, clause, phrase, word, portion, or provision of this chapter is held invalid or unconstitutional by any court of competent jurisdiction, such decision must not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision of this chapter which can be given effect without the invalid provision.
- B. The invalidation of the application of any section, sentence, clause, phrase, word, portion, or provision of this chapter to a particular property or structure, or any particular properties or structures, by any court of competent jurisdiction must not affect the application of such Section, sentence, clause, phrase, word, portion or provision to any other property or structure not specifically included in said invalidation.

Chapter 19.68 - WIRELESS TELECOMMUNICATIONS TOWERS & ANTENNAS

No change.

Chapter 19.69 - STANDARDS, GENERALLY

Sections:

19.69.010 - Purpose.

19.69.020 - Noise.

19.69.030 - Air pollution.

19.69.040 - Exterior lighting.

19.69.050 - Glare or heat.

19.69.060 - Special standards for the I, LM, HM, and AZ zones.

19.69.070 - Clear-vision triangle requirements.

19.69.010 - Purpose.

- A. Provide clear standards for development projects in Anacortes.
- B. Preserve and protect the public health, safety, and welfare of the citizens of Anacortes.
- C. Promote and accomplish the goals, policies, and objectives of the Anacortes Comprehensive Plan.

19.69.020 - Noise.

- A. Noise levels are not to exceed those standards as established by the state pursuant to Chapter [70.107](#) RCW, and contained in Chapter [173-60](#) Washington Administrative Code (WAC).
- B. The following sections of Chapter [173-60](#) of the Washington Administrative Code as they now exist or may hereafter be amended or recodified are hereby adopted by reference as a part of the Anacortes Municipal Code which is established in all respects as though such sections were set forth herein in full; and further provided, the inclusion of section captions is for convenience in identifying the subject of code sections only, and any error therein must not affect the validity of the adoption by reference of the section so adopted:

WAC

[173-60-010](#) Authority and purpose.

[173-60-020](#) Definitions.

[173-60-030](#) Identification of environments.

[173-60-040](#) Maximum permissible environmental noise levels.

[173-60-050](#) Exemptions.

[173-60-060](#) Nuisance regulations not prohibited.

[173-60-070](#) Reserved.

[173-60-080](#) Variances and implementation schedules.

[173-60-090](#) Enforcement policy.

[173-60-100](#) Appeals.

[173-60-110](#) Cooperation with local government.

[173-60-120](#) Effective date.

19.69.030 - Air pollution.

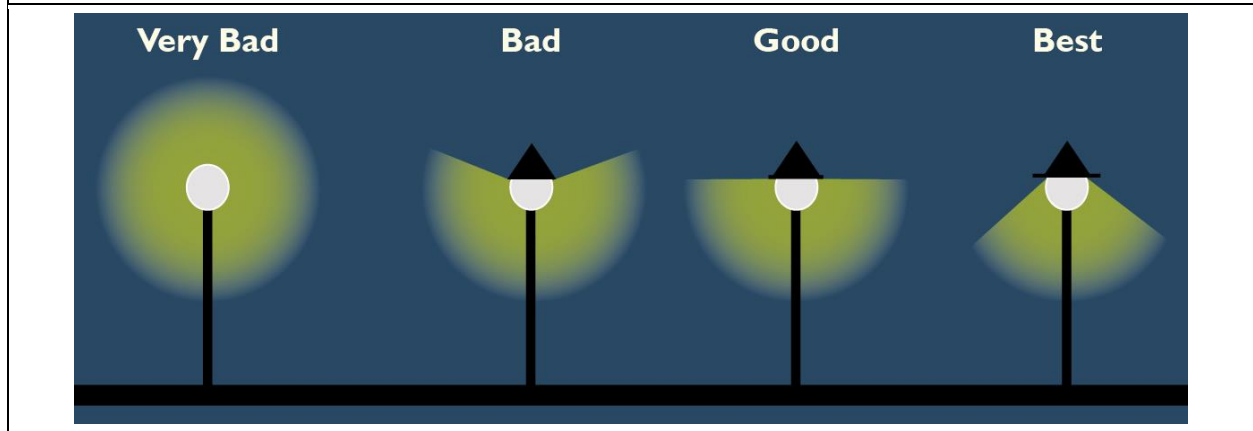
The following types of air pollutants must be subject to the provisions of applicable Northwest Air Pollution Authority regulations, regulating:

- A. Smoke and gas.
- B. Dust, dirt, or fly ash.
- C. Noxious and odorous matter.
- D. Other pollutants that may subsequently be added by state law.

19.69.040 - Exterior lighting.

- A. Exterior lighting in all zones must be installed so that the light is directed downward onto the property upon which it is located. All light sources must be shielded to direct light away from the sky and from residential uses. See Figure 19.69.040 for an illustration of appropriate light shielding.

Figure 19.69.040
Appropriate light shielding.



- B. Exterior lighting is encouraged to follow the color temperature, timing, intensity, technology, and other recommendations of the International Dark Sky Association and the Illuminating Engineering Society of North America.

19.69.050 - Glare or heat.

Any operation producing intense glare or heat must be performed within an enclosure so as to completely obscure such operation from view from adjacent residential property.

19.69.060 - Special standards for the I, LM, HM, and AZ zones.

Uses, processes, equipment employed, and goods stored or sold must not inflict upon neighboring zones smoke, cinders, fumes, dirt, noise, vibrations, odor, refuse matter, water-carried waste, or other nuisances or hazards detrimental to the health, welfare, and safety of persons occupying or visiting the zone or adjacent zones above that which is allowed by local, state, and federal standards.

19.69.070 - Clear-vision triangle requirements.

- A. A clear-vision triangle must be maintained at the intersections of streets, alleys, and commercial driveways, with the following requirements:
1. A clear-vision triangle must contain no plantings, fences, walls, other structures, or visual obstructions within a vertical area extending from three-feet to eight-feet above the ground, measured from the established centerline of the street, alley or driveway.
 2. The clear-vision triangle is determined by one of the following methods:
 - a. Measuring 15-feet along both street property lines beginning at their point of intersection. The third side of the triangle is a line connecting the endpoints of the first two sides of the triangle; or
 - b. Measuring 15-feet along the street lines and 15-feet along the edges of the driveway beginning at the respective points of intersection. The third side of each triangle is a line connecting the endpoints of the first two sides of each triangle.
 2. Subsection (1) does not apply to:
 - a. A tree trimmed to the trunk within the three to eight-feet clear area.

- b. Other plant species that are so planted and trimmed as to leave a clear and unobstructed cross-view in all seasons.
 - c. A supporting member or appurtenance to a permanent building lawfully existing on the site.
- B. Exemptions. A clear-vision triangle is not required where maximum building setbacks would otherwise conflict with this section (see AMC Chapter 19.61 Block Frontage Standards).
- C. At the discretion of the City Engineer, additional clear-vision area may be required to meet transportation safety requirements.

CM1 to CM



ANACORTES

Development Regulations Update

City Council Meeting

July 22, 2019



Ordinance 3040

- Edits have been made to the regulations text (Attachment A) per Council direction
- Findings supporting Council's changes are incorporated into draft Ord. 3040 (p. 2-3)
- Minor, non-substantive text edits continue to be made (cross-reference corrections, syntax errors, etc.)
- Error in 5th Whereas dates
- Potential effective date – updated to August 5, 2019

Ordinance 3040

- Staff recommends Council adopt Ordinance 3040

Ordinance No. 3040

An Ordinance Amending the Development Regulations Contained in Anacortes Municipal Code Title 16 Subdivisions, Title 17 Zoning, Title 19 Unified Development Code, and the Official Zoning Map

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

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

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

Whereas, the Anacortes Planning Commission reviewed proposed amendments to the development regulations and the official zoning map consistent with the process outlined in AMC 19.16.080, and subsequent to a public hearing on January 9, 2019 and January 23, 2019, entered findings of fact, reasons for action, and recommendations to the City Council in a recorded motion dated April 10, 2019; and

Whereas, the City Council considered the Planning Commission's recommendation pursuant to AMC 19.16.090 at meetings on April 10, 2019, April 15, 2019, April 22, 2019, April 29, 2019, May 6, 2019, May 13, 2019, May 20, 2019, June 3, 2019; and

Whereas, an additional public comment opportunity was provided for certain changes to the Planning Commission's recommendation identified during City Council's review;

Whereas, the City Council considered the additional comments received at a meeting on July 15, 2019;

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

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

- A. The Findings of Fact contained within Section A of the *Anacortes Planning Commission Recorded Motion Regarding Amendments to the Development Regulations and the Official Zoning Map* (approved April 10, 2019), analyze the proposal's consistency with the Growth

Thank you!



Questions?





Anacortes City Council

Proposed Agenda Items for the Next Eight Weeks Beginning August 5, 2019

Subjects listed below have been tentatively suggested for consideration by the Anacortes City Council on the dates indicated. Items may be added to, removed from or rearranged on this list. Routine business such as approval of minutes and vouchers are not included. The complete Preliminary Agenda for each meeting is published at 3:00 on the Wednesday prior to the meeting. Published Agendas are subject to change and may be updated following the posting period. For additional information on agenda topics, please contact the City Clerk's office at 360-299-1960 to be directed to the sponsoring staff member.

August 5, 2019

- Resolution 2051: Sole Source Declaration for WWTP Pump Station Aluminum Hatch Covers (Consent)
- Street Fair Application: Anacortes Community Energy Fair (Consent)
- Update on Combined Sewer Overflow (CSO) Reduction Study (Discussion)

August 12, 2019

August 19, 2019

- Closed Record Decision Hearing, Calwest Inc., Ferry Terminal Road Conditional Use Permit to permit construction of 9-duplexes & preliminary approval of 9-lot short plat (Discussion/Possible Action)
- Municipal Fiber Network Update (Discussion)

August 26, 2019

- Sewer Rate Structure Update by FCS Group (Discussion)

September 3, 2019

September 9, 2019

September 16, 2019

September 23, 2019

Upcoming City Council Committee Meetings

The public is welcome to attend City Council Committee Meetings.

- Planning, Monday, Jul 22, 2019, 5:00 PM, Main Conference Room, City Hall
- Finance, Wednesday, Jul 24, 2019, 5:00 PM, Main Conference Room, City Hall
- Public Works, Monday, Aug 5, 2019, 5:00 PM, Main Conference Room, City Hall
- Public Works, Monday, Aug 5, 2019, 5:00 PM, Main Conference Room, City Hall
- Public Safety, Tuesday, Aug 6, 2019, 10:00 AM, Mayor's Office, City Hall
- Port/City Liaison, Tuesday, Aug 6, 2019, 8:30 AM, City Hall
- Planning, Monday, Aug 12, 2019, 5:00 PM, Main Conference Room, City Hall
