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

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

April 14, 2026
6:00 PM

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

1. **Roll Call**
2. **Pledge of Allegiance**
3. **Minutes**
 - a. Minutes of 03/10/2026
4. **Public Comment**
5. **Public Hearings**
 - a. LEG-26-05: Vehicle and Boat Sales and Repair Code Amendments
6. **Other Business**
 - a. Shoreline Master Program Update — Review of Proposed Amendments and Project Status
7. **Planning Department Update**
8. **Adjournment**

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

The City of Anacortes is committed to making public meetings available and accessible to all members of the community. For assistance with special needs, please contact the City Clerk at 360-299-1960 in advance of the meeting.

Anacortes Planning Commission Minutes - March 10, 2026

Roll Call

Chairperson Linda Martin called to order the Anacortes Planning Commission meeting of March 10, 2026 at 6:00 p.m. Commissioners William McCombs, Frank Jeretzky, and Mike Mills were present.

Commissioners Paul Ryan participated in the meeting remotely via Zoom.

Pledge of Allegiance

The assembly joined in the Pledge of Allegiance.

Minutes

Minutes of 12/10/2025 & 02/11/2026 were submitted for approval

Chairperson Frank Jeretzky asks the planning commission if anyone has comments or questions about the minutes that need to be approved.

Linda Martin: advised that there are typos in the minutes from 12/10 and that the motion needs to be included in the agenda that Will McCombs read in that meeting.

Linda Martin moves to approve minutes with corrections.

Will McCombs seconded.

3 Ayes. Mills and Ryan abstain.

Chairperson Frank Jeretzky then moves on to the 02/10 meeting minutes. Any comments or corrections?

Mike Mills: Has some small changes to the wording for 2 elected officials to two officials being elected. Along with the wording at the end of the meeting regarding impact fees.

Frank Jeretzky: Also advised that the roll call is incorrect and will need to confirm if Paul Ryan was in the meeting or missed.

Mike Mills moves to approve minutes with corrections.

Will McCombs seconded.

4 Ayes. Ryan abstains.

Public Comment

Chairperson Frank Jeretzky invited the public to comment on any item not on the agenda.

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

Public Hearings

No public hearing.

Other Business

Shoreline Master Program Overview & Periodic Update Re-Introduction

Libby Grage, Planning Management, presented and reviewed the Anacortes Shoreline Master Program Overview & Periodic Update Re-Introduction, along with the Shoreline Management Act basics, and walked through an example of the process to develop in the shoreline.

She also went over where the Shoreline Master Program (SMP) is applied in the shoreline jurisdiction, along with the history of the program. One of the changes in the Department of

Ecology Guidance is how critical areas is treated in the shoreline jurisdiction, so Libby Grage advised how they are now regulated by SMP alone. Libby Grage presented the shoreline jurisdiction map, showing all the shoreline environment designation, including the lakes and wetlands.

Linda Martin: Asked, can I build a SFR or have housing in shoreline jurisdiction?

Libby Grage: Advised that you would need a letter of exemption from the requirement and the building permit, instead of going through the full process.

Linda Martin: Asked how to obtain the letter?

Libby Grage: Advised you would apply for it. Just like the application for a building permit.

Libby Grage continued with the chapters in the Shoreline Master Program. She also went over the official Shoreline Environment Designations map and the layers presented on the image in the presentation.

Libby Grage then moved on to the review steps that the staff takes when reviewing a project within the shoreline jurisdiction. She reminded the Commissioners that projects must also comply with all applicable zoning and development regulations during the building permit process. She walked through the review steps for a sample residential project within shoreline residential jurisdiction. This review is to ensure no net loss of shoreline ecologic function.

Libby Grage advised that they are required to update the SMP every 10 years and the city's last one began the periodic update in 2019, concurrent with the update to the Critical Areas Ordinance (CAO). The intent was to incorporate this into the SMP. The planning commission recommended the SMP update to city council in 2022. The city received Department of Ecology (DOE) determination of consistency. The CAO update was challenged to the growth management hearings board, the court of appeals. The appeals were resolved at the end of 2023. She mentioned that this update was focused on reviewing relevant legislative updates since the 2010 SMP update and incorporating any applicable amendments, ensuring consistency with the comp plan, ensure compatibility with other city regulations, codification of shoreline regulations, migrating shoreline goals and policies to the comp plan, and incorporation by reference of applicable parts of the update critical areas regulation.

Frank Jeretzky: Asked if in 2023 the update was implemented after the appeals were resolved.

Libby Grage: Advised no, it was delayed and they will be updating the SMP now.

Frank Jeretzky: Asked if we are keeping up with the mandated requirements from the state.

Libby Grage: Advised that the state is also updating their documents. When we left off, the periodic update was up to date. We will need to look back at those changes from that time, from 2010-2019.

Frank Jeretzky: The state made changes during that time - are those incorporated?

Libby Grage: Answered, the state has been updating. However, they haven't been adopted yet.

Will McCombs: Asked to clarify if the proposal is to move the shoreline regulations to the city's regulations within the Comprehensive Plan.

Libby Grage: Agreed. The SMP would no longer stand alone as a document. This change is within the DOE guidelines for the periodic update.

Linda Martin: Pointed out that if the SMP will become an element in the comp plan, don't we have to go back and review the comp plan too?

Libby Grage: Advised we are evaluating that.

Mike Mills: Asked when it comes to rec changes, what is the baseline we are changing -- 2010 versus 2019 documents?

Frank Jeretzky: Asked if there is a deadline?

Libby Grage: Advised that the staff hoping to complete it this year.

Frank Jeretzky: Whatever lead to the appeals, does staff anticipate that happening again?

Libby Grage: Advised that she cannot comment on that and it would be hard to predict.

Planning Department Update

John Coleman, PCED Director, advised that there isn't much to report on since the last meeting. The last of the projects that the planning commission reviewed have already been moved to city council for review. We anticipate that staff will be working hard on the SMP update soon. Staff will also bring forward minor code changes.

Linda Martin: Asked if we have an update on new planning commissioners?

John Coleman: Advised that the mayor is communicating with applicants. He reminded commissioners that they may need to do 2 meetings a month during the SMP update, at least the month of April.

Adjournment

Chairperson Jeretzky adjourned the meeting at 7:15 p.m.

Planning Commission Agenda Bill

Meeting Date: April 14, 2026

Agenda Item: 5.a.

Subject: LEG-26-05: Vehicle and Boat Sales and Repair Code Amendments

Staff Contact: Libby Grage, John Coleman

Approved for Submittal to Commission by

Libby Grage
John Coleman

Action Type

Public Hearing

Summary Statement: The Planning Commission will hold a public hearing to consider proposed amendments to the Anacortes Municipal Code (AMC). The changes would expand the range of permitted uses in the Industrial zone to include additional vehicle repair, boat repair, and boat sales activities, and resolve inconsistencies between how these uses are regulated under different use categories. The hearing will provide an opportunity for public comment before the Planning Commission considers a recommendation to City Council.

Background: See staff memo, attached.

Previous Action: None.

Competing Viewpoints Considered:

Recommended Motion: I move to recommend that the City Council adopt the proposed amendments as presented.

Alternative Actions: Do not recommend approval. Recommend approval with changes.

Attachments (listed in order presented):

1. Staff Memo, 3/25/26
2. Attachment A - Draft Amendments
3. SEPA DNS
4. SEPA Checklist
5. Notice of Availability
6. Public Comment - 20260325-Erikson
7. DRAFT PC Recommendation
8. 20260414-Slides



Date: March 25, 2026

To: Planning Commission

From: Planning, Community & Economic Development (PCED) Department

Re: LEG-26-05 – Vehicle and Boat Sales and Repair Code Amendments

Purpose

This memo summarizes the background, rationale, and public participation process for a proposed amendment to the Anacortes Municipal Code (AMC) Title 19 to expand allowed vehicle and boat repair and sales uses in the Industrial zone and address inconsistent regulations.

Background & Analysis

Vehicle and boat repair and sales uses are regulated under multiple provisions of AMC Title 19. AMC 19.41, Allowed Uses, establishes the zoning districts in which these uses are permitted, conditionally allowed, or prohibited. AMC 19.44, Commercial Uses, and AMC 19.45, Industrial Uses, define these uses and establish applicable standards.

Together, these sections form the regulatory framework governing where vehicle and boat-related uses may locate and how they must operate within the city.

Based on experience administering the code, staff have found that comparable vehicle and boat-related uses are regulated differently based on their classification, leading to inconsistent allowances within the Industrial zone.

For example, under the General Service category, vehicle repair and small boat repair are only permitted in the Industrial zone when they meet the definition of “heavy service” (i.e. large outdoor service or storage areas). As a result, smaller-scale, indoor vehicle and boat repair uses are not permitted in the Industrial zone.

In contrast, under the Water-Oriented Industrial category, boat and ship building and repair are permitted in the Industrial zone without limitation related to size or extent of outdoor activity.

Similarly, small boat sales are regulated under the General Service category and are only permitted if the use qualifies as “heavy service”. Small boats are defined as vessels that are less than 40’ long, 8 ½ feet wide, and 14 feet tall. However, under a separate category, marine sales/rental of

boats 16 feet or more in length are permitted outright in the Industrial zones, regardless of whether the use involves outdoor activity or storage.

Proposed Amendment / Recommendation

Amend the code to:

- Allow a broader range of vehicle repair and boat repair and sales uses in the Industrial zone, regardless of whether they meet the definition of “heavy service”
- Prohibit auto-oriented quick-service uses (e.g. oil change and quick lube facilities)

The proposed amendments are included in Attachment A.

Rationale

The proposed amendments:

- Improves consistency by aligning regulations for similar uses
- Supports industrial function by allowing important repair and marine services
- Maintains compatibility by allowing appropriate uses while excluding high-turnover, auto-oriented uses better suited to commercial areas
- Simplifies code administration and improves predictability.

Policy Consistency

The proposed amendments are consistent with the following Comprehensive Plan goals and policies:

- **Table LU-1.** Land use designations – Industrial.
Purpose: 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.
Expected development & uses: Industrial, research and development, repair, warehouse, shipping terminals that minimize external impacts to adjacent districts, and accessory uses.
- **Land Use Policy LU-8.3.** Capitalize on maritime industry by making full use of sites already tailored to marine uses.
 - A. Preserve Industrial-zoned land south of 22nd Street for future industrial businesses and potential for green industries.
- **Land Use Goal 9. Industrial & Manufacturing Areas.** Maintain and promote active use of Industrial lands.

Policy LU-9.4. Limit non-industrial uses to those that are complementary to industrial activities in terms of access and circulation, public safety, hours of operation, and other land use activities.

Policy LU-9.5. Protect industrial and manufacturing lands from encroachment by other land uses, which would reduce the economic viability of industrial lands.

- **Economic Development Policy ED-1.5.** Support existing commercial, manufacturing and industrial enterprises as a vital part of Anacortes’s economy.

SEPA Review

The Planning, Community and Economic Development (PCED) Department completed environmental review of the non-project proposal. The SEPA responsible official issued Determination of Nonsignificance (DNS) on March 25, 2026. The SEPA determination was sent to the SEPA register on March 25, 2026 and published the same day under SEPA #202601199.

Public Notice / Outreach

Notice of the proposal, public comment period, public hearing, and SEPA determination was provided on March 25, 2026 through:

- Publication in the Anacortes American
- Posting on the City website: <https://www.anacorteswa.gov/1547/Legislative-Planning-Updates>
- Distribution via the Department email list
- Notification to the Washington State Department of Commerce per RCW 36.70A.106(3)(b)

LEG-26-05: Vehicle and Boat Sales and Repair Code Amendments

Draft – 3/24/26

Key to proposed changes:

Black text is existing.

Blue underlined text is added.

~~Red strike-through text~~ is deleted.

Table 19.44.050 Principal uses permitted in mixed-use and industrial zones

Principal Use	CBD	C	MMU	CM	CM2	LM	LM1	MS	I	HM	Reference
[no change to previous rows]											
.....											
Commercial											
.....											
General Service, Except as listed below	P	P	P	P	P		P				AMC 19.44.020(A)
Heavy service		P					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)
i The below uses are currently grouped within the General Service category; however, this structure reduces clarity and limits the ability to distinguish regulatory standards for vehicle and boat repair from other General Service uses, so they've been listed separately here.											
<u>Small boat repair</u>	P	P	P	P	P		P		<u>P</u>		<u>AMC 19.44.020(F)</u>
<u>Minor vehicle repair</u>	P	P	P	P	P		P		<u>P</u>		<u>AMC 19.44.020(G)</u>
<u>Major vehicle repair</u>	P	P	P	P	P		P		<u>P</u>		<u>AMC 19.44.020(G)</u>
.....											
.....											

Principal Use	CBD	C	MMU	CM	CM2	LM	LM1	MS	I	HM	Reference
Vehicle and Boat Sales/Rental, <i>except</i> as listed below		P					P				AMC 19.44.130(A)&(B)
Vehicle sales/rental		P					P				AMC 19.44.130(B)
Marine Boat sales/rental	P ^(X)	P	P	P	P		P	P	P		AMC 19.44.130(C) ^(X) AMC 19.44.130(C)(2)
.....											
Industrial											
..... [no changes proposed to this part; provided for context only]											
Water-Oriented Industrial Uses, <i>except</i> as listed below			C	P	P	P		P	P	P	AMC 19.45.080(A) <i>[Note: This category includes “Ship and boat building and repair”.]</i>
Dry stack boat storage			C	P	P				P	P	
Boat launch facility			P	P	P	P		P	P	P	

.....

19.44.020 General-service.

i Detail added to this description to clarify that presence and size of outdoor activities or large outdoor storage areas can cause a use to be reclassified as Heavy Service. It’s a detail that can be overlooked.

- 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. [General service uses involving exterior activities that meet the definition of Heavy Service \(see subsection \(C\), below\), are classified as Heavy Service uses for purposes of determining whether the use is permitted in a particular zone.](#)

Specific uses in this category include, but are not limited to:

1. Postal and courier services, post office.

i The “Small boat sales/rental” is relocated to the e “Marine sales/rental” subcategory, which currently exists under the Vehicle Sales/Rental category. The dimensions are relocated to the ‘small boat repair’ definition below.

2. Small boat ~~sales, rental, and repair (small boats are less than 40 feet long, eight and one-half feet wide, and 14 feet tall):~~
3. Appliance repair.
4. Equipment rentals.
5. Electronic or equipment service.

i New definitions for vehicle repair, including major and minor categories. “Commercial vehicle repair” is incorporated into the “major repair” definition, so a separate term is unnecessary.

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.

i Relocate the definition for small boat repair from the list in subsection (A) for formatting consistency. Add cross reference to clarify classification of large boat repair activities.

- F. [Small boat repair.](#)
1. [Definition. Repair of small boats which are capable of being transported on public roadways as a standard load without a special permit, typically not exceeding 40 feet in overall length, 8.5 feet in width, and 14 feet in height. Repair of boats exceeding these dimensions is classified as a Water-Oriented Industrial Use \(AMC 19.45.080\).](#)

i New definitions are added to differentiate between major and minor vehicle repair.

G. Vehicle repair.

1. Definition. A service use engaged in the diagnosis, maintenance, and repair of motor vehicles. Vehicle repair uses that meet the Heavy Service definition in AMC 19.44.020(C) are only permitted in zones where Heavy Service is permitted.
 - a. “Minor Vehicle Repair” means a service use primarily engaged in routine maintenance and light mechanical work on motor vehicles. Typical activities include part replacement, diagnostics, fluid service, tire and battery work, and similar minor repairs performed within an enclosed building. The use typically serves light-duty vehicles, though occasional service of medium-duty vehicles may occur. The use does not include repair activities defined under major vehicle repair and does not include prolonged outdoor storage of vehicles awaiting service.
 - b. “Major Vehicle Repair” means a service use primarily engaged in extensive mechanical, structural, or body-related repair or reconditioning of motor vehicles. Typical activities include engine or transmission repair or replacement, drivetrain work, collision and body repair, frame straightening, painting, dismantling, or other heavy duty repair services. Major repair may serve light-, medium-, or heavy-duty vehicles. Minor repairs are only allowed when part of a major repair.

i High-customer-turnover vehicle repair uses are prohibited in the Industrial zone.

2. Zone specific standards.
 - a. In the Industrial zone, minor vehicle repair uses primarily engaged in rapid, routine services such as oil changes, lubrication, filter replacement, or other short-duration maintenance with high customer turnover is prohibited.

.....

19.44.130 Vehicle & Boat sales/rental.

- A. *Vehicle & Boat Sales/Rental Use Category.* This category includes, but is not limited to, direct sales, rental or leasing of consumer motor vehicles and watercraft ~~passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles.~~

i The term ‘vehicle sales/rental, enclosed’ is not used elsewhere in the code.

B. *Vehicle Sales/Rental*, ~~Enclosed~~.

1. *Definition.* ~~Vehicle sales/rental use that is conducted entirely indoors.~~ An establishment engaged in sales, rental, or leasing of passenger vehicles, light and medium trucks, ~~and other consumer motor vehicles such as~~ motorcycles, ~~boats; and~~ or recreational vehicles

C. *Marine Boat Sales/Rental.*

1. *Definition.* An establishment where boats 16 feet or more in length are rented or sold. The sale or rental of boats under 16 feet in length ~~must be~~ is classified as a retail sales use.
2. Zone-specific standards.
 - a. In the CBD zone, boat sales are limited to small boats up to 40’ long.



SEPA

Determination of Non-Significance (DNS)

CITY FILE #: LEG-26-05

PROPOSAL NAME: Vehicle and Boat Sales and Repair Code Amendments

DESCRIPTION OF PROPOSAL: The City of Anacortes is considering amendments to the Anacortes Municipal Code (AMC) to allow a broader range of vehicle repair and boat repair and sales uses in the Industrial zone, while continuing to prohibit auto-oriented quick-service uses (e.g. oil change and quick lube facilities).

The amendment does not introduce new categories of uses but instead allows lower-impact versions of already permitted uses in the Industrial zone. The proposal also resolves internal inconsistencies between how vehicle repair, and boat repair, and boat sales uses are regulated in the Industrial zone.

LOCATION: Anacortes city limits and Urban Growth Area

PROPONENT & LEAD AGENCY: City of Anacortes, Planning, Community and Economic Development (PCED) Department.

CONTACT PERSON: Libby Grage, Planning Manager; libbyb@anacorteswa.gov; 360-299-1986; PO Box 547, Anacortes, WA 98221

THRESHOLD DETERMINATION: The City of Anacortes has determined that this non-project proposal will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of completed environmental checklists and other information on file with the City. This information is available to the public upon request and at <https://www.anacorteswa.gov/1547/Legislative-Planning-Updates>.

This threshold Determination of Non-Significance (DNS) is issued under WAC [197-11-340\(2\)](#); the City of Anacortes will not act on this proposal during the comment period. Written comments on this threshold determination must be submitted to the Contact Person listed above by **5:00 PM, April 8, 2026**.

Appeals: This threshold determination may be appealed to the City Council in accordance with AMC 18.04.250. Appeals must be delivered, accompanied by the required appeal fee, to the City Clerk’s Office at 904 6th St., Anacortes, WA, by mail or personal delivery no later than **5:00 pm, April 15, 2026**. Full appeal procedures can be reviewed in AMC Ch. 18.04.

Responsible Official: John Coleman, AICP
Position and Title: Director of Planning, Community & Economic Development
Phone/Email: 360-299-1901; johnc@cityofanacortes.org
Address: P.O. Box 547, Anacortes, WA 98221

Date Issued: March 25, 2026 Signed: 

SEPA¹ Environmental Checklist

Purpose of checklist

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

Instructions for applicants

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

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

Instructions for lead agencies

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

Use of checklist for nonproject proposals

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B, plus the Supplemental Sheet for Nonproject Actions (Part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-

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

projects) questions in “Part B: Environmental Elements” that do not contribute meaningfully to the analysis of the proposal.

A. Background

[Find help answering background questions²](#)

1. Name of proposed project, if applicable:

Vehicle and Boat Sales and Repair Code Amendments

2. Name of applicant:

City of Anacortes

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

Libby Grage, Planning Manager

City of Anacortes Planning, Community & Economic Development (PCED) Department

P.O. Box 547

Anacortes, WA 98221

360-299-1986

libbyb@anacorteswa.gov

4. Date checklist prepared:

March 24, 2026

5. Agency requesting checklist:

City of Anacortes PCED Department

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

- *Planning Commission public hearing and recommendation on April 14, 2026*
- *City Council review and adoption in April or May 2026*

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

No.

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

No site-specific environmental studies have been prepared for this non-project proposal. SEPA review and environmental analysis will be conducted for any future development projects under the amended code, as required by applicable local, state, and federal regulations.

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

No. There are no known pending applications for governmental approvals directly affecting the Industrial zone sites covered by this non-project proposal.

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

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

City Council adoption by ordinance after recommendation by Planning Commission.

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

The City of Anacortes is considering amendments to the Anacortes Municipal Code to allow a broader range of vehicle repair and boat repair and sales uses in the Industrial zone, while continuing to prohibit auto-oriented quick-service uses (e.g. oil change and quick lube facilities).

The amendment does not introduce new categories of uses but instead allows lower-impact versions of already permitted uses in the Industrial zone. The proposal also resolves internal inconsistencies between how vehicle repair, and boat repair, and boat sales uses are regulated in the Industrial zone.

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

This non-project proposal primarily applies to land within the Industrial zone of the city. The sites include parcels zoned for manufacturing, service, storage, and related industrial uses. Boundaries correspond to the city's official zoning map. Certain code clarifications apply to applicable uses citywide and within the Urban Growth Area (UGA).

B. Environmental Elements

1. Earth

[Find help answering earth questions³](#)

a. General description of the site:

Anacortes is located in the northwest portion of Washington State, on the west side of Skagit County. Anacortes is bordered by Puget Sound and the San Juan Islands to the north and west, Padilla Bay to the east and unincorporated Skagit County - Fidalgo Island - to the south. The total city area comprises about 15.5 square miles, of which 11.75 miles are land area and 3.8 miles are water area.

The Industrial zone is approximately 170 acres in size, including 125 acres of upland area along Fidalgo Bay.

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

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

Anacortes has a variety of terrain, including flat, rolling, hilly, steep slopes and mountainous (Mt. Erie).

The Industrial zone is primarily flat, very gently sloping toward Fidalgo Bay to the east.

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

Anacortes has a variety of slopes throughout the city, including some areas with up to 100% slope. The steepest slopes are primarily located along the marine shoreline and Mount Erie. There are no steep slopes identified within the Industrial zone.

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

Soils within the city include a mix of silt loams, gravelly loams, sandy soils, muck, and rocky outcrop complexes, along with some urban-disturbed and tidal soils.

There are no known agricultural lands of long-term commercial significance within the UGA.

Soils in the Industrial zone are mapped as Bow-Urban land complex, 0 to 8% slopes, and Xerorthents, 0 to 5% slopes.

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

Geologically hazardous areas within the City include steep slopes, landslide and erosion hazards, and seismic hazards (liquefaction prone areas). These hazard areas are concentrated along the northern portion of Anacortes near Guemes Channel and Burrows Bay near Washington Park. Liquefaction prone areas are located in areas of modified shorelines near Skyline and the eastern part of the city along Fidalgo Bay.

There are no known indications or history of unstable soils within the Industrial zone.

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

No filling, excavation, or grading is proposed as part of this non-project action. This amendment modifies allowable uses within existing zoning and does not authorize site-specific development or ground disturbance. Any future development or site modifications would be evaluated separately and subject to applicable permitting and environmental review requirements.

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

No. The proposal is a non-project action and does not involve clearing, construction or ground disturbance. Therefore, no erosion is anticipated. Any future site-specific development would be subject to applicable erosion and sediment control requirements at the time of permit review.

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

Not applicable. This is a non-project action and does not include site-specific development or construction. Therefore, no change in impervious surface coverage is proposed. Any future development would be evaluated at the project level and subject to applicable regulations governing impervious surfaces.

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

No specific measures are proposed as part of this non-project action. Any future development or site work would be required to implement erosion and sediment control measures in accordance with applicable local, state, and federal regulations at the time of permit review.

2. Air

[Find help answering air questions](#)⁴

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

The proposal is a non-project action and does not involve construction. No direct emissions would result from the amendment itself.

Operation/Maintenance: Future indoor vehicle repair and small boat sales may produce minor emissions such as vehicle exhaust, paint fumes, or volatile organic compounds (VOCs) from cleaning, painting, or fuel handling. Quantities are expected to be low and regulated under existing federal, state, and local air quality standards. Heavy-service vehicle repair and large boat sales, which are already permitted, typically have equal or higher potential emissions, so no new significant impacts are anticipated.

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

No off-site emissions or odors are expected to affect the non-project proposal. The amendment regulates allowable uses and does not involve construction or site-specific operations. Future businesses operating under the amendment may be affected by ambient air conditions typical of Industrial zones, such as existing vehicle traffic or nearby industrial activities, but these are not expected to create significant impacts.

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

No specific measures are proposed as part of this non-project action. Any future indoor vehicle repair or small boat sales operations would be required to comply with applicable federal, state, and local air quality regulations, including proper ventilation, emission controls, and use of low-VOC materials, as required by law.

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

Water

[Find help answering water questions⁵](#)

- **Surface:**

[Find help answering surface water questions⁶](#)

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

Anacortes is surrounded on three sides by marine shorelines including Guemes Channel, Burrows Bay, Fidalgo Bay, and a portion of Padilla Bay. Lakes include Little Cranberry Lake, Heart Lake, Whistle Lake, and a portion of Lake Erie. The Industrial zone is bordered on its east side by approximately 2,300 lined feet of Fidalgo Bay shoreline.

There are multiple streams located within city limits. The Ace of Hearts Creek traverses the Industrial zone within an underground pipe before outfalling to Fidalgo Bay.

There are no known or mapped wetlands within the Industrial zone.

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

No. This is a non-project proposal and does not involve construction or physical work over, in, or adjacent to any water bodies. Any future development on individual sites would be subject to applicable permitting and environmental review requirements if located near water.

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

This non-project proposal does not involve any fill, dredging, or other disturbance of surface water or wetlands. Any future site-specific development would be reviewed separately and would be required to comply with all applicable regulations regarding fill, dredge, and wetland impacts.

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

No. This non-project proposal does not involve any surface water withdrawals or diversions. Future businesses operating under the amendment may use water for routine operations (e.g., cleaning, maintenance), but such uses would be subject to standard municipal water service and regulatory requirements. Quantities are expected to be typical of small-scale commercial operations and not significant at the zone-wide level.

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

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

⁶ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-3-Water/Environmental-elements-Surface-water>

Parts of Anacortes are located within the 100-year floodplain as mapped by the Federal Emergency Management Agency (FEMA) flood insurance rate maps (FIRMs). A portion of the Industrial zone located along Fidalgo Bay shoreline is located within the 100-year floodplain (Zone AE, EL 7).

The non-project proposal does not involve site-specific development, so no construction or alteration within a floodplain is proposed. Individual sites in the Industrial zone may lie within or outside a 100-year floodplain; any future development at such sites would be required to comply with applicable floodplain regulations.

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

No. The non-project proposal does not allow discharges to surface waters. Future operations must comply with waste-handling regulations.

a. **Ground:**

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

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

No groundwater withdrawal or discharge is proposed. This non-project proposal only amends allowable uses. Any future businesses using water would rely on existing municipal water and wastewater systems and comply with applicable regulations.

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

No waste material will be discharged to the ground as part of this non-project proposal. Any future businesses operating under the amendment would use existing municipal sewer systems or other regulated wastewater systems and must comply with applicable local, state, and federal regulations.

b. **Water Runoff (including stormwater):**

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

The non-project proposal does not involve construction or site changes. Any future development or operations would generate stormwater from rooftops, paved areas, and parking, which would be managed according to existing stormwater regulations. Runoff

⁷ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-3-Water/Environmental-elements-Groundwater>

would be conveyed through approved drainage systems and would not directly discharge to surface waters without proper treatment.

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

No. This non-project proposal does not authorize activities that would release waste materials to ground or surface waters. Any future businesses would be required to manage fluids, chemicals, and other wastes in compliance with applicable regulations to prevent contamination.

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

No. This non-project proposal does not involve construction or site modification and does not alter existing drainage patterns. Any future development would be required to follow applicable stormwater and drainage regulations.

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

No measures are proposed as part of this non-project proposal. Any future development or operations would be required to implement stormwater, drainage, and runoff controls in compliance with applicable local, state, and federal regulations.

4. Plants

[Find help answering plants questions](#)

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

- deciduous tree: alder, maple, aspen, other**
- evergreen tree: fir, cedar, pine, other**
- shrubs**
- grass**
- pasture**
- crop or grain**
- orchards, vineyards, or other permanent crops.**
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other**
- water plants: water lily, eelgrass, milfoil, other**
- other types of vegetation**

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

None. This non-project proposal does not involve site development or land clearing, so no vegetation will be removed or altered.

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

Various species of rare plants, listed by the Washington Natural Heritage Program, may occur in the city. No threatened or endangered plant species are known to be within the Industrial zone.

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

None. This non-project proposal does not include site development or landscaping. Any future development or redevelopment would be required to comply with applicable landscaping standards, including the use of native plants where required.

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

Various species of noxious or invasive species are known to occur throughout Anacortes, including, Poison Hemlock, Himalayan blackberry, Holly, and English ivy.

5. Animals

[Find help answering animal questions](#)⁸

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

Examples include:

- **Birds:** hawk, heron, eagle, songbirds, other:
- **Mammals:** deer, bear, elk, beaver, other:
- **Fish:** bass, salmon, trout, herring, shellfish, other:

Many species of birds, mammals, and fish are known to occur throughout Anacortes.

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

No threatened or endangered species are expected to be affected on the Industrial zone land covered by this non-project proposal. ESA-listed species are present in nearby Fidalgo Bay, but the amendment does not authorize activities that would impact those habitats. Any future site-specific development would be subject to applicable federal, state, and local protections for threatened or endangered species.

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

Anacortes located within the Pacific Flyway migration route utilized by waterfowl migrating north into Alaska and northern Canada. Marine shorelines include salmonid migratory routes.

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

None. This non-project proposal does not involve site development or habitat modification. Any future development would be required to comply with applicable regulations and best management practices to preserve or enhance wildlife habitat.

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

There are likely invasive animal species occurring in different locations throughout the city limits. None are known to be present on the Industrial zone land covered by this non-project proposal. Any future development would be subject to applicable regulations and best management practices to prevent or control invasive animal species.

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

6. Energy and natural resources

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

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

The non-project proposal does not involve construction or site-specific development, so no new energy use is proposed. Future businesses operating under the amendment would likely use electricity and natural gas for heating, lighting, and equipment operation. Energy use is expected to be typical of small- to medium-scale commercial operations.

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

No. This non-project proposal does not involve construction or structures that could shade or block solar access. Future development would be subject to standard height and setback regulations, which protect the potential use of solar energy by adjacent properties.

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

None are included as part of this non-project proposal. Any future development under the amendment would be required to comply with applicable building codes and energy efficiency standards to reduce energy consumption and environmental impacts.

7. Environmental health

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

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

No new environmental health hazards are introduced by this non-project proposal. Future indoor vehicle repair or small boat sales operations may involve handling fuels, lubricants, paints, or other chemicals, but such activities would be required to comply with applicable federal, state, and local regulations for storage, handling, and disposal of hazardous materials.

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

No specific contamination is identified for the Industrial zone sites covered by this non-project proposal. Many sites are previously developed, so historic industrial activities may have resulted in localized contamination. Any future development or redevelopment would be subject to applicable environmental cleanup and remediation regulations.

⁹ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-6-Energy-natural-resou>

¹⁰ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-7-Environmental-health>

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

No hazardous conditions are created by this non-project proposal. Some Industrial zone sites may contain existing hazardous materials, underground fuel tanks, or utility pipelines due to prior or current industrial uses. Any future development would be required to identify, manage, and mitigate such hazards in compliance with applicable safety and environmental regulations.

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

The non-project proposal does not involve construction or site-specific development, so no chemicals will be stored or used as part of the proposal itself. Future operations under the amendment, such as indoor vehicle repair or small boat sales, may involve fuels, lubricants, paints, and cleaning solvents. All such materials would be handled, stored, and disposed of in accordance with applicable federal, state, and local regulations.

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

The non-project proposal does not create immediate demand for emergency services. Future businesses operating under the amendment may occasionally require fire, medical, or police response, similar to other commercial or industrial uses. All operations would be subject to applicable fire, building, and safety codes.

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

No measures are proposed as part of this non-project proposal. Any future development or operations would be required to comply with all applicable federal, state, and local regulations governing hazardous materials, fire safety, and environmental health protections.

b. Noise

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

The non-project proposal does not involve construction or operations. Industrial zone sites are typically subject to existing noise from traffic, machinery, and industrial operations. Future businesses operating under the amendment would be affected by these ambient noise sources but are not expected to create significant additional impacts beyond what is already allowed in the Industrial zone.

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

The non-project proposal does not involve construction, so no short-term noise is generated. Long-term noise from future businesses allowed under the amendment would be similar to other permitted Industrial uses, including operational equipment and vehicle activity during normal business hours. Noise levels are not expected to exceed Industrial zone standards.

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

No specific measures are proposed as part of this non-project proposal. Any future development or operations would be required to comply with applicable local noise ordinances and Industrial zone standards to minimize noise impacts.

8. Land and shoreline use

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

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

The Industrial zone sites covered by this non-project proposal are primarily developed with industrial, manufacturing, warehouse, and service uses. Adjacent properties generally have similar Industrial or commercial uses. Land to the southwest of the Industrial zone is residentially developed. The proposal does not change current uses on nearby properties; it only amends the allowable uses within the Industrial zone to permit indoor vehicle repair and small boat sales.

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

No. The Industrial zone sites covered by this non-project proposal have not been used as working farmland or forestland. No agricultural or forest land will be converted as a result of this non-project proposal.

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

No. The Industrial zone sites covered by this non-project proposal are not adjacent to working farm or forest lands. The proposal does not affect, nor would it be affected by, normal agricultural or forestry operations.

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

The Industrial zone sites covered by this non-project proposal are developed with industrial buildings, warehouses, and service structures. No new structures are proposed as part of this non-project proposal.

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

No. This non-project proposal does not involve demolition or removal of any structures

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

The Anacortes Official Zoning Map divides Anacortes into different zoning districts. The map is available here: <https://www.anacorteswa.gov/DocumentCenter/View/15289/Zoning-Map>

The sites covered by this non-project proposal are currently zoned Industrial, intended for manufacturing, service, storage, and related industrial uses.

¹¹ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-8-Land-shoreline-use>

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

The Anacortes Comprehensive Plan Future Land Use Map divides Anacortes into different general future land use designations. The map is available here:

<https://www.anacorteswa.gov/DocumentCenter/View/117/2016-Comprehensive-Plan-PDF>

The sites covered by this non-project proposal are currently designated Industrial, intended for manufacturing, service, storage, and related industrial uses.

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

The Anacortes Shoreline Master Program assigns different shoreline areas shoreline environment designations. The map is available here:

<https://www.anacorteswa.gov/DocumentCenter/View/861/2010-Shoreline-Master-Program-PDF>

Below the Ordinary High Water Mark (OHWM), Fidalgo Bay has an “Aquatic” Shoreline Environment Designation. The portion of the Industrial zone located within shoreline jurisdiction landward of the OHWM has an “Urban Maritime” Shoreline Environment Designation.

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

Critical areas are located throughout Anacortes, including wetlands, geologically hazardous areas, fish & wildlife habitat conservation areas, critical aquifer recharge areas, and frequently flooded areas.

Fidalgo Bay contains designated fish and wildlife habitat conservation areas, including WDFW-mapped Priority Habitats and Species. A portion of the Industrial zone located along the shoreline is within a Tsunami Hazard Area. Any future site development would be subject to applicable shoreline master program and critical area regulations if such features are present.

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

The non-project proposal does not directly create residents or employees. Future businesses operating under the amendment may employ a small number of workers typical of indoor vehicle repair and small-scale sales uses, consistent with existing Industrial zone employment levels.

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

None. The non-project proposal does not involve demolition or redevelopment and is not expected to displace any people.

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

None. This non-project proposal does not involve demolition or redevelopment of existing structures and is not expected to displace residents or businesses.

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

The non-project proposal is designed to be compatible with existing and projected Industrial zone uses. It allows indoor vehicle repair and small boat sales, which are lower-impact versions of uses already permitted (heavy-service vehicle repair and large boat sales). No additional measures are required, as the amendment aligns with the zone’s purpose and applicable comprehensive plan policies.

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

None. The non-project proposal applies to Industrial zone sites and does not affect agricultural or forest lands of long-term commercial significance.

9. Housing

[Find help answering housing questions](#)¹²

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

None. This non-project proposal does not involve residential development and will not provide housing of any type or income level.

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

None. This non-project proposal does not involve demolition or redevelopment of housing and will not eliminate any residential units.

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

None. This non-project proposal does not involve construction, demolition, or redevelopment and is not expected to impact housing.

10. Aesthetics

[Find help answering aesthetics questions](#)¹³

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

None. This non-project proposal does not involve construction of any structures.

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

No views would be altered or obstructed. This non-project proposal does not involve construction or modification of existing structures.

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

None. This non-project proposal does not involve construction or exterior modifications and is not expected to create aesthetic impacts. Future development or redevelopment would comply with applicable site and building design standards to address aesthetic impacts.

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

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

11. Light and glare

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

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

The non-project proposal does not involve construction or operations that generate light or glare. Any future businesses operating under the would likely use standard commercial lighting during normal business hours, with minimal exterior glare.

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

No. The non-project proposal does not involve construction or lighting. Any future development would be subject to applicable lighting standards to prevent safety hazards or interference with views.

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

Existing Industrial zone lighting, streetlights, and nearby commercial or industrial operations may create ambient light and glare. The non-project proposal does not change or increase exposure to these sources.

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

None. The non-project proposal does not involve construction or lighting. Any future development would be required to comply with applicable lighting and glare control regulations.

12. Recreation

[Find help answering recreation questions](#)

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

Anacortes contains many designated and informal recreational opportunities, including city parks, the Anacortes Community Forest Lands, beaches, trails, boating, and more.

Designated and informal recreational opportunities near the Industrial zone include nearby parks, trails, and waterfront areas such as Fidalgo Bay. The non-project proposal does not affect access to or use of these recreational areas.

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

No. This non-project proposal does not involve construction or redevelopment and will not displace any existing recreational uses.

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

None. This non-project proposal does not involve construction or redevelopment and is not expected to impact recreational opportunities.

¹⁴ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-11-Light-glare>

13. Historic and cultural preservation

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

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

There are many buildings in Anacortes that are over 45 years old. Some of them are eligible for listing, or are listed, in national, state, or local preservation registers.

No buildings or structures over 45 years old on the Industrial zone sites covered by this non-project proposal are listed in or known to be eligible for national, state, or local historic registers. Any future site development would be subject to applicable historic preservation regulations.

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

No known landmarks, artifacts, cemeteries, or evidence of historic or Indigenous use are present on the Industrial zone sites covered by this non-project proposal. Any future development would be required to comply with applicable historic and cultural resource regulations.

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

Staff referred to the department of archaeology and historic preservation and the Anacortes register of historic places. The non-project proposal did not involve site-specific assessment because it applies broadly to Industrial zone sites. Potential impacts would be evaluated during future development through consultation with tribes, review of historic maps and GIS data, and compliance with the Department of Archaeology and Historic Preservation and other applicable regulations.

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

None are included as part of this non-project proposal. Any future development would be required to avoid, minimize, or mitigate impacts to cultural or historic resources in accordance with applicable federal, state, and local regulations, and obtain any necessary permits.

¹⁵ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-13-Historic-cultural-p>

14. Transportation

[Find help with answering transportation questions](#)¹⁶

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

The non-project proposal does not include construction or changes to access. Industrial zone sites are served by existing public streets and highways. Any future development would use current access points and comply with applicable city or county transportation standards.

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

Yes, Skagit Transit provides public transit service throughout Anacortes with connections to Burlington, Mount Vernon, Sedro-Woolley, and other destinations within Skagit County. Transfers are available for transit to destinations in Whatcom and Snohomish counties.

Route 410 is the nearest bus route, with stops on R Avenue just west of the Industrial zone. The non-project proposal does not alter transit service or accessibility. Future development would continue to rely on existing transit options, typically within a short walking distance of Industrial zone sites.

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

No. This non-project proposal does not involve construction or modifications to roads, streets, pedestrian or bicycle facilities, or state transportation infrastructure. Any future development would be required to comply with applicable transportation and public works regulations.

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

No. This non-project proposal does not involve use of water, rail, or air transportation. Future businesses operating under the amendment may receive deliveries by truck, and boat sales may involve water transport, but these activities would occur under normal commercial operations and existing infrastructure.

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

The non-project proposal does not directly generate vehicular trips. Future businesses allowed under the amendment would generate trips typical of small- to medium-scale industrial or commercial uses, including passenger vehicles and delivery trucks during normal business hours. Specific trip counts would be evaluated at the site-specific development stage using standard traffic analysis methods.

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

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

No. The non-project proposal does not involve construction or activities that would interfere with the transport of agricultural or forest products on local roads. Industrial zone sites are not adjacent to active farmland or forest lands.

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

None. This non-project proposal does not involve construction or site-specific operations that would create additional traffic. Any future development would be required to comply with applicable transportation regulations and standards to manage traffic and access.

15. Public services

[Find help answering public service questions¹⁷](#)

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

No significant increase in public service demand is expected from this non-project proposal. Future businesses allowed under the amendment may occasionally require fire, police, or emergency medical response, similar to other permitted Industrial zone uses.

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

None. This non-project proposal does not involve construction or new operations. Any future development would be required to comply with applicable codes and standards for fire, safety, and emergency services.

16. Utilities

[Find help answering utilities questions¹⁸](#)

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other:**

Electricity, natural gas, water, refuse service, telephone, and sanitary sewer are available at Industrial zone sites. The non-project proposal does not include construction or utility installation.

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

No new utilities are proposed as part of this non-project proposal. Any future development under the amendment would connect to existing utility services and follow standard construction and installation practices in compliance with applicable codes and regulations

¹⁷ <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-b-environmental-elements/environmental-elements-15-public-services>

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

C. Signature

[Find help about who should sign](#)¹⁹

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



Type name of signee: Libby Grage

Position and agency/organization: Planning Manager, City of Anacortes PCED Department

Date submitted: March 24, 2026

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

D. Supplemental sheet for nonproject actions

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

Do not use this section for project actions.

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

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

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

The non-project proposal itself would not increase discharges to water, air emissions, storage or release of hazardous substances, or noise. Future development under the amendment may involve routine operations typical of similar Industrial zone uses, including minor emissions, controlled chemical use, and operational noise, all subject to applicable federal, state, and local regulations.

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

None are included as part of this non-project proposal. Any future development would be required to comply with applicable regulations for water quality, air emissions, hazardous materials, and noise control to avoid or minimize environmental impacts.

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

The non-project proposal would not directly affect plants, animals, fish, or marine life. Industrial zone sites are developed and disturbed. Any future development under the amendment would be required to comply with regulations protecting habitat and ESA-listed species in nearby areas such as Fidalgo Bay.

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

None. This non-project proposal does not involve construction or habitat modification. Any future development would be required to follow applicable federal, state, and local regulations to protect plants, animals, fish, and marine life.

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

The non-project proposal itself would not deplete energy or natural resources. Future businesses operating under the amendment (indoor vehicle repair or small boat sales) would use typical amounts of electricity, natural gas, water, and other commercial resources, consistent with similar Industrial zone uses.

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

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

None. This non-project proposal does not involve construction or operations. Any future development would be required to comply with applicable energy efficiency and conservation standards under local building codes and regulations.

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

The non-project proposal would not directly use or affect environmentally sensitive areas. Industrial zoned land is significantly developed and does not contain any known protected features. Nearby areas, such as Fidalgo Bay, may include ESA-listed species or wetlands, but the amendment does not authorize activities that would impact these habitats. Future site-specific development would be subject to all applicable protections and regulations.

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

None. This non-project proposal does not involve construction or habitat modification. Any future development would be required to comply with federal, state, and local regulations protecting environmentally sensitive areas, including ESA-listed species, wetlands, floodplains, and cultural or historic resources.

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

The non-project proposal would not change existing land or shoreline use. It amends the code to allow indoor vehicle repair and small boat sales in the Industrial zone, which are consistent with the zone's purpose and compatible with existing and planned land uses. Areas within shoreline jurisdiction remain regulated by the Shoreline Master Program, and this amendment does not modify those regulations.

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

The non-project proposal does not directly create new demands. Future businesses operating under the amendment (indoor vehicle repair or small boat sales) may generate modest increases in traffic, fire, police, and utility use, typical of similar Industrial zone operations, and would be required to comply with applicable codes and service standards.

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

None. This non-project proposal does not involve construction or operations. Any future development would be required to comply with applicable transportation, utility, and public service regulations to manage demand.

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

The non-project proposal is not expected to conflict with local, state, or federal environmental laws. Future development under the amendment would be required to comply with all applicable regulations, including those protecting water quality, air quality, hazardous materials, critical areas, and endangered species.



Notice of Availability

Including written comment period, public hearing date, and environmental determination

Notice Issued Date:	March 25, 2026
Proposal Name:	Vehicle and Boat Sales and Repair Code Amendments
City File Number:	LEG-26-05
Documents Available At:	https://www.anacorteswa.gov/1547/Legislative-Planning-Updates
Lead Agency:	City of Anacortes, Planning, Community & Economic Development Department
SEPA Responsible Official:	John Coleman, AICP, Director
Written Comment Period:	March 25, 2026 – April 14, 2026 at 5:00 PM
Public Hearing Date:	Tuesday, April 14, 2026, 2024 at 6:00 PM
Public Hearing Body:	Anacortes Planning Commission City Hall Council Chambers 904 6 th Street, Anacortes, WA 98221
Contact Person:	Libby Grage, Planning Manager libbyb@anacorteswa.gov ; 360-299-1986

Proposal Description:

The City of Anacortes is considering adopting amendments to the Anacortes Municipal Code (AMC) to clarify development regulations for certain vehicle and boat-related uses. The proposed amendments are intended to reduce ambiguity, recognize existing land uses, and address the operational characteristics of these uses. The proposed amendments include, but are not limited to:

- Allow vehicle repair in the Industrial zone.
- Differentiate between light and heavy vehicle repair to ensure uses locate in zones appropriate for their intensity and impact.
- Resolve conflicting regulations relating to the sale, rental, and repair of boats.

SEPA Threshold Determination

The City of Anacortes, as lead agency for this proposal, determined that this non-project proposal will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

This threshold Determination of Non-Significance (DNS) is issued under WAC 197-11-340(2); the City of Anacortes will not act on this proposal during the comment period. Written comments regarding the SEPA threshold determination must be submitted by April 8, 2026 at 5:00PM. Appeals of the SEPA threshold determination must be delivered, accompanied by the required appeal fee, to the City Clerk's Office at 904 6th Street, Anacortes, WA, by mail or personal delivery not later than 5:00pm, April 15, 2026. Full appeal procedures may be reviewed in AMC Ch. 18.04.

How to Comment

Comments are accepted via email, paper, or verbally.

Email comments are preferred and must be sent to libbyb@anacorteswa.gov.

Paper comments may be mailed or delivered to:

City of Anacortes
Planning, Community & Economic Development Department
ATTN: Libby Grage
P.O. Box 547 / 904 6th St.
Anacortes, WA 98221

Verbal comments may be made at the Public Hearing. The public hearing will be held as hybrid meeting, with virtual and in-person attendance options. Virtual meeting access and participation information can be found here:

<https://www.anacorteswa.gov/700/Meeting-Documents-and-Video>

Vehicle and Boat Sales and Repair Code Amendments

From Cole Erikson <Cole@evanschapel.com>

Date Wed 3/25/2026 10:11 PM

To Libby Grage <libbyb@anacorteswa.gov>

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

Hi Libby,

Thank you for the opportunity to comment on the proposed amendments to the Anacortes Municipal Code related to vehicle and boat related uses. I appreciate the City's work to reduce ambiguity in the code and ensure that different types of businesses are located in zones that make sense for their operational characteristics.

I want to express my support for the effort to clarify these regulations, particularly as they relate to vehicle repair and vehicle sales in Industrial zones. As you know, businesses of this type already operate in these zones, and they have done so for years with very little impact on the surrounding community. Their successful operation demonstrates that these uses are compatible with the intent of the zone and function well in an area designed for higher-intensity activities.

By clearly identifying vehicle repair—both light and heavy—and vehicle sales as allowable uses in the Industrial Zone, the City would be aligning the code with what is already working on the ground. This kind of clarity is important not only for existing operators but also for future businesses that may be considering investing in Anacortes. Regulatory certainty encourages responsible growth, and in this case it can help attract new businesses that bring jobs, support small business development, and ultimately contribute to increased tax revenue.

Overall, I believe these amendments represent a positive step toward a clearer, more functional development code. They support compatible land use, reduce administrative ambiguity, and help create a stable environment for economic growth.

Thank you for your consideration of these comments and for your continued work on behalf of the community.

Thank you,



Cole Erikson

Evans Funeral Chapel
1105 32nd Street
Anacortes, WA 98221

-
-  360-293-3311 (office)
 -  360-293-8013 (fax)
 -  Cole@EvansChapel.com

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**Anacortes Planning Commission's
Recorded Motion Regarding
LEG-2026-05: Vehicle and Boat Sales and Repair Code Amendments**

City file number:	LEG-2026-05
Proposal name:	Vehicle and Boat Sales and Repair Code Amendments
Documents available at:	https://www.anacorteswa.gov/1547/Legislative-Planning-Updates
Public hearing body:	Anacortes Planning Commission
Public hearing date:	April 14, 2026
Deliberations & recommendation:	April 14, 2026

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

A. Findings of Fact and Reasons for Action

1. The proposed amendments will allow a broader range of vehicle repair and boat repair and sales uses in the Industrial zone and resolve internal code inconsistencies with how vehicle repair, boat repair, and boat sales uses are regulated in the City.
2. The City of Anacortes SEPA Responsible Official issued a Determination of Nonsignificance (DNS) on March 25, 2026.
3. The City notified the Washington State Department of Commerce (“Commerce”) of its intent to adopt amendments to its development regulations on March 25, 2026, requesting expedited review. Commerce granted the City’s request and confirmed City compliance with Growth Management Act requirements for notice to state agencies in RCW 36.70A.106 as of April 8, 2026.
4. Public notice of the proposal and the public hearing was provided consistent with AMC 19.16.070, including publication on the Planning, Community & Economic Development Department webpage, email notice to the department’s email list, and paid notice in the city’s official newspaper.
5. The Planning Commission reviewed the proposal and held a public hearing at their regular meeting on April 14, 2026.

6. The Planning Commission deliberated and considered all relevant matters including public hearing testimony and written comments, staff recommendations and analysis, legal advice, and consistency with the Anacortes Comprehensive Plan.
7. Based on review of the public testimony, the staff recommendations and analysis, and legal advice, the Planning Commission finds that the proposed amendments are consistent with the Anacortes Comprehensive Plan, the City of Anacortes’s local regulations and policies, and applicable state law.

B. Recommendation

The Planning Commission recommends that the City Council **adopt** the proposed development regulation amendments in **Attachment A**, as presented.

Commission Vote

Position	Commissioner Name	Support	Oppose	Absent	Abstain
1	Mike Mills				
2	William McCombs				
3	Paul Ryan				
4	Jill Underwood				
5	Vacant	-	-	-	-
6	Frank Jeretzky, Chair				
7	Linda Martin, Vice Chair				
<hr/>					
	Total				

This recorded motion was approved on April 14, 2026.

Frank Jeretzky, Chair
 City of Anacortes Planning Commission

Vehicle and Boat Sales and Repair Code Amendments

Planning Commission Briefing & Public Hearing
April 14, 2026



1

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Agenda

1. Briefing on proposed amendments
2. Public hearing
3. Planning Commission deliberation and recommendation to City Council



2

2



Proposal Summary

• Issue

- The code currently excludes certain compatible industrial-support activities from locating in the Industrial zone
 - Small-scale vehicle and boat repair (General Service)
 - Small boat sales (General Service)
- Code structure complexity & inconsistencies
 - Can lead to unclear expectations and unintended barriers

• Staff Recommendation

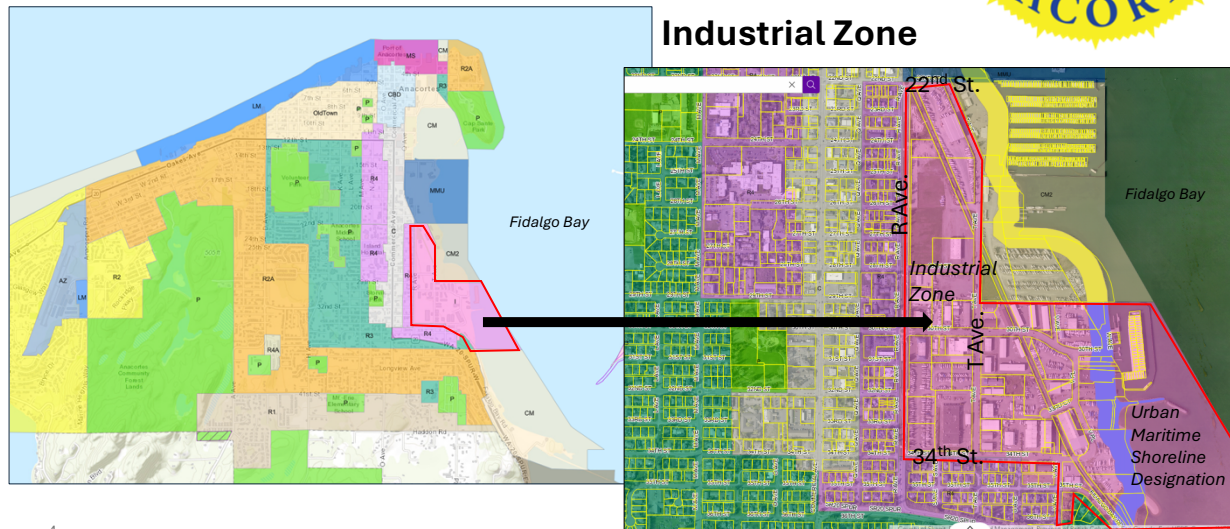
- Amend AMC Title 19, *Unified Development Code*:
 - Allow a broader range of vehicle repair and boat repair and sales uses in the Industrial zone
 - Prohibit auto-oriented quick-service uses in the Industrial zone
 - Resolve code inconsistencies

3

3



Background & Context



4

4



Background & Context, cont.

- *Pre-Ordinance 3040* Industrial Zone – Permitted uses

17.16.020 Permitted uses. 🔍 ↻ 🖨️ 🗑️

⚠️ You are viewing the 5/10/2019 version. This is not the current version of this section.

Any **industrial**, research and development, office, **repair**, warehousing, processing, and shipping terminal uses, adult concessions, commercial parking, private parking, and public parking provided that such uses are of such a nature that they do not inflict upon neighboring districts smoke, dirt, noise, vibrations, odor, glare, or other nuisances or hazards detrimental to the health, welfare, and safety of persons occupying or visiting the district or adjacent districts. (Ord. 2964 § 4, 2015; Ord. 2888 § 3, 2012; Ord. 2881 § 5, 2012; Ord. 2812 § 1 (Att. A), 2010; Ord. 2794 § 1 (Att. A), 2008; Ord. 2521 Att. A § 3, 2000; Ord. 2353 § 1, 1995; Ord. 2316, 1994)

[Ch. 17.16 Industrial District | Anacortes Municipal Code](#)

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Background & Context, cont.

- Major code rewrite in 2019 (Ord. 3040)
- Vehicle repair and Small boat sales/repair grouped under “General-Service” use category
- Not permitted in the Industrial zone, unless use can be classified as ‘Heavy service’

19.41.050 Principal uses permitted in mixed-use and industrial zones. 🔍 ↻ 🖨️ 🗑️

Principal Use	CBD	C	MMU	CM	CMZ	LM	LMI	MS	HM	Reference
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	P	AMC 19.44.020(C)
Public safety facility	C	P	C	P	C	P	P	C	P	AMC 19.44.020(E)
Medical, as listed below and based on gross floor area										AMC 19.44.030(A)

6

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Background & Context



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, eight and one-half 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 19.44.020](#).

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 (Ord. 3040 § 2 (Att. A), 2019)

7

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Proposed Amendments



AMC Table 19.44.050, Principal uses permitted in mixed-use and industrial zones

- Under the **General Service** category, ungroup and separately list **small boat repair** and (major and minor) **vehicle repair** uses
- Continue to allow these uses in all zones where currently allowed, except add as permitted in the I zone
- Add cross references to specific use standards in 19.44

Table 19.44.050 Principal uses permitted in mixed-use and industrial zones

Principal Use	CBD	C	MHU	CH	CH2	LH	LH1	HS	I	HH	Reference
[no change to previous rows]											
Commercial											
General Service, Except as listed below	P	P	P	P	P	P					AMC 19.44.020(A)
Heavy service		P					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)
<p>i The below uses are currently grouped within the General Service category; however, this structure reduces clarity and limits the ability to distinguish regulatory standards for vehicle and boat repair from other General Service uses, so they've been listed separately here.</p>											
Small boat repair	P	P	P	P	P	P			P		AMC 19.44.020(F)
Minor vehicle repair	P	P	P	P	P				P		AMC 19.44.020(G)
Major vehicle repair	P	P	P	P	P				P		AMC 19.44.020(G)

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Proposed Amendments, cont.

AMC Table 19.44.050, *Principal uses permitted in mixed-use and industrial zones*

- Rework the **Vehicle and Boat Sales** category to ungroup vehicle sales/rental, combine marine and boat sales
- Add cross references to specific use standards in 19.44

Principal Use	CBD	C	MMU	CH	CH2	LH	LH1	MS	I	HM	Reference
Vehicle and Boat Sales/Rental, except as listed below		P					P				AMC 19.44.130(A)&(B)
Vehicle sales/rental		P					P				AMC 19.44.130(B)
Marine-Boat sales/rental	P ^(X)	P	P	P	P		P	P	P		AMC 19.44.130(C) ^(X) AMC 19.44.130(C)(2)
Industrial											
..... [no changes proposed to this part; provided for context only]											
Water-Oriented Industrial Uses, except as listed below			C	P	P	P		P	P	P	AMC 19.45.080(A) [Note: This category includes "Ship and boat building and repair".]
Dry stack boat storage			C	P	P				P	P	
Boat launch facility			P	P	P	P		P	P	P	

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Proposed Amendments, cont.

AMC 19.44.020, *General-Service.*

- Add clarification about effect of use classification as **Heavy Service**
- Delete **small boat sales and commercial vehicle repair**
- Add definition for small boat repair

19.44.020 General-service.

i Detail added to this description to clarify that presence and size of outdoor activities or large outdoor storage areas can cause a use to be reclassified as Heavy Service. It's a detail that can be overlooked.

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. **General service uses involving exterior activities that meet the definition of Heavy Service (see subsection (C), below), are classified as Heavy Service uses for purposes of determining whether the use is permitted in a particular zone.**

Specific uses in this category include, but are not limited to:

1. Postal and courier services, post office.

- i** The "Small boat sales/rental" is relocated to the e "Marine sales/rental" subcategory, which currently exists under the Vehicle Sales/Rental category. The dimensions are relocated to the "small boat repair" definition below.
 2. Small boat sales, rental, and repair (small boats are less than 40 feet long; eight and one-half feet wide; and 14 feet tall);
 3. Appliance repair.
 4. Equipment rentals.
 5. Electronic or equipment service.
- i** New definitions for vehicle repair, including major and minor categories. "Commercial vehicle repair" is incorporated into the "major repair" definition, so a separate term is unnecessary.
 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.
- i** Relocate the definition for small boat repair from the list in subsection (A) for formatting consistency. Add cross reference to clarify classification of large boat repair activities.
- F. **Small boat repair.**
 1. **Definition.** Repair of small boats which are capable of being transported on public roadways as a standard load without a special permit, typically not exceeding 40 feet in overall length, 8.5 feet in width, and 14 feet in height. Repair of boats exceeding these dimensions is classified as a Water-Oriented Industrial Use (AMC 19.45.080).

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Proposed Amendments, cont.



AMC 19.44.020, *General-Service.*

- Create new **minor and major vehicle repair sub-categories**; add definitions
- Add zone-specific standards for **minor vehicle repair** in the Industrial zone

i New definitions are added to differentiate between major and minor vehicle repair.

6. Vehicle repair.
1. Definition. A service use engaged in the diagnosis, maintenance, and repair of motor vehicles. Vehicle repair uses that meet the Heavy Service definition in AMC 19.44.020(C) are only permitted in zones where Heavy Service is permitted.
 - a. "Minor Vehicle Repair" means a service use primarily engaged in routine maintenance and light mechanical work on motor vehicles. Typical activities include part replacement, diagnostics, fluid service, tire and battery work, and similar minor repairs performed within an enclosed building. The use typically serves light-duty vehicles, though occasional service of medium-duty vehicles may occur. The use does not include repair activities defined under major vehicle repair and does not include prolonged outdoor storage of vehicles awaiting service.
 - b. "Major Vehicle Repair" means a service use primarily engaged in extensive mechanical, structural, or body-related repair or reconditioning of motor vehicles. Typical activities include engine or transmission repair or replacement, drivetrain work, collision and body repair, frame straightening, painting, dismantling, or other heavy duty repair services. Major repair may serve light-, medium-, or heavy-duty vehicles. Minor repairs are only allowed when part of a major repair.

i High-customer-turnover vehicle repair uses are prohibited in the Industrial zone.

2. Zone specific standards.
 - a. In the Industrial zone, minor vehicle repair uses primarily engaged in rapid, routine services such as oil changes, lubrication, filter replacement, or other short-duration maintenance with high customer turnover is prohibited.

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Proposed Amendments



AMC 19.44.130, *Vehicle & Boat sales/rental.*

- Rework **Vehicle & Boat sales/ rental category** definitions
- Carry over CBD zone-specific standards for small boat sales

19.44.130 Vehicle & Boat sales/rental.

A. **Vehicle & Boat Sales/Rental Use Category.** This category includes, but is not limited to, direct sales, rental or leasing of consumer motor vehicles and watercraft, passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles.

i The term 'vehicle sales/rental, enclosed' is not used elsewhere in the code.

B. **Vehicle Sales/Rental: Enclosed:**

1. Definition. **Vehicle sales/rental use that is conducted entirely indoors.** An establishment engaged in sales, rental, or leasing of passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and or recreational vehicles

C. **Marine Boat Sales/Rental.**

1. Definition. An establishment where boats 16 feet or more in length are rented or sold. The sale or rental of boats under 16 feet in length **must be** classified as a retail sales use.

2. Zone-specific standards.
 - a. In the CBD zone, boat sales are limited to small boats up to 40' long.

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Procedural Timeline



- March 25, 2026 Planning Dept. released amendment proposal; SEPA DNS issued; Commerce notified; Notice of Availability & Public Hearing published
- April 14, 2026 PC briefing and public hearing; recommendation
- April/May 2026 CC consideration and adoption

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Thank you!

Questions?

14

Planning Commission Agenda Bill

Meeting Date: April 14, 2026

Agenda Item: 6.a.

Subject: Shoreline Master Program Update — Review of Proposed Amendments and Project Status

Staff Contact: Libby Grage, John Coleman

Approved for Submittal to Commission by

Libby Grage
John Coleman

Action Type

Discussion

Summary Statement: Staff will present an overview of the Shoreline Master Program (SMP) Update, including a review of work completed to date and a summary of the proposed amendments included in the most recent public review draft. The presentation will highlight key revisions and explain the rationale for the proposed changes.

The purpose of this briefing is to reorient the Planning Commission to the update process and prepare for resumption and completion of the SMP update. The Planning Commission is asked to review the proposed amendments and provide feedback on key policy and regulatory changes to inform the next phase of the process.

Background: Under state law, local governments are required to periodically review and update their Shoreline Master Programs to ensure consistency with state law, administrative rules, and local conditions. The City initiated the periodic update process in 2019. However, completion was delayed due to appeals related to the City's critical areas regulations and competing staff work program availability. Staff is now restarting the update process.

For this agenda item, staff will present the proposed amendments included in the 3rd public review draft of the SMP Update documents. The proposed amendments included in the 3rd public review draft are based on work completed earlier in the process, including, but not limited to, the City's [Final Draft Gap Analysis Report \(November 2020\)](#), the Washington State Department of Ecology's [Initial Determination \(October 1, 2021\)](#), and public comments received during earlier outreach and comment periods on the first and second public review drafts.

Public comments received, and additional project documents are available on the SMP Update webpage located at: <https://www.anacorteswa.gov/1095/SMP-Update>.

Previous Action: [3/10/26 PC Meeting - Shoreline Master Program Overview & Periodic Update Re-Introduction](#)

Competing Viewpoints Considered:

Recommended Motion: No action is requested.

Alternative Actions:

Attachments (listed in order presented):

1. Presentation Slides - 4/14/26

Anacortes Shoreline Master Program Update

Planning Commission Briefing

April 14, 2026





Purpose of Briefing

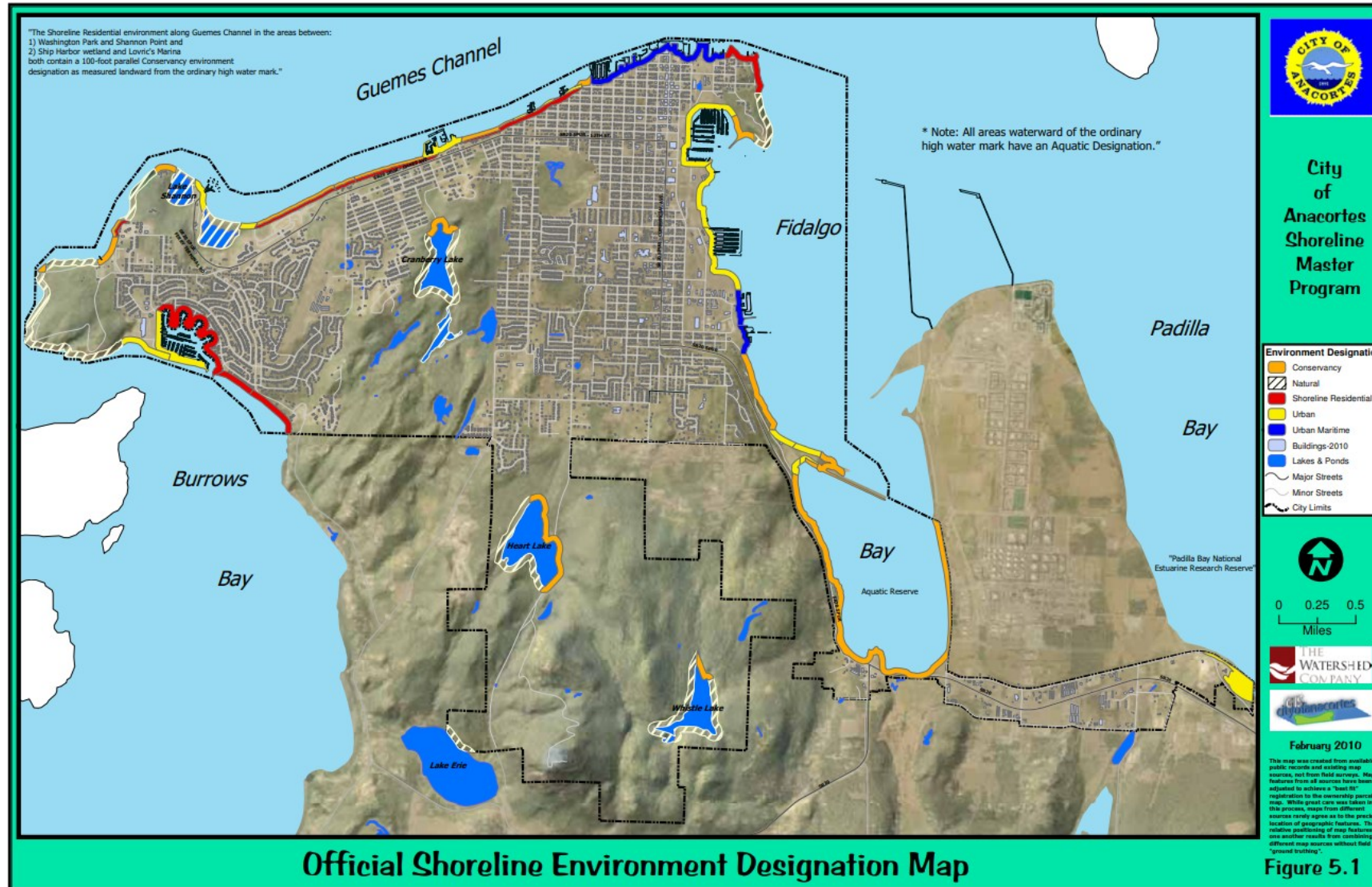
- Provide status update on SMP periodic update
- Summarize work completed to date
- Review proposed amendments
- Outline next steps



Background & Context

- Anacortes' Shoreline Master Program (SMP) is required by the Shoreline Management Act (SMA)
- SMP must be reviewed and updated at least every 10 years
- Purpose of review/ update is to:
 - Ensure compliance with current laws and guidance
 - Reflect changed local conditions, priorities, and new and improved data /info
- State law contains procedural review rules for SMP amendments
 - Standard review or Joint state/local process
- Substantial progress was made toward completing the periodic update from 2019-2022; however, adoption was delayed
- Department of Ecology approval required after local adoption

Shoreline Jurisdiction - Anacortes



- All marine shorelines - Guemes Channel, Burrows Bay, Fidalgo Bay
- Lakes – Little Cranberry, Heart and Whistle, and a portion of Lake Erie within City Limits
- Associated wetlands

SMP Update - Work completed to date



- Outreach
 - Open houses, initial agency and tribal coordination
- Gap Analysis
 - Evaluation of SMP against state requirements and local plans/regulations
 - Identification of mandatory and optional updates
- Draft SMP Amendments
 - Amendments based on gap analysis findings and public/agency input
- Public & Agency Input
 - Comment periods on initial drafts
 - Planning Commission meetings, joint public hearing, recommendation
 - Coordination with Ecology; Ecology Initial Determination (2021)

SMP Update – Timeline



- Jul 2019: Executed contract with consultant
- Oct 2019: 1st Open House (in-person)
- Dec 2019: Executed Ecology grant funding agreement
- Mar 2020: Completed gap analysis & draft proposed amendments published; 2nd open house held (online)
- Jul 2020: Planning Commission meeting
- Dec 2020: Joint Ecology/PC public comment period & public hearing
- Jul 2021: CAO update adopted July 2021 (Ord. 3064); challenged to GMHB, Court of Appeals
- Oct 2021: Ecology issued SMP initial determination of consistency
- Apr 2022: PC recommended approval of the SMP update to CC
- May 2022: City Council review of PC recommendation
- Sep 2022: CC directed changes; 3rd Draft SMP published for public comment
- Dec 2023: Last CAO appeal resolved

3rd Draft SMP Update – Most recent



Public Notice
Shoreline Master Program Periodic Review
Including written comment period

Notice Date: September 21, 2022
 Proposal Name: Shoreline Master Program (SMP) Periodic Review & Upc 3rd Draft
 Documents Available at: <https://www.anacorteswa.gov/1095/SMP-Update>
 Lead Agency: City of Anacortes Planning, Community & Economic Development Department
 Contact Person: Libby Grage, Planning Manager
 Written Comment Period: September 21, 2022, to October 12, 2022, at 5 p.m.

Proposal Description

The City of Anacortes is accepting comments on Draft 3 of amendments proposed as part of the review and update of the City of Anacortes's Shoreline Master Program.

After the close of the comment period, the Anacortes City Council will consider and act on the pi

How to Comment

All written comments must be received by **October 12, 2022, at 5 pm.**

Email comments are preferred and must be sent to libbyb@cityofanacortes.org. Please include comments in the body of your email message rather than as attachments.

Paper comments may be mailed or delivered to:

Planning, Community & Economic Development Department
 ATTN: Libby Grage
 P.O. Box 547 / 904 6th St.
 Anacortes, WA 98221

Draft 3

Date: September 21, 2022

~~Strikethrough~~/ Underline = Proposed changes

Yellow highlights = Changes made since 2nd Draft

AMC TITLE 19 DIVISION 7 - ENVIRONMENT

Chapter 19.72, Shorelines, is amended as follows:

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Draft Shoreline Element – Comprehensive Plan, August 21, 2022

September 21, 2022

~~Strikethrough~~/ Underline = Proposed changes

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Shoreline Element

Introduction

Requirements of the Shoreline Management Act

In November 1972, the people of the State of Washington enacted the Shoreline Management Act (RCW 90.58). The primary purpose of the Act is to provide for the management and protection of the state's shoreline area resources by planning for reasonable and appropriate uses. The law provides a two-tier planning and regulatory program by the state and local government. By law, the City is responsible for the following:

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

The City of Anacortes' Role in Implementing the Shoreline Management Act

In order to protect the public interest in the preservation and reasonable use of the shorelines of the state, the Shoreline Management Act establishes a planning program coordinated between the state and local jurisdictions to address the types and effects of development occurring along the state's shorelines. By law, the City is responsible for the following:

- A. Development of an inventory of the natural characteristics and land use patterns along "shorelines of the state" within the City's territorial limits
 This inventory provides the foundation for development of a system that

3rd Draft SMP Update – Most recent



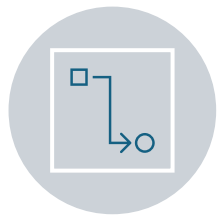
- Proposed amendments informed by:
 - Gap Analysis
 - Public and Agency input
- Released for public comment in September 2022



Proposed Amendments



Amendment Categories



Structural
Reorganization



Consistency with
other Plans &
Regulations



Consistency with
State Law

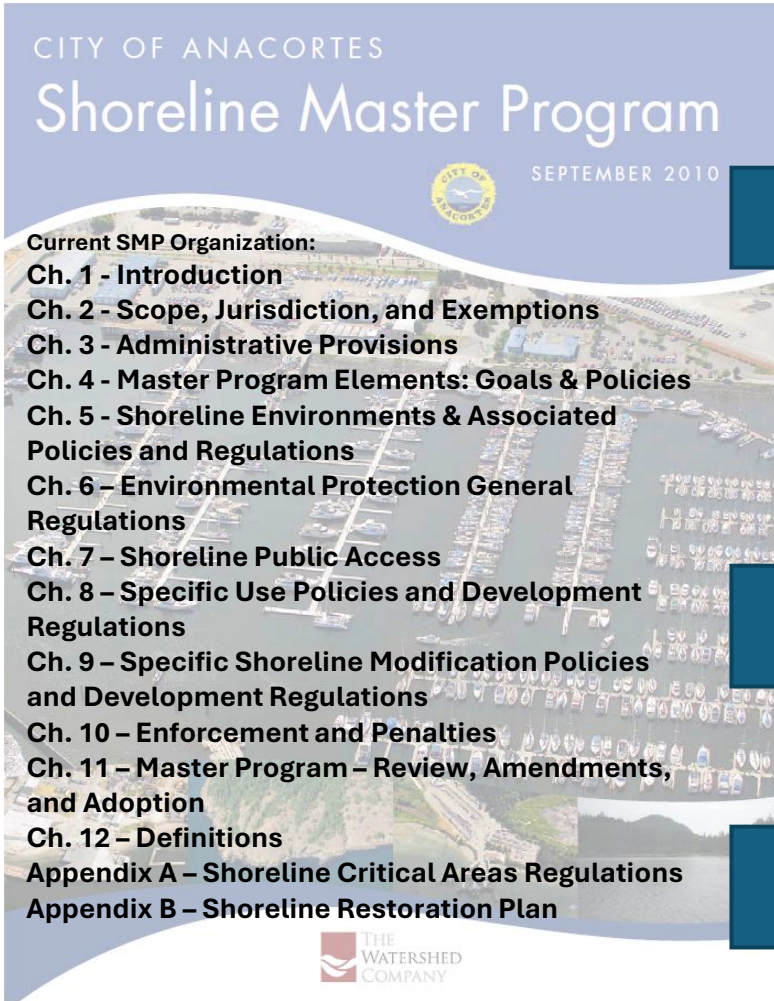


Integration of
Critical Areas
Regulations



Other Issues for
Consideration

Structural Reorganization of SMP Components



Goals & Policies

Development Regulations

Environment Designations

ANACORTES
Comprehensive Plan
2025 - 2045



Municipal Code

Division 7. Environment **Revised**

Chapter 19.70 CRITICAL AREAS **Revised**

Sections:

- Introduction - General Provisions **Revised**
- 19.70.010 Purpose. **Revised**
- 19.70.015 Applicability. **Revised**
- 19.70.020 Identification, classification, and rating of critical areas. **Revised**
- 19.70.025 Protection of critical areas. **Revised**
- 19.70.030 Project evaluation. **Revised**
- 19.70.035 Critical areas review. **Revised**
- 19.70.040 Exempt activities. **Revised**
- 19.70.045 Permitted alterations. **Revised**
- 19.70.050 Reasonable use exception and critical area variance. **Revised**

Structural Reorganization of SMP Components



SMP Handbook

Chapter 2

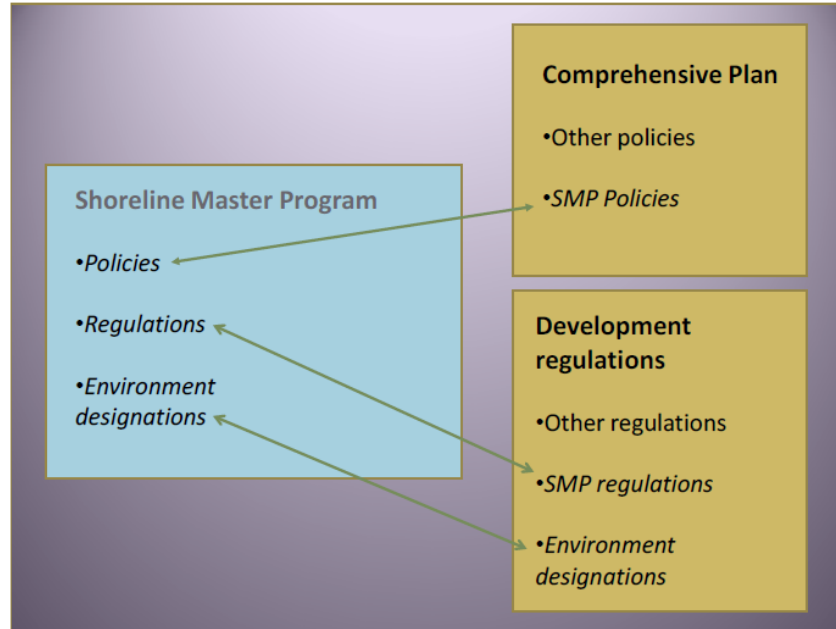
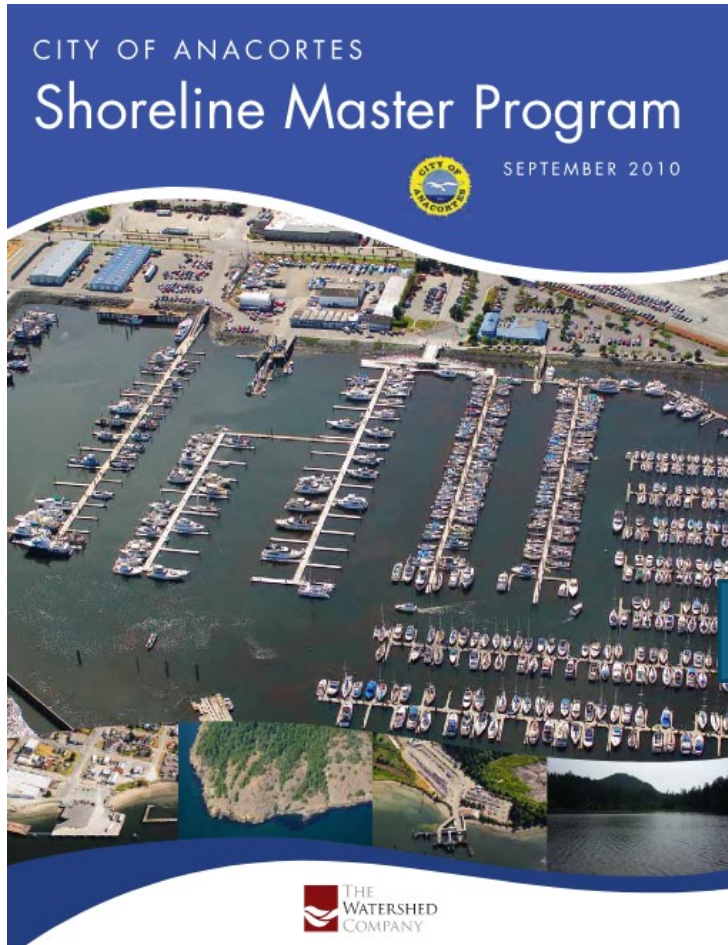


Figure 2-5: Shoreline Master Programs become part of the local comprehensive plan and development regulations. The Legislature adopted this SMA-GMA integration measure as part of regulatory reform in 1995.

- Facilitates SMA-GMA integration
- Improves ease of use for property owners, public, staff

Relocation of SMP Goals and Policies



New Shoreline Element will be Part of the Comprehensive Plan

Goals & Policies

Draft Shoreline Element – Comprehensive Plan, ~~August 31, 2022~~

September 21, 2022

~~Strikethrough/~~ Underline = Proposed changes

Yellow highlights = Changes made since 2nd Draft

Shoreline Element

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Shoreline Goals and Policies

Shoreline Master Program Elements

- Shoreline Use Element
- Economic Development Element
- Circulation Element
- Public Access Element
- Recreational Element
- Conservation Element
- [Restoration & Adaptive Management Element](#)
- Historic, Cultural, Scientific, and Cultural Element

Shoreline Environment Designations

- [Shorelines of Statewide Significance](#)
- [Aquatic](#)
- Natural
- Conservancy
- [Shoreline Residential](#)
- Urban
- Urban Maritime

Environmental Protection

- [Impacts, Mitigation, and Bonding](#)
- Vegetation Conservation
- [Critical Areas – General](#)
- Fish and Wildlife Habitat Conservation Areas
- [Frequently Flooded Areas and Tsunami Inundation Areas](#)
- Geologically Hazardous Areas
- Wetlands

Shoreline Public Access

- General Policies
- Beachwalks
- Street Ends
- Design

Shoreline Goals and Policies



Specific Use Policies

- Advertising and Signs
- Agriculture
- [Aquaculture](#)
- Commercial Development
- Industrial and Port Facilities
- Marinas
- Mining
- Parking Facilities
- Recreational Facilities
- [Residential Development](#)
- Scientific, Cultural and Educational Facilities
- Transportation Facilities
- Utilities

Specific Shoreline Modification Policies

- General Policies and Regulations
- Boat Launches
- Breakwaters
- Docks, Piers, and Floats
- Dredging and Dredge Soil Disposal
- Fill
- Jetties and Groins
- Mooring Buoys
- Shoreline Habitat and Natural Systems Enhancement Projects
- Shoreline Stabilization Measures & Flood Protection Works

Shoreline Goals and Policies - Amendments



Non-Substantive

- Renumbering to match Comp Plan format
- Shall/must
- Cross references

environmental resources, and achieve a net ecosystem improvement over time.

~~Policy 4.3.1.~~ **Policy 5-1.1.** Identify and designate those shoreline areas suited for particular long term uses, including conservancy, recreational, residential, commercial, and industrial.

~~Policy 4.3.2.~~ **Policy 5-1.2.** Avoid uses which would pre-empt preferred shoreline uses as contemplated by the Shoreline Management Act.

~~Policy 4.3.3.~~ **Policy 5-1.3.** Maximize water-dependent and water-related uses in appropriate locations.

~~Policy 4.3.4.~~ **Policy 5-1.4.** Encourage marine trades and water-oriented uses that are keeping with the historical character of the area.

~~Policy 4.3.5.~~ **Policy 5-1.5.** Enhance public access and achieve no net loss of shoreline ecological functions by appropriately locating, designing, and operating all activities, development, and redevelopment.

~~Policy 4.3.6.~~ **Policy 5-1.6.** Develop existing public view and access easements to facilitate public access to the water and to provide the shoreline and pursue additional public access opportunities. Private access opportunities are not limited by this policy.

Shoreline Goals and Policies - Amendments



Restoration & Adaptive Management Element

Goal S-7. Achieve no net loss of ecological functions and strive to improve impaired shoreline ecological functions with the goal of achieving improvement over time, when compared to the status at the time of adoption of the Master Program.

~~Policy 4.8.8~~ **Policy S-7.8.** The City acknowledges sea level rise is a direct effect stemming from climate change factors and should be considered in future planning. The City should:

- a. Consider establishing sea level rise projections based on best available science.
- b. Revisit sea level rise projections every eight years consistent with the SMP periodic update cycle and revise if necessary.
- c. Recognize and monitor the potential effects of climate change as additional scientific information becomes available.
- d. Encourage shoreline development and redevelopment to consider addressing sea level rise in the following preferential order: avoid, retreat, protect, and accommodate.
- e. Continue to evaluate sea level rise impacts and climate change factors, consistent with best available science, in future policy and regulatory amendments.
- f. Consider sea level rise impacts when planning for new development for the life cycle of the improvements.

Shoreline Goals and Policies - Amendments



Shoreline Environment Designations

Shorelines of Statewide Significance.

~~Policy 5.5.2.~~ Policy S-9.2. In addition to the provisions of this section, all proposed developments and activities within Shoreline of Statewide Significance should comply with Section 5.6 Aquatic shoreline environment designation policies and all other appropriate provisions ~~the~~ this Master Program.

Aquatic

Environmental Protection

~~Policy 5.6.9.~~ Policy S-10.9. Shoreline uses and modifications within the Aquatic environment should be designed and managed consistent with the Environmental Protection policies and regulations of Chapter 6 AMC Ch. 19.72, Article 4 – Environmental Protection General Regulations, including, but not limited to, preservation of water quality, habitat (such as eelgrass, kelp, forage fish spawning beaches, etc.), natural hydrographic conditions, and safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.

Shoreline Residential

Uses

~~Policy 5.9.1.~~ Policy S-13.1. Allow residential uses as the primary allowed uses in the Shoreline Residential designation.

~~Policy 5.9.2.~~ Policy S-13.2. Allow limited non-residential uses such as community clubhouse, day cares, home occupation businesses, churches, and bed and breakfasts provided they are consistent with the residential character of the neighborhood.

Policy S-13.3. Other accessory uses subordinate and incidental to water-oriented uses may be considered only when adjacent to existing overwater structures between H Avenue and B Avenue.

Shoreline Goals and Policies - Amendments



Environmental Protection

Impacts, Mitigation, and Bonding

~~Policy 6.3.4.~~ Policy S-16.4. Encourage shoreline developments or activities that serve to enhance ecological functions and/or values and those that protect and/or contribute to the long-term restoration of properly functioning conditions for proposed, threatened, and endangered species consistent with the fundamental goals of this Master Program. Use of creosote and pentachlorophenol treated woods is prohibited. ~~Use of other treated woods (e.g. CZA, ACZA) should be minimized as much as practicable.~~

Critical Areas – General

~~Policy 6.6.3.~~ Policy S-19.3. Provide a level of protection to shoreline-specific critical areas that is equal to or greater than the level of protection provided by the adopted Anacortes critical areas regulations. Recognizing this, the City has ~~incorporated~~ adopted appropriate portions of its critical areas regulations into this Master Program ~~as Appendix A~~ by ordinance.

Frequently Flooded Areas and Tsunami Inundation Areas

~~Policy 6.8.1.~~ Policy S-21.1. Ensure that new development in areas prone to periodic flooding comply with the Frequently Flooded Areas standards in the (Section A-1 of the City's –Critical Areas Regulations as referenced within Section 6.6, Critical Areas – General, AMC 19.70.610~~00~~ 63025, and Floodplain Management Regulations in AMC Chapter 19.74 found in Appendix A) to minimize health hazards and property damage due to flooding.

Shoreline Goals and Policies - Amendments



Use Specific Policies

Aquaculture

~~Policy 8.4.1.~~ Policy S-27.1. Non-commercial aquaculture for recovery of a native population is preferred.

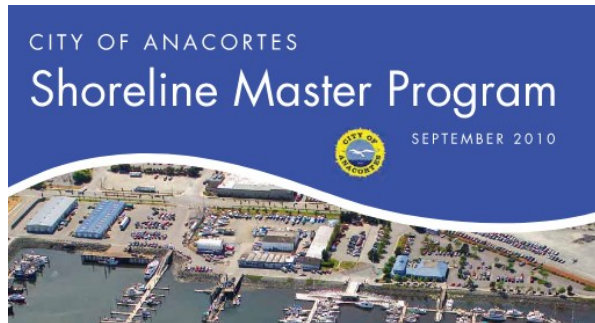
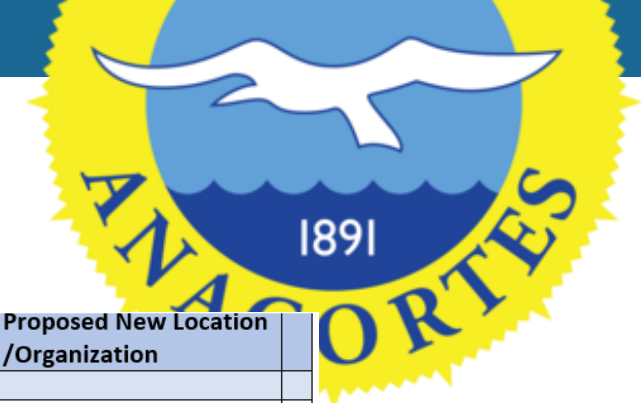
~~Policy 8.4.2.~~ Policy S-27.2. Limit all other aquaculture uses to the Urban ~~and~~ Urban Maritime ~~environments and adjacent~~ Aquatic environments as a Conditional Use.

Residential Development

~~Policy 8.11.4.~~ Policy S-34.4. Ensure that all residential development is designed:

- a. At a level of density of site coverage and occupancy compatible with the physical capabilities of the shoreline area, and consistent with the density provisions of the Anacortes Comprehensive Plan Ordinance No. ~~2757~~ 2982, dated July 18, 2016 and Zoning Unified Development- Code Ordinance No. 27023040, dated July 22, 2019, as amended.
- b. To preserve and enhance existing shoreline vegetation, control erosion and protect water quality, ecological resources and shoreline aesthetics of the shoreline both during and after construction.
- c. To protect public views and provide public access to the shoreline. In accordance with the Public Access policies and requirements in Chapter 7 AMC Ch. 19.72 Shorelines, residential developments of more than four (4) dwelling units should provide dedicated and improved public access to the shoreline.
- d. To preserve natural drainage courses, aquifer recharge areas, and similar ecologically sensitive areas.
- e. Private views of the shoreline, although considered during the review process, are not expressly protected. Property owners concerned with the protection of views from private property are encouraged to obtain view easements, purchase intervening property and/or seek other similar private means of minimizing view obstruction. Residential structures greater than thirty-five feet above average grade level are prohibited, except for a multi-use project containing multi-family residential.
- f. To blend into the site as much as possible.

Relocation of SMP Regulations



← Ch. 18.14

**Chapter 18.16
SHORELINE MASTER PLAN**

Sections:

Article I. In General

18.16.005 Adoption—Copies on file.

Article II. Administration and Permit Procedures

18.16.010 Introduction.

18.16.020 Procedures for processing shoreline permits.

18.16.030 Shoreline exemptions.

18.16.040 Shoreline substantial development permits.

18.16.050 Table of permits and procedures.

18.16.060 Permit application—Forms and contents.

18.16.070 Multiple permits.

18.16.080 SEPA review.

18.16.090 Decision maker approval criteria.

18.16.100 Administrative authority and responsibility.

18.16.110 Appeals.

18.16.120 Application fees.

18.16.130 Duration of permits.

18.16.140 Permit revisions.

Development Regulations

SMP – Existing Organization	Proposed New Location /Organization
Chapter 1 Introduction	
Requirements of the SMP	TBD
The City of Anacortes' Role in Implementing the Shoreline Management Act	TBD
Purposes of the SMP	AMC 19.72.015
Legislative Findings	TBD
How the SMP is Used	TBD
Chapter 2 Scope, Jurisdiction and Exemptions	AMC 19.72 Article
Rule of Liberal Construction	19.72.030 (B) – construed narrow
Applicability	19.72.020
Anacortes Shoreline Jurisdiction	19.72.025
Uses Not Constituting “Development” and Exemptions from Substantial Development Permit Requirements	19.72.030
Developments no Required to Obtain Shoreline Permits or Local Reviews	19.72.035
Relationship to Other Plans and Regulations	19.72.040
Moratoria Authority (NEW)	19.72.045
Chapter 3 Administrative Provisions	AMC 19.72 A
Conditional Use Permits	Possibly inser 18.16.010 he 19.72.210
Variances	19.72.215
Nonconforming Development	19.72.220
Nonconforming Uses	19.72.225
Nonconforming Structures	19.72.230
Nonconforming Lots	19.72.235
Permitting Procedures	19.72.240
Permit Project Procedures (NEW)	19.72.245
Chapter 4 Master Program Elements: Goals & Policies for the Anacortes Shoreline Master Program	Comp Plan –
Introduction	Comp Plan –
Shoreline Use Element	Comp Plan –
Economic Development Element	Comp Plan –
Circulation Element	Comp Plan –
Public Access Element	Comp Plan –
Recreational Element	Comp Plan – Shoreline Element
Conservation Element	Comp Plan – Shoreline Element
Restoration and Adaptive Management Element	Comp Plan – Shoreline Element
Historic, Cultural, Scientific, and Educational Element	Comp Plan – Shoreline Element

Title 19
UNIFIED DEVELOPMENT CODE

Revised

– Division 7. Environment

+ 19.70 Critical Areas

> 19.72 Shorelines

+ 19.74 Floodplain Management

+ 19.76 Stormwater

+ 19.78 Clearing and Grading



AMC 19.72 Shorelines - Organization

- Article 1. General Master Program Provisions
- Article 2. Administrative Provisions
- Article 3. Shoreline Environments & Regulations
- Article 4. Environmental Protection General Regulations
- Article 5. Specific Use Development Regulations
- Article 7. Specific Shoreline Modification Development Regulations
- Article 7. Enforcement and Penalties
- Article 8 – Master Program – Review, Amendments and Adoption
- Article 9. Definitions

19.72 Shorelines – Key to D3 Mark-Ups



Draft 3

Date: September 21, 2022
~~Strikethrough~~ / Underline = Proposed changes
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AMC TITLE 19 DIVISION 7 - ENVIRONMENT

Chapter 19.72, Shorelines, is amended as follows:

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AMC Title 19 Division 7 - Environment i
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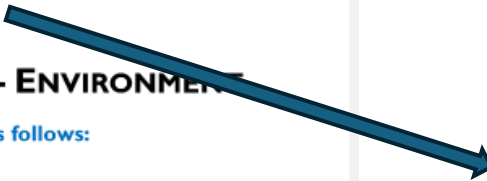
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Draft 3

Date: September 21, 2022
~~Strikethrough~~ / Underline = Proposed changes
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Corresponding Gap Analysis number / explanation of change

19.72.025 – Anacortes Shoreline Jurisdiction

- A. This Master Program ~~must apply~~ applies to all the lands and waters in the City of Anacortes that fall under the jurisdiction of the Shoreline Management Act. Shorelines include the waters within the City limits together with the lands underlying them and all lands extending landward 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark together with any associated wetlands. Shoreline jurisdiction includes all marine waters within the City of Anacortes and the freshwaters of Little Cranberry, Heart, and Whistle Lakes, in addition to a portion of Lake Erie, see SMP Map for details.
- B. ~~There is hereby made a part of this Master Program a map, The “Shoreline Environments Designation Map” within AMC Figure 19.72.325, illustrating shows~~ the shoreline environment designations and the approximate location of the upland extent of ~~the~~ shoreline jurisdiction in Anacortes. The area of shoreline jurisdiction extends waterward to the Anacortes City Limits. The actual landward extent of shoreline jurisdiction will be determined on a case-by-case basis.

~~Where uncertainty or conflict may occur in the exact location of boundaries designating shoreline environments (pursuant to Chapter 19.72.310-365), the map, designation purpose, and designation criteria must be used.~~

Commented [LG1]: Gap Analysis: Table 2-1.2007b

Commented [LG2]: This is duplicated in AMC 19.72.325

19.72 Shorelines – Regulation Amendments



Article 1 – General Master Program Provisions

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- B. ~~There is hereby made a part of this Master Program a map. The "Shoreline Environments Designation Map" within AMC Figure 19.72.325, illustrating shows~~ the shoreline environment designations and the approximate location of the upland extent of ~~the~~ shoreline jurisdiction in Anacortes. The area of shoreline jurisdiction extends waterward to the Anacortes City Limits. The actual landward extent of shoreline jurisdiction will be determined on a case-by-case basis.
- ~~Where uncertainty or conflict may occur in the exact location of boundaries designating shoreline environments (pursuant to Chapter 5AMC 19.72.310-365), the map, designation purpose, and designation criteria must be used.~~
- B.C. Given that the Shoreline Environments Designation Map is an integral part of this Master Program, no part of the map may be altered or revised unless a Master Program amendment has been approved by the City Council and the Washington State Department of Ecology (RCW 90.58.090).

Commented [LG1]: Gap Analysis: Table 2-1 2007b

Commented [LG2]: This is duplicated in AMC 19.72.325

19.72 Shorelines – Regulation Amendments

Article 1 – General Master Program Provisions



- E. **Exemptions to the requirement for a shoreline substantial development permit.** The following must not be considered substantial development for the purpose of this Master Program:
- I. Any development of which the total cost or fair market value, whichever is higher, does not exceed ~~seven thousand forty seven (\$7,047)~~ eight thousand five hundred and four dollars (\$8,504) or as periodically adjusted per RCW 90.58.030(3)(e), if such development does not materially interfere with the normal public use of the water or shorelines of the state. The dollar threshold established in this subsection must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. “Consumer price index” means, for any calendar year, that year’s annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the Bureau of Labor and Statistics, United States Department of Labor. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect. For purposes of determining whether or not a Substantial Development Permit is required, the total cost or fair market value must be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030 (2)(c). The total cost or fair market value of the development must include the fair market value of any donated, contributed or found labor, equipment or materials;

Commented [LG3]: DOE updated threshold effective 7/1/22

19.72 Shorelines – Regulation Amendments

Article 1 – General Master Program Provisions



19.72.045 – Moratoria ~~Authority~~ and Interim Controls

- A. The City has authority to adopt a moratorium control or other interim control on development under RCW 90.58.590.
- B. To adopt a moratorium control or other interim control, the City must:
 - 1. Hold a public hearing on the moratorium or control. The public hearing must be held within sixty days of the adoption of the moratorium or control;
 - 2. Adopt detailed findings of fact that include, but are not limited to justifications for the proposed or adopted actions and explanations of the desired and likely outcomes;
 - 3. Notify the department of Ecology of the moratorium or control immediately after its adoption. The notification must specify the time, place, and date of any public hearing.
 - ~~4.~~ Provide that all lawfully existing uses, structures, or other development will continue to be lawful conforming uses and may continue to be maintained, repaired, and redeveloped, so long as the use is not expanded under the terms of the land use and shoreline rules and regulations in place at the time of the moratorium.
- C. A moratorium or control adopted under this section may be effective for up to six months if a detailed work plan for remedying the issues and circumstances necessitating the moratorium or control is developed and made available for public review.
- D. A moratorium or control may be renewed for ~~one or two more~~ six-month periods if the City complies with the requirements in subsection (B) above before each renewal.

Commented [AC5]: Gap Analysis: Table 2-1 2009c

19.72 Shorelines – Regulation Amendments

Article 2 – Administrative Provisions



19.72.210 – Application Requirements and Procedures

- A. An application for a shoreline permit must be submitted to the Department on forms provided by the Department and include applicable fees and all required information indicated in the application submittal checklist.
- B. Shoreline permit applications are reviewed per the review classification and process matrix in AMC Table 19.20.030-1 and the administrative provisions outlined in this Article 2.
- C. Multiple Shoreline Permits. When multiple shoreline permit types are required for a development, the applicant must submit all shoreline permit requests simultaneously and they must be processed simultaneously by the City.
- D. WSDOT Projects. The City will conduct permit reviews for WSDOT projects involving state highways within 90 days pursuant to RCW 47.01.485.

19.72.215 – Substantial Development Permits

- A. Permit Required. A substantial development permit is required for all proposed use and development of shorelines unless the proposal is specifically exempt pursuant to this Chapter or Chapter 90.58 RCW and Chapter 173-26 WAC, as amended.
- B. Approval Criteria. A substantial development permit may be granted only when the development proposed is consistent with:
 - 1. The policies and procedures of the Shoreline Management Act;
 - 2. The provisions of WAC 173-27; and
 - 3. The Anacortes Shoreline Master Program.

Commented [GL6]: Relocated from AMC 18.16

Commented [GL7]: Gap Analysis: Table 2-1, 2015a

Commented [GL8]: Relocated from AMC 18.16

19.72 Shorelines – Regulation Amendments

Article 2 – Administrative Provisions



refer to the provisions of RCW 90.58.140 for when construction work may begin.

19.72.230 – Conditions Authorized and Bonding

A. When an application does not substantially comply with criteria imposed by this Master Program and the Shoreline Management Act of 1971, the application may be denied or made subject to any terms or conditions that are deemed suitable and reasonable to affect the purpose and objectives of this Master Program.

B. Bonds. An applicant may be required to post a bond or other acceptable financial guarantee in favor of the City of Anacortes to assure full compliance with any terms and conditions imposed on any shoreline permit. Said financial guarantee must be in an amount to reasonably assure the City that any deferred improvement will be carried out within the time stipulated.

19.72.235 – Permit Filing Procedures & Appeals

A. Each permit for a substantial development, conditional use, or variance issued must contain a provision that construction pursuant to the permit must not begin and is not authorized until 21 days from the date of filing as defined in RCW 90.58.140(6) and WAC 173-27-130. In the event of an appeal refer to the provisions of RCW 90.58.140 for when construction work may begin.

B. After all local permit administrative appeals or reconsideration periods are complete and the permit documents are amended to incorporate any resulting changes, the City will mail the permit using return receipt requested mail to the Department of Ecology regional office and the Office of the Attorney General. Projects that require both Conditional Use Permits and or Variances must be mailed simultaneously with any Substantial Development Permits for the project.

1. The permit and documentation of the final local decision will be mailed together with the complete permit application; a findings and conclusions letter; a permit data form (cover sheet); and applicable SEPA documents.

C. Appeals. Consistent with RCW 90.58.140(6), the state's Shorelines Hearings Board twenty-one day appeal period starts with the date of filing, which is defined below:

Commented [GL13]: From AMC 18.16

Commented [GL14]: From AMC 18.16

1. For projects that only require a Substantial Development Permit: the date that Ecology receives the City's decision.
2. For a Conditional Use Permit (CUP) or Variance: the date that Ecology's decision on the CUP or Variance is transmitted to the applicant and the City.
3. For SDPs simultaneously mailed with a CUP or Variance to Ecology: the date that Ecology's decision on the CUP or Variance is transmitted to the applicant and the City.

19.72.240 – Permit Revisions

A. When an applicant proposes changes to the design, terms, or conditions of an approved permit, the applicant must submit a request for permit revision. Changes are "substantive" if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, this master program, or the Act. If the administrator determines that the changes proposed are not "substantive," he or she may waive the requirement for approval of the revisions.

B. When a permit revision is required, the applicant must submit detailed plans and text describing the proposed changes. If the administrator determines that the revisions proposed are within the scope and intent of the original permit, consistent with WAC 173-27-100, the administrator may approve the revision. "Within the scope and intent of the original Permit" means all of the following:

1. No additional over-water construction is involved, except that pier, dock, or float construction may be increased by five hundred square feet or ten percent, whichever is less;
2. Ground area coverage and height is not increased more than ten percent;
3. The revision does not authorize development to exceed height, setback, lot coverage, or any other requirement of the City of Anacortes Shoreline Master Program. Exceeding these standards requires approval of a variance;
4. Additional or revised landscaping is consistent with any conditions attached to the original permit and this master program;
5. The use authorized by original permit is not changed;
6. No significant adverse environmental impact will be caused by the project revision; and
7. If the sum of the proposed revision and any previously approved revisions do not meet the criteria above, an application for a new shoreline permit must be submitted. If the revision involves a conditional use or variance, which was conditioned by the Department of Ecology, the revision also must be reviewed and approved by the Department of Ecology (see WAC 173-27-100).

C. Notice of Revisions and Decisions. Parties of record must be provided notice of any proposed revision as well as the final decision on any revision application.

D. Appeals. The City of Anacortes or the Department of Ecology decision on permit revisions may be appealed within twenty-one days of such decision, in accordance with RCW 90.58.180 and WAC 173-27-100(8).

E. Revised permits are effective immediately upon final decision of the administrator and/or the Department of Ecology. Construction allowed by the revised permit, that is not authorized under the original permit, is undertaken at the applicant's own risk until the expiration of the appeals deadline. Approvals of revisions do not extend the effective date of the permit.

Commented [GL15]: From AMC 18.16

19.72 Shorelines – Regulation Amendments

Article 2 – Administrative Provisions



19.72.255~~350~~ - Nonconforming Structures

~~5.6.~~ State Ferry Terminal the existing developed footprint, except for infill between the toll booth area in the lowest parking lot, hillside walking paths, and a hillside side slope along the western side of the main terminal parking lot, and including all associated parking, at the Washington State Ferry Terminal facility. **must not be increased.** Redevelopment may occur provided there is no net loss of ecological function and value in the adjacent buffer areas for Cannery Pond and Ship Harbor Interpretive Preserve wetlands.

Commented [LG16]: Ecology Initial Determination

19.72 Shorelines – Regulation Amendments

Article 3 – Shoreline Environments & Regulations



19.72.325 – Official Shoreline Environments Designation Map

A. Map Established. The location and extent of areas under the jurisdiction of this Master Program, and the boundaries of the various shoreline environments affecting the lands and waters of the City are shown on the “Official Shoreline Environments Designation Map, City of Anacortes, Washington”, located in AMC 19.72.325(D), below. The official shoreline map and all the notations, references, and amendments thereto and other information shown thereon are hereby made a part of this Master Program, just as if such information set forth on the map were fully described and set forth herein.

File Copies. The official shoreline map shall be kept on file in the office of the City of Anacortes Planning Department, the Washington State Department of Ecology, and the Washington State Code reviser. Unofficial copies of the map may be prepared for administrative purposes.

B. Map Amendments. The Official Shoreline Environments Designation Map is an integral part of this Master Program and may not be amended except upon approval by the City and the Washington State Department of Ecology, as provided under the Shoreline Management Act.

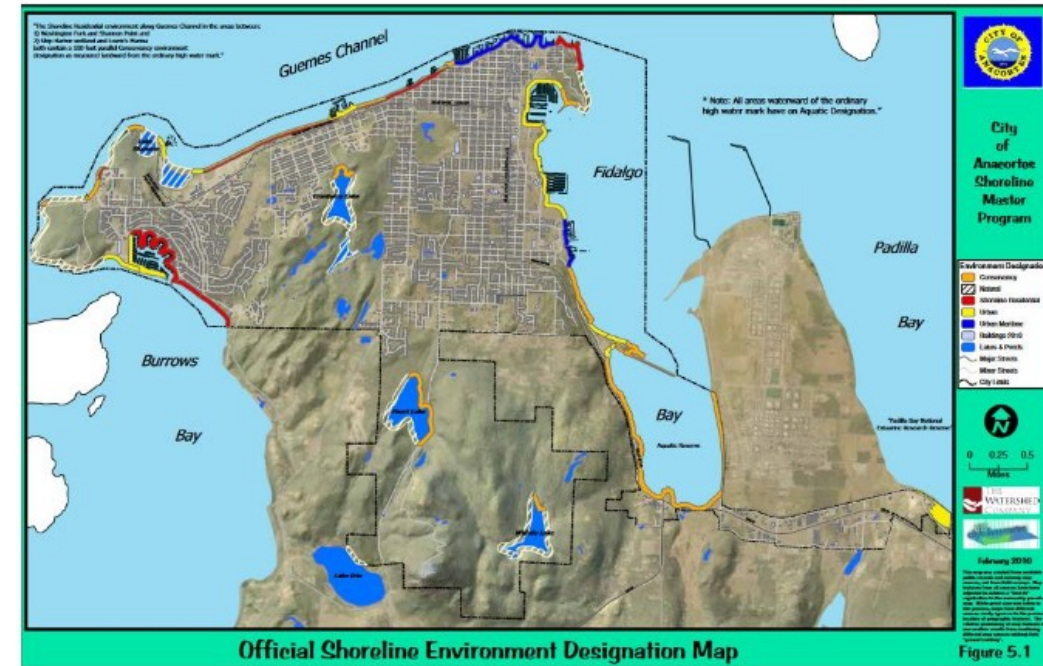
C. Boundary Interpretation. Where uncertainty or conflict may occur in the exact location of a jurisdictional boundary line, the Shoreline Administrator must rely upon the criteria contained in RCW 90.58.030(2) and chapter 173-22 WAC pertaining to determinations of shorelands, as amended, rather than the incorrect or outdated map. Where uncertainty or conflict may occur in

the exact location of boundaries designated shoreline environments (pursuant to AMC 19.72.310-365) the map, designation purpose, and designation criteria must be used. Undesignated areas within shoreline jurisdiction will be designated Conservancy.

D. Official Shoreline Environments Designation Map.

[VIEW the proposed AMENDMENTS to shoreline environment designations [HERE](#).]

THE 2010 MAP BELOW WILL BE UPDATED PRIOR TO SMP ADOPTION



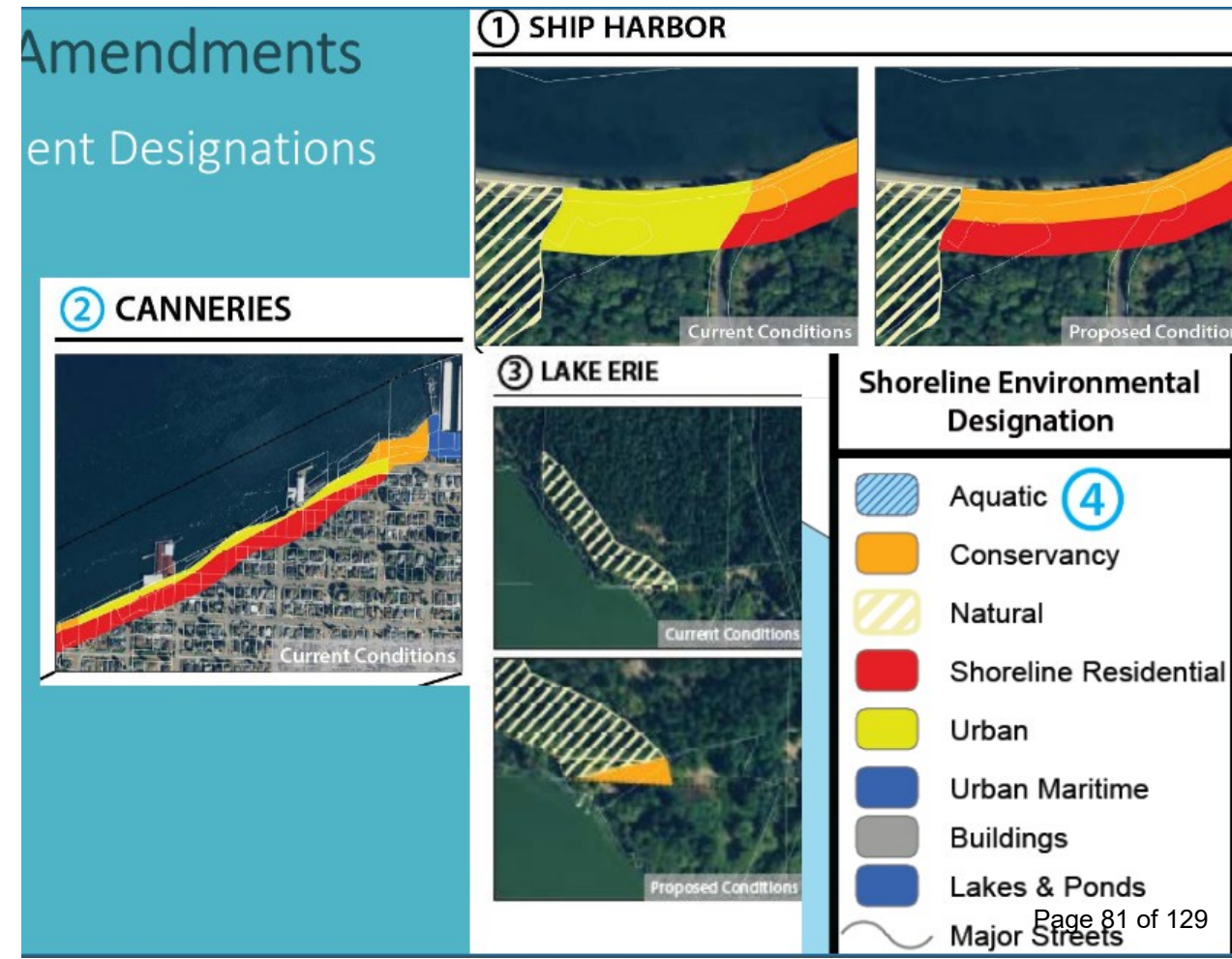
19.72 Shorelines – Regulation Amendments

Article 3 – Shoreline Environments & Regulations



Shoreline Environment Designations

1. Ship Harbor – Urban to Shoreline Residential/Conservancy
2. Canneries – Urban designation (no change)
3. Lake Erie – Natural to Conservancy designation
4. Aquatic designation – map correction



19.72 Shorelines – Regulation Amendments

Article 3 – Shoreline Environments & Regulations



19.72.335 – Aquatic

A. Applicability. In addition to the aquatic policies and regulations set forth below, proposals involving areas seaward of extreme low tide must comply with the policies for Shorelines of Statewide Significance (section 19.72.97.210330 above and the Shoreline Element of the Comprehensive Plan).

A. Purpose. The purpose of the Aquatic designation is to protect, restore and manage the unique characteristics and resources of marine waters, including habitat, ecology, navigation and public enjoyment.

D. Development Regulations

I. Uses

- a. Prohibited, conditionally permitted, and allowed uses are generally identified in Table 5.1.19.72.365(A) in ~~Section 5.12~~ AMC 19.72.365 of this Master Program. In addition:
 - i. Water-dependent uses (e.g., water-dependent recreation and moorage) that are neither prohibited by the adjoining upland environmental designation nor associated with over-water structures are allowed. (For uses involving over-water structures see "New over-water structures" and "~~Historic~~ Reuse of Historic Over-Water Structures" above and below).
 - ii. Water-oriented ~~recreational~~ uses must be low to moderate in intensity.
- b. The over-water footprint ~~shall~~ must be designed and located to reduce associated environmental impacts. Strategies may include limiting the size of the footprint to that necessary to support the structure's intended use and/or extending the structure waterward to avoid shading of critical habitat.
- c. Where feasible, over-water facilities ~~shall~~ must be designed to accommodate multiple uses consistent with the Aquatic designation as a means of reducing the cumulative effects of numerous structures; cost factors are to be included in the definition of feasible.

Commented [GL20]: Gap Analysis: Table 5-1, #3

Commented [GL21]: Gap Analysis: Table 5-1, #3

19.72 Shorelines – Regulation Amendments

Article 3 – Shoreline Environments & Regulations



19.72.335 – Aquatic

2. **Reuse of Historic Over-water Structures.** The Shoreline Management Act allows for protection and restoration of historical buildings and the City of Anacortes Comprehensive Plan encourages adaptive reuse of historically significant structures. Several such structures exist along the City's shoreline. These structures include traditional over-water structures (e.g., Nelbro Cannery). The following regulations apply to proposals involving a new, water-enjoyment and/or water-oriented use on an existing structure. (See also AMC 19.72.~~2250~~245 - ~~2350~~260 and 19.72.915- Definitions).
 - a. Water-enjoyment uses open to the general public may be permitted as a conditional use on historic over-water structures provided the following conditions are met:
 - i. The structure is documented on the City's local historic register as a contributing structure.
 - ii. Whenever redevelopment is proposed, the redevelopment proposal must have overall environmental benefits that are greater after the redevelopment or expansion than before, and the applicant ~~shall~~ must document how the development will improve shoreline ecological functions. The historic over-water footprint may be altered provided that the revised footprint reduces associated environmental impacts (e.g., a reduced footprint, a design incorporating grates to allow light to penetrate, or even extension of the dock). Minor expansion of existing over-water structures may be permitted when necessary to provide public access where it is currently lacking, for

Commented [GL22]: Gap Analysis: Table 5-1 #3

19.72 Shorelines – Regulation Amendments

Article 3 – Shoreline Environments & Regulations



19.72.335 – Aquatic

returpished historical over-water structures.

- b. Re-use of historic structures for aquaculture purposes shall must be consistent with provisions under AMC 19.72.525, Aquaculture, and WAC 173-26-241(3)(b) Aquaculture Standards, which minimizes overall visual impact to the greatest extent possible.
3. Design Elements for all over-water structures
 - a. All structures that could interfere with navigation shall must be marked in accordance with the Coast Guard Private Aids to Navigation.
 - b. Aquatic developments shall must not be approved in narrow channels, shipping lanes, or in other areas where they are a significant hazard to navigation.

Commented [GL23]: Gap Analysis: Table 5-1, #3; Port of Anacortes Comment

19.72 Shorelines – Regulation Amendments

Article 3 – Shoreline Environments & Regulations



19.72.345 – Conservancy

E. Design Elements

1. For all residential development within shoreline jurisdiction, the area of impervious surfaces (including parking areas, but excluding required right-of-way improvements) to be developed within shoreline jurisdiction ~~shall be~~ **must be** limited by the slope of the lot as specified in the following table. Preferential use of Low Impact Development (LID) in sensitive shorelines areas ~~shall be~~ **is** required. The lot calculation includes the subject property within shoreline jurisdiction landward of the ordinary high water mark.

Commented [GL24]: Gap Analysis: Table 5.1, #11

- a. Table 19.72.345 – Impervious limits based upon percent slope

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

- b. Areas waterward of the ordinary high water mark and areas of marine bluffs, steep slopes, and wetlands ~~must~~ **shall** not be included to calculate land area. For example, only the ~~buildable~~ remaining area landward of the marine bluff edge ~~shall~~ **may** be used in the calculation. Any increases beyond these percentages of impervious surfaces ~~shall~~ require a Shoreline Variance.

Commented [GL25]: Gap Analysis: Table 5.1, #11

F. Legal Description

4. Guemes Channel – West of Lovric's: Beginning at a point ~~803-565~~ feet West of the intersection of Parcel #~~31666-31575~~ and Parcel #~~31669~~ City Right of Way, thence North and East along the shoreline ~~6,175-740~~ feet to a point at the intersection of Parcel #31732 and Parcel #31739. This area is all within 100 feet of the OHWM.

Commented [GL26]: Gap Analysis: Table 4-1 #2

5. Guemes Channel – East of Lovric's: Beginning at the intersection of Parcel #31705 and Parcel

15. Lake Erie: The southernmost point of City Limits, extending 200 feet east from the Lake Erie OHWM to capture portions of Parcels #19152 (5022 Lake Erie Way Anacortes, WA 98221) and #19152.

Commented [GL27]: Gap Analysis: Table 4-1 #4

19.72 Shorelines – Regulation Amendments

Article 3 – Shoreline Environments & Regulations



19.72.350 – Shoreline Residential

4. Design Elements

- a. For all residential development within shoreline jurisdiction, the area of impervious surfaces (including parking areas, but excluding required right-of-way improvements) to be developed within shoreline jurisdiction ~~shall~~ **must** be limited by the slope of the lot as specified in the following table. The lot calculation includes the subject property within shoreline jurisdiction landward of the ordinary high water mark.

Table ~~19.72.350-3(A)~~ - Impervious limits based upon percent slope

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

- i. Areas waterward of the ordinary high water mark and areas of marine bluffs, steep slopes, and wetlands ~~shall~~ **must** not be included to calculate land area. For example, only the ~~buildable~~ remaining area landward of the marine bluff edge ~~shall be~~ **may be** used in the calculation. A Shoreline Variance is required for reduction of dimensional standards.

Commented [GL28]: Gap Analysis: Table 5-1, #11

Commented [GL29]: Gap Analysis: Table 5-1, #11

19.72 Shorelines – Regulation Amendments

Article 3 – Shoreline Environments & Regulations



19.72.350 – Shoreline Residential

E. Accessory Uses Supporting Existing Over-Water Structures

I. Guemes Channel, between H Avenue and B Avenue, contains two existing over-water structures within the adjacent Aquatic designation. Accessory uses necessary to support water-oriented use of these existing over-water structures may be located in the adjacent Shoreline Residential environment, subject to the following standards, in addition to conformance with all other applicable SMP goals, policies and regulations:

The accessory use and associated improvements must:

- a. Be demonstrably subordinate and incidental to the permitted primary water-oriented use of the over-water structure and functionally support its activity;
- b. Be located on land under the same ownership or leasehold as the over-water structure the accessory use is supporting;
- c. Conform to the applicable standards in AMC 19.72.365 Table(B) Shoreline Development Standards Matrix, EXCEPT that accessory uses are not subject to maximum impervious surface limits, and the minimum setback for non-water-dependent accessory uses is 25';
- d. For accessory parking, the applicant must provide a public access easement in a form acceptable to the Shoreline Administrator;
- e. The shoreline permit process for the accessory use must follow that as shown in AMC 19.72.365 Table(A) Shoreline Use and Modification Matrix for the primary water-dependent or water-oriented use within the Aquatic shoreline environment designation.

Commented [AC30]: Ecology Initial Determination

19.72 Shorelines – Regulation Amendments

Article 3 – Shoreline Environments & Regulations



19.72.350 – Shoreline Residential

G.F. Legal Description

3. Guemes Channel – West of Lovric's: Beginning at a point ~~803~~ 525 feet West of the intersection of Parcel #~~31666~~ 101413 and City Right of Way Parcel #31669, thence North and East ~~6,685~~ 7,210 feet to a point 510 feet East of the intersection of Parcel #31732 and Parcel #31739. This area is 100 feet inland of the OHWM and 100 feet deep.

Commented [GL31]: Gap Analysis: Table 4-1, #3

4. Guemes Channel – East of Lovric's: Beginning at the intersection of Parcel #31705 and Parcel #31703, thence North and East 4,602 feet to the intersection of Parcel #31523 and Parcel #31540. The West 1,413 feet are 150 feet off the OHWM and 50 feet deep. The East ~~3,189~~ 562 feet are 50 feet off the OHWM and 150 feet deep. The East 2,627 feet is all within 200 feet of the OHWM.

Commented [GL32]: Gap Analysis: Table 5-1, #3, Response to Public Comment

19.72 Shorelines – Regulation Amendments

Article 3 – Shoreline Environments & Regulations



19.72.355 – Urban

D. Development Regulations

I. Uses

- a. Prohibited and allowed uses are generally identified in Table 5-1 [19.72.365\(A\)](#) in ~~Section 5-12~~ [AMC 19.72.365](#) of this Master Program. In addition:
 - i. Mini-storage is prohibited.
 - ii. Radio and television towers as a primary use are prohibited.
- b. Development that can be classified as a water-dependent, water-related, or water-enjoyment use ~~shall be~~ permitted.
- c. A limited range of non-water-oriented development, open to the general public, while not preferred, may also be authorized as a conditional use provided said development:
 - i. Conforms with the criteria set forth for conditional uses in ~~Section 3-1~~ [AMC 19.72.2+20](#);
 - ii. Is designed and located in manner that capitalizes on shoreline views and is compatible with water-oriented uses;
 - iii. Makes provisions for the public access and enjoyment consistent with this Master Program; and
 - iv. Is part of a mixed-use development or the parcel is separated from the water. (See WAC 173-26-211(5)(d)(ii)(A)).

- d. Multi-family residential or transient accommodation (hotel and motel) uses may be permitted provided they meet the requirements for non-water-oriented uses listed in subsections ~~(a)-(iv)~~ of ~~DR 5-10.3~~ [AMC 19.72.355\(c\)](#) and further that said use meets the following terms:
 - i. Public access and enjoyment ~~shall~~ [must](#) be the primary design consideration. Private and public space shall be appropriately separated through sensitive design.
 - ii. The development ~~shall~~ [must](#) be a mixed use project.
 - iii. A maximum of 50% of total floor area may be devoted to multifamily residential and/or transient accommodations; provided that up to an additional 25% of total floor area may be devoted to multifamily residential and/or transient accommodations upon obtaining a waiver under section [vi.f](#) below.
 - iv. The floor area not devoted to multifamily residential and/or transient accommodations ~~shall~~ [must](#) be used as follows:
 - (1) No less than 25% of the total floor area of the development ~~shall~~ [must](#) be devoted to water-oriented uses unless a Conditional Use Permit is obtained under section [vi.f](#) below.
 - (2) The remaining floor area ~~shall~~ [must](#) be devoted to non-water-oriented uses accessible to the general public (e.g., retail, personal services, recreational and cultural uses) excluding transient accommodations.
 - v. [Ground floor residential uses must meet zoning code compliance under AMC 19.61. Block Frontage Standards.](#) ~~may only be placed above a commercial ground floor.~~

Commented [GL33]: Gap Analysis: Table 4-1, #6

19.72 Shorelines – Regulation Amendments

Article 3 – Shoreline Environments & Regulations



19.72.355 – Urban

E. Legal Description

1. Skyline Area: Beginning at the intersection of Parcel #60074 or 5801 Kingsway and Parcel #60075 or 1901 Skyline Way, thence following the shoreline around Flounder Bay and Burrows Strait a length of 6,462 feet to the intersection of Parcel #32465 or 5919 Cabana Lane and Parcel #32464. This area is all within 200 feet of the OHWM.
2. Ship Harbor: Beginning at the intersection of Parcel #31667 and Parcel #31666, thence East along the shoreline of Guemes Channel 554 feet to a point 803 feet West of the intersection of Parcel #31666 and Parcel #31669. This area is all within 200 feet of the OHWM.
3. Guemes Channel – Lovric's: Beginning at the intersection of Parcel #31732 and Parcel #31739, thence East along the shoreline of Guemes Channel to the intersection of Parcel #31705 and Parcel #31703. This area is all within 200 feet of the OHWM except for the West 500 feet which is only 100 feet off the OHWM.
4. Cap Sante Basin – Fidalgo Bay - South to 34th St.: Beginning at the intersection of Parcel #56900 and Parcel #56897, thence North, West, and South along the shoreline 11,733 feet to a point at the intersection of Parcel #119601 and Parcel #33196. This area is all within 200 feet of the OHWM.
5. Fidalgo Bay - Weaverling Spit – North Side: Beginning at the intersection of Parcel #33202 and Parcel #33203, thence South and East along the shoreline 1,770 feet to a point at the intersection of Parcel #33440 and Parcel #33439. This area is all within 200 feet of the OHWM.
6. Fidalgo Bay - Weaverling Spit – South Side: Beginning at the intersection of Parcel #33445 and Parcel #112900, thence West and South along the shoreline 670 feet to a point at the intersection of Parcel #33271 and Parcel #33268. This area is all within 200 feet of the OHWM except for the East 462 feet that are off the OHWM 150 feet and 50 feet deep.
7. Padilla Bay – South March's Point Road Beginning at the intersection of Parcel #19713 and March's Point Road, thence East and North approximately 1,750 feet along the shoreline to a point at the intersection of Parcel #19676 and #19761.

Commented [GL34]: Removed "Ferry Terminal" description. Gap Analysis: Table 4-1, #2

Commented [GL35]: Removed "Guemes Channel B-H Ave. description. Gap Analysis: Table 5-1, #3, Response to public comment

Commented [GL36]: Gap Analysis: Table 2-1 2007b

19.72 Shorelines – Regulation Amendments

Article 3 – Shoreline Environments & Regulations



19.72.365 – Shoreline Use and Modification Matrix and Development Standards

A. Shoreline Uses and Modifications Matrix

- I. Table ~~19.72.365(A) 5-1~~ identifies new land uses and shoreline modifications in the shoreline jurisdiction and the type of use approval required. Additional detail that supplements Table ~~5-1~~ ~~19.72.280~~ ~~365(A)~~ may be found in ~~Chapters 5~~ ~~AMC 19.72.310-365~~ Article 3, Shoreline Environments and Regulations, ~~8~~ Article 5, Specific Use Development Regulations AMC 19.72.510-575, and Article 6, Specific Shoreline Modification Development Regulations, AMC 19.72.610-660. Uses, developments or modifications not listed in Table 19.72.365(A) Table 5-1 or otherwise permitted in the applicable sections of this Master Program must will be considered 'unclassified' and ~~must will be~~ processed as Conditional Uses. Accessory uses ~~must will be~~ are subject to the same shoreline permit process as ~~its~~ their primary use, unless explicitly stated otherwise in Table 19.72.365(A) Table 5-1 or in AMC 19.72.510-575, and AMC 19.72.610-660 ~~Chapters 8 or 9~~ Articles 5 or 6. Where there is a conflict between the chart and the written provisions in this SMP, the most protective of shoreline resources must will apply.

10. Where a use or modification may occur in the Aquatic environment as indicated in Table ~~5-1~~ 19.72.365(A) and in the corresponding regulations for that use, it must will also be subject to any more restrictive permit processes or prohibitions on that use or modification as indicated for the adjacent shoreland environment, except for the re-use of historic over-water structures.

Commented [GL37]: Gap Analysis: Table 5-1 #3

19.72 Shorelines – Regulation Amendments

Article 3 – Shoreline Environments & Regulations



19.72.365 – Shoreline Use and Modification Matrix and Development Standards

A. Shoreline Uses and Modifications Matrix

Table 19.72.365(A) Shoreline Use and Modification Matrix

The chart is coded according to the following legend.	Natural	Conservancy	Shoreline Residential	Urban	Urban Maritime	Aquatic
P = Permitted, when meeting requirements for that use and shoreline area, may be subject to Shoreline Substantial Development Permit or shoreline letter exemption requirements						
C = Conditional Use, when approved by the City and Department of Ecology						
X = Prohibited; the use is not eligible for a Variance or Conditional Use Permit						
Shoreline Uses						
Advertising and Signs	X	P	P	P	P	P
Agriculture	X	X	X ¹	X ¹	X	X
Aquaculture						
Non-commercial aquaculture for recovery of a native population	C	C	P	P	P	P
All other aquaculture	X	X	X	C	C	X ⁵
Commercial Development						
Water-dependent	X	X	P ³	P	P	C
Water-related	X	X	P ³	P	P	C
Water-enjoyment	X	X	P ³	P	P	C
Non-water-oriented	X	X	P ³	C	C	X
Forest Practices⁶	X	C	X	X	X	X
Industrial and Port Facilities						
Water-dependent	X	X	X	P	P	P
Water-related	X	X	X	P	P	C
Non-water-oriented	X	X	X	C	C	X
Marinas	X	X	X	P	P	P
Minina	X	X	X	X	X	X

Commented [AC38]: Gap Analysis: Table 5-1 #3

Commented [AC39]: Gap Analysis: Table 2-1 2017e

19.72 Shorelines – Regulation Amendments

Article 3 – Shoreline Environments & Regulations



Table [19.72.365\(A\)](#) Shoreline Use and Modification Matrix

- 1 Home gardens associated with a single-family residence are allowed in the shoreline residential and urban environment.
- 2 Those structures installed to protect or restore ecological functions may be processed as a Substantial Development Permit.
- 3 Except for marinas, only commercial uses that are incidental to the primary residential use and are compatible with the residential character of the neighborhood, such as home occupations and bed and breakfast inns, may be permitted.
- 4 Private piers are only permitted in single-family residential use areas within Flounder Bay and along Cap Sante. All other residential piers are prohibited.
- 5 Some above-water aquaculture projects may be allowed as a conditional use in limited circumstances per ~~SMP Section 8-4~~ [AMC 19.72.525](#).
- 6 A forest practice that only involves timber cutting is not a development under the act and does not require a shoreline Substantial Development Permit or a shoreline [letter of exemption](#). A forest practice that includes activities other than timber cutting may be a development under the act and may require a Substantial Development Permit, as required by [WAC 222-50-020](#).
- 7 So long as provisions within AMC Chapter 19.64, Parking are met, and a public access easement, to the satisfaction of the Shoreline Administrator, is provided.

Commented [GL40]: Gap Analysis: Table 5-1 #3

Commented [AC41]: Gap Analysis: Table 2-1 2017e

19.72 Shorelines – Regulation Amendments

Article 3 – Shoreline Environments & Regulations



19.72.365 – Shoreline Use and Modification Matrix and Development Standards

^AB. Development Standards

2. Building Height. No building or structure in shoreline jurisdiction may exceed the height limits indicated in [Table 5-2](#) 19.72.365(B), except as allowed per subsection (2)(g). In calculating the height of a building, the following measurement methods must be used:
 - a. For a lot that slopes uphill from, or remains at the same elevation as, the property line at the front (street) of the building, the building height is measured to the highest point of the structure from the average of the natural or existing topography at the foundation at the front (street side) of the building.
 - b. For a lot that slopes downhill from the property line at the front (street) of the building, the building height is measured to the highest point of the building from the average grade level directly under the building.
 - c. For a lot that has frontage on two or more streets and the lot slopes downhill from the property line on either street frontage, the building height is measured to the highest point of the building from the average of the natural grade directly under the building.
 - d. For purposes of a-c above:
 - i. Calculation of the average topography is made by averaging the elevations of the center of all exterior walls of the proposed structure.
 - ii. Natural or existing topography is the topography of the land immediately prior to any site preparation, grading, excavation, or filling. Where land is regraded for 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.
 - e. For over-water structures, height is measured to the highest point of the structure from the ordinary high water mark elevation.
 - f. For wireless service facilities and emergency communication facilities, structure height is measured from the lowest pre-existing ground level within the footprint of the facility to the highest point on the facility, including but not limited to the antenna or antenna array.
 - g. Exceptions: The following structures may be erected above the height limits established in [Table 5-2](#) 19.72.365(B) below:
 - i. Cranes, gantries, mobile and fixed conveyors and similar equipment necessary for the functions of marinas, marine manufacturing, permitted commercial, industrial or port activities and servicing vehicles.

Commented [AC42]: Gap Analysis: Table 5-1 #4

Commented [AC43]: Ecology Initial Determination

19.72 Shorelines – Regulation Amendments

Article 3 – Shoreline Environments & Regulations



19.72.365 – Shoreline Use and Modification Matrix and Development Standards

~~iv. The Shoreline Variance criteria in Section 3.2(C) of this SMP.~~

Table 19.72.365(B) Shoreline Development Standards Matrix

Environment Designation	Min. Resid. Lot Size (sq.ft.)	Lot Coverage % of Area ¹	Max. Height	Setback ²	
				Water-Dependent	Non-Water-Dependent
Shoreline Residential					
Burrows Bay (between east end of Croatian Way and Skyline Way)	7,500	35% ³	35'	0'	25'
All other remaining areas	6,000 or 7,500	35% ³	35'	0'	60' ⁵
Urban					
Burrows Bay (Skyline Marina to Washington Park)	Per Zoning	50%	35'	0'	25'
All other remaining areas	Per Zoning	50%	50' ⁶	0'	25'
Urban Maritime	NA	50%	50' ⁶	0'	25'
Conservancy	Per Zoning	25% ³	25'	0'	100'
Natural	NA	NA	NA	0'	100'
Aquatic	NA	NA	-- ⁴	NA	NA

Commented [AC44]: Ecology Initial Determination

Commented [AC45]: Gap Analysis: Table 4-1 #4

¹ Lot Coverage: Buildings or structures in the Shoreline Area must not occupy a greater percentage of a lot than indicated.
² Setback: Setback must be the minimum distance measured in feet from the ordinary high water mark on a horizontal plane perpendicular to the shoreline.

19.72 Shorelines – Regulation Amendments

Article 3 – Shoreline Environments & Regulations



19.72.365 – Shoreline Use and Modification Matrix and Development Standards

Table 19.72.365(B) Shoreline Development Standards Matrix

- 1 Lot Coverage: Buildings or structures in the Shoreline Area must not occupy a greater percentage of a lot than indicated.
- 2 Setback: Setback must be the minimum distance measured in feet from the ordinary high water mark on a horizontal plane perpendicular to the shoreline.
- 3 The impervious surface limits on residential development located in ~~Chapter 5, Sections 5.8~~ [AMC 19.72.345](#) and [AMC 19.72.350](#) ~~5.9~~, supersede general lot coverage standards in this table. [Parking lots, if permitted under AMC Table 19.72.365\(A\) and AMC 19.72.350\(E\) as accessory to legally existing adjacent to pre-developed Aquatic Designations containing over-water structures or uses in the Aquatic Designation, are exempt from this requirement.](#) ~~Parking lots, if permitted under Table 5.1 as adjacent to pre-developed Aquatic Designations containing overwater structures, are exempt from this requirement.~~
- 4 See adjacent upland designation.
- 5 See ~~DR 5.9~~ [AMC 19.72.350\(D\)](#) for setback reduction criteria, if applicable.
- 6 [Structures over 35 feet must demonstrate that they will not](#) ~~No permit shall be issued pursuant to Table 5.2 for any new or expanded building or structure of more than thirty-five feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines, except where a master program does not prohibit the same and then only when overriding considerations of the public interest will be served. Per~~ [consistent with](#) RCW 90.58.320 and View Protection/Aesthetics regulation ~~DR 6.4.18~~ [AMC 19.72.425 A.6\(c\)](#) ~~160(C)~~.

Commented [AC46]: Ecology Initial Determination

Commented [AC47]: Gap Analysis: Table 4-1 #4

Commented [AC48]: Gap Analysis: Table 5-1 #4, Ecology Initial Determination

19.72 Shorelines – Regulation Amendments

Article 4 – Environmental Protection General Regulations



19.72.410 – ~~Introduction~~ Applicability

The intent of these regulations is to provide policies and regulations that protect the shoreline environment as well as the critical areas found within the shoreline jurisdiction. These policies and regulations apply to all uses, developments and activities that may occur within the shoreline jurisdiction regardless of the Shoreline Master Program environment designation. They are to be implemented in conjunction with the specific use and activity policies and regulations found in this Master Program.

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

The environment protection policies and regulations of this Master Program address general environmental impacts, ~~and~~ critical areas, and sea level rise due to climate change. General environmental impacts include effects upon the elements of the environment listed in the State Environmental Policy Act (SEPA) (WAC 197-11-444). These regulations are not intended to limit the application of SEPA.

Commented [LG49]: 2022 Public Comment

19.72 Shorelines – Regulation Amendments

Article 4 – Environmental Protection General Regulations



19.72.415 – Organization

These regulations first present general environmental ~~policies and~~ regulations including analysis of impacts, mitigation, bonding, and monitoring. Second, ~~policies and~~ regulations protecting the broad elements that comprise the shoreline environment (e.g., earth, air, and water) are provided. Third, [this article](#) presents ~~general and~~ specific ~~policies and~~ regulations for “critical areas” including: wetlands, geologically hazardous areas, frequently flooded areas, and fish and wildlife habitat conservation areas, ~~including exclusions where the AMC 19.70, Ordinance #, dated , Critical Areas Regulations do not apply within shoreline jurisdiction,~~ as described under ~~Section 6.6~~ [AMC 19.72.435 Critical Areas—General](#). Regulations for the protection of critical aquifer recharge areas are ~~dealt with~~ [addressed](#) under ~~AMC Chapter 19.70, Ordinance #, Critical Areas Regulations~~ [AMC 19.72.435 Critical Areas, as well](#). And finally, [this article](#) presents policies and regulations for conservation of vegetation in shoreline jurisdiction.

Commented [AC50]: Gap Analysis: Table 3-1 #1, Table 3-1 #3, Ecology Initial Determination

19.72 Shorelines – Regulation Amendments

Article 4 – Environmental Protection General Regulations



19.72.420 – Impacts, Mitigation, Bonding

A. Development Regulations

2. Mitigation

a. In addition to the requirements for critical areas reports contained in the Critical Areas Regulations, ~~Ordinance #XX, dated XX, found under AMC 19.70~~ AMC 19.72.435, the mitigation plan must address the following:

Commented [AC51]: Gap Analysis: Table 3-1 #1

c. An erosion and sedimentation control plan must be submitted with a permit application for activities that involve the removal of vegetation, stockpiling of earth or other materials, or any activity that could result in shoreline erosion or siltation. Said program must conform to AMC 19.76, Stormwater, and AMC 19.78, Clearing and Grading, to utilize Best Management Practices (BMPs) to prevent shoreline erosion and siltation.

3. Noise.

a. Noise emanating from a shoreline use/activity must be muffled so as to not to interfere with the designated use of adjoining properties. This determination must take into consideration ambient noise levels, intermittent beat, frequency, and shrillness. Shoreline developments/activities must comply with the maximum permissible noise levels and time limits set forth in Anacortes Municipal Code Chapter 19.69, Standards, Generally. Exception: This regulation does not apply to fog horns, tsunami warning or other emergency warning systems.

Commented [AC52]: Gap Analysis: Table 4-1 #10

19.72 Shorelines – Regulation Amendments

Article 4 – Environmental Protection General Regulations



19.72.435 – Critical Areas – ~~General~~

A. **General Regulations.** The City's Critical Areas Regulations as adopted under Ordinance #3064, dated July 26, 2021, and AMC 19.70 are hereby incorporated into this Master Program by reference with the following exclusions:

Commented [LG53]: Critical areas regulation references, including ordinance number and adoption date, will need to be updated prior to SMP adoption.

Commented [GL54]: Gap Analysis: Table 3-1 #1

8. 19.70.330(C), Fish and wildlife habitat – Specific Standards for streams, Buffer Reduction Standards.

Commented [AC55]: Ecology Initial Determination

9. 19.70.330(E), Fish and wildlife habitat – Specific Standards for streams, Functionally Separated and Isolated Stream Buffers.

~~7-10.~~ 19.70.425(B) Geologically hazardous areas – General development standards, Exemptions.

Commented [AC56]: Gap Analysis Table 3-1 #1

~~8-11.~~ Any provision of the Critical Areas Regulations that is not consistent with the Shoreline Management Act Ch. 90.58 RCW, and supporting Washington Administrative Code chapters, does not apply in shoreline jurisdiction. Non-applicable provisions include those related to procedural/permit processes, non-conforming structures/uses, appeals, and enforcement.

B. Fish and Wildlife Habitat Conservation Areas

1. Applicability. This section provides ~~policies and~~ regulations that apply to fish and wildlife habitat conservation areas, including critical saltwater and freshwater habitats as defined by WAC 173-26-221(2)(c)(iii) and (iv). These ~~policies and~~ regulations apply in addition to the shoreline-specific critical areas protection standards for fish and wildlife habitat conservation areas found in the Critical Areas Regulations referenced within ~~Section 6.6~~ AMC 19.72.435(A), Critical Areas – ~~General~~, for Fish and wildlife habitat.

Commented [AC57]: Gap Analysis Table 3-1 #1

a. Kelp beds, eelgrass beds, herring spawning and holding areas, smelt and sand lance spawning and holding areas and other critical saltwater habitats are classified as “critical saltwater habitats” in the Shoreline Master Program Guidelines, WAC 173-26-221(2)(iii). The Guidelines also classify subsistence, commercial and recreational shellfish beds, mudflats

19.72 Shorelines – Regulation Amendments

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B. Fish and Wildlife Habitat Conservation Areas

c. AMC Section 19.70.625.630(B), Frequently Flooded Areas – Critical Areas Report Additional Requirements provides the minimum report requirements for a Floodplain Habitat Assessment and Mitigation Plan, as required by FEMA Region X, 2013, or hereafter amended. In addition, the *Northern Skagit County Bays and Shoreline Habitat Conservation and Restoration Blueprint 2005 Update* describes protection measures for critical salt-water habitats addressing these areas within City.

Commented [AC58]: Gap Analysis: Table 3-1 #5

f. In addition to requiring compliance with ~~DR-6.5.9~~ AMC 19.72.445 for certain types of developments and uses (e.g., minimum ten-foot wide planting bed(s) of riparian vegetation along marine shorelines), the City must require the establishment of buffer areas for activities adjacent to fish and wildlife habitat conservation areas on a case by case basis through a critical area report when needed to protect such habitat conservation areas. The applicant ~~shall~~ must, with assistance of a licensed professional, determine the buffer(s) necessary, as applicable, depending upon the number of species present and the presence of existing habitat corridors to be preserved. The critical area report needs to reflect the nature of the existing vegetation, sensitivity of the habitat, and the type and intensity of human activity proposed to be conducted nearby. Habitat conservation areas and their buffers must be preserved in perpetuity using native growth protection easements and critical area tracts. In order to determine the need or extent of a buffer, critical area reports must be required for all development in or adjacent to a habitat conservation area, utilizing AMC 19.70.320, Fish and wildlife habitat - Mapping.

Commented [AC59]: Gap Analysis: Table 3-1 #5

19.72 Shorelines – Regulation Amendments

Article 4 – Environmental Protection General Regulations



C. Frequently Flooded Areas and Tsunami Inundation Areas

1. Portions of Anacortes' shoreline are subject to periodic flooding that may result from factors including, but not limited to, unusual amount of rainfall over a short period of time, high tides, and wind driven waves. Tsunamis also pose a less frequent, but potentially more hazardous, type of flooding event.
2. Development Regulations. All new development and new uses within the jurisdiction of this Master Program must comply with the provisions of City Critical Areas Regulations referenced within [6-6 AMC 19.72.435](#), Critical Areas – General, AMC 19.70.600-625, and Floodplain Management Regulations, –AMC Chapter 19.74.

D. Geologically Hazardous Areas

1. ~~Introduction~~ [Applicability](#).
 - a. Geologically hazardous areas are areas susceptible to severe erosion; slide activity, or other

Commented [AC60]: Gap Analysis: Table 3-1 #1

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D. Geologically Hazardous Areas 2. Development Regulations

- a. Applicability. Regulations for Geologically Hazardous Areas are set forth in the Critical Areas Regulations referenced within ~~Section 6.6~~ [AMC 19.72.435](#), Critical Areas – General and contained in AMC 19.70.400-450. Note that in addition to the buffers applied therein, vegetation preservation may be required by ~~Section 6.5~~ [AMC 19.72.445](#) Vegetation Conservation and ~~Chapter 9~~ [Article 6 \(AMC 19.72.610-660\)](#) Specific Shoreline Modification Policies and Development Regulations.
 - i. The following activities are allowed in geologically hazardous areas specifically mapped and designated by ordinance of the city council pursuant to allowed activities of this section and do not require submission of a critical area report [for geologically hazardous areas](#), so long as they meet all applicable provisions of the SMP:
 - ii. Erosion and Landslide Hazard Areas. Only those activities approved and permitted consistent with an approved critical area report in accordance with this master program, in addition to shoreline permit provisions under ~~AMC 19.20~~ [Article 2](#), ~~must~~ [may](#) be allowed in erosion or landslide hazard areas.
 - iii. Seismic, Mine, and Tsunami Hazard Areas. The following activities are allowed within seismic, mine, and tsunami hazard areas [and do not require a critical areas report for geologically hazardous areas](#):
 - (1) Construction of new buildings with less than two thousand five hundred square feet of floor area or roof area, whichever is greater, and which are not residential structures or used as places of employment or public assembly;
 - (2) Additions to existing single-story residences that are two hundred fifty square feet or less; and
 - (3) Installation of fences;
 - (4) Maintenance, replacement, or repair of existing utility and transportation facilities.

Commented [AC61]: Gap Analysis: Table 3-1 #1

Commented [AC62]: Gap Analysis: Table 3-1 #1

Commented [AC63]: Gap Analysis: Table 4-1 #10

Commented [AC64]: Ecology Initial Determination

Commented [AC65]: Gap Analysis: Table 3-1 #1. Appendix A

19.72 Shorelines – Regulation Amendments

Article 4 – Environmental Protection General Regulations



D. Geologically Hazardous Areas

2. Development Regulations.

a. Applicability. See regulations set forth in the Critical Areas Regulations referenced within Section ~~6.6~~ [AMC 19.72.435\(A\)](#), Critical Areas – ~~General~~, for activities impacting wetlands proposed within shoreline jurisdiction.

b. Prohibit alteration of wetlands and their buffers unless:

~~a. Doing so will constitute a violation of constitutional or statutory limitations on regulations of private property or~~

i. The proposal is a water-oriented use and the proponent can conclusively demonstrate that impacts are unavoidable and that mitigation measures have been applied via mitigation sequencing, as defined in ~~Chapter 12, Definitions~~ [AMC 19.72.915](#), and WAC 173-26-201(2)(e).

ii. ~~Other~~ development proposals that cannot meet requirements outlined within ~~Section 6.6~~ [AMC 19.72.435](#), Critical Areas – General, ~~and/or this regulation, must apply for~~ [may seek relief through](#) a Shoreline Variance, per ~~Section 3.2~~ [AMC 19.72.220+5](#), Variances. In either case, the proponent ~~shall~~ [must](#) provide mitigation to achieve no net loss of wetland function or value, according to an approved mitigation plan prepared consistent with this Master Program, [and](#) the Critical Areas Regulations, AMC 19.70.

Commented [AC66]: Ecology Initial Determination

Commented [AC67]: Gap Analysis: Table 3-1 #1

19.72 Shorelines – Regulation Amendments

Article 4 – Environmental Protection General Regulations



19.72.445 – Vegetation Conservation

A. ~~Introduction~~ Applicability

1. Vegetation conservation includes activities to protect and restore vegetation along or near marine and freshwater shorelines that contribute to the ecological functions of shoreline areas. Vegetation conservation provisions include the prevention or restriction of plant clearing and earth grading, vegetation restoration, and the control of invasive weeds and nonnative species.
2. Unless otherwise stated, vegetation conservation does not include those activities covered under the Washington State Forest Practices Act, except for conversion to other uses and those other forest practice activities over which local governments have authority. Vegetation conservation provisions apply even to those shoreline uses and developments that are exempt from the requirement to obtain a permit. Vegetation conservation standards do not apply retroactively to existing uses and structures.
3. The City's Tree Preservation requirements (Title 16, Ordinance No. 2756, as amended) limits the removal of trees in all parts of the City, including shorelines of statewide significance.

Commented [AC68]: Gap Analysis: Table 5-1 #5

19.72 Shorelines – Regulation Amendments

Article 4 – Environmental Protection General Regulations



19.72.445 – Vegetation Conservation

- B. Regulations. Note that all clearing, grading and vegetation removal activities must also be consistent with the environmental protection regulations in the remainder of ~~Chapter 6~~ [AMC 19.72.410-460](#), when applicable.
1. Forest practices not covered by the Forest Practices Act ~~must be~~ [are](#) prohibited.
 2. Alteration of the natural landscape must only be allowed as set forth below:
 - a. Landscaping or maintenance associated with an existing legal use or new permitted shoreline use or development.
 - b. Removal of noxious weeds, as listed by the state in Chapter 16-750 WAC, [provided such so long as the activity](#) ~~must will be~~ [is](#) conducted in a manner consistent with best management practices and the City's engineering design standards and native vegetation is promptly reestablished in the disturbed area.
 - c. Modification of vegetation in association with a legal, non-conforming use provided that said modification is conducted in a manner consistent with this Master Program and results in no net loss to ecological functions or critical fish and wildlife conservation areas.
 3. All clearing and grading activities must be limited to the minimum necessary for the intended development.
 4. [Subdivision of property must be in a configuration that will not require significant \(greater than 25%\) native vegetation removal and shoreline modification, and will not adversely impact ecological functions.](#)
 4. ~~F~~ ~~or~~ ~~with~~ ~~must~~ ~~be~~ ~~immediately~~ ~~developed~~ ~~or~~ ~~submitted~~ ~~to~~ ~~environment~~ ~~department~~
 - 7.8 [Revegetation required.](#) Clearing and grading within shoreline jurisdiction ~~must~~ [may](#) only be permitted upon approval of a detailed landscape plan for revegetation.
 - a. Any restrictions or conditions which are tied to the parcel through the development of a landscape plan must be recorded on a revised Notice on Title.

Commented [AC69]: Gap Analysis: Table 5-1 #5

19.72 Shorelines – Regulation Amendments

Article 4 – Environmental Protection General Regulations



19.72.445 – Vegetation Conservation

- iv. Drawings illustrating the proposed landscape scheme, including the species, distribution, and density of plants. Any pathways or nonvegetated portions must be noted.
- v. A description of any vegetation introduced for the purposes of fish and wildlife habitat. Loss of wildlife habitat must be mitigated on-site. If on-site mitigation habitat is not possible, off-site mitigation **must will may be permitted at a minimum replacement ratio of 1 to 1.25, one to one and a quarter (1.25)** (habitat lost to habitat replaced).
- c. The revegetation landscaping required by this regulation must meet the following standards:
 - i. At the time of planting, shrubs must be ~~eighteen (18)~~ inches high. Shrubs must be planted such that within two years the shrubs will cover at least ~~thirty percent (30%)~~ of the area that would be covered when the shrubs have attained a mature size.
 - ii. At the time of planting, deciduous trees must be at least ~~two (2)~~ inches in caliper as measured ~~one (1)~~ foot above grade, and coniferous trees must be at **up to eight (8)** feet in height.
 - iii. The applicant may be required to install and implement an irrigation system to insure survival of vegetation planted. For remote areas lacking access to a water-system, an alternative method (e.g., hand watering) may be approved.
 - iv. For a period of ~~two (2)~~ years after initial planting, the applicant must replace any unhealthy or dead vegetation planted as part of an approved landscape plan.

9. Protection of native riparian vegetation. As part of meeting project site area landscaping requirements, and in coordination with any buffer requirements, the applicant for a proposed new development, expansion, or redevelopment project of a non-water-dependent use other than public shoreline access trails that will abut the City's marine shorelines must submit a landscaping plan for approval specifying protection of existing native riparian vegetation within

Commented [AC70]: Gap Analysis: Table 4-1 #10

19.72 Shorelines – Regulation Amendments

Article 4 – Environmental Protection General Regulations



19.72.445 – Vegetation Conservation

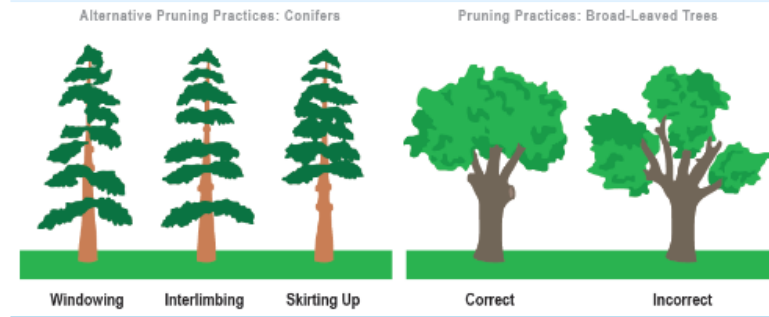
8.10. **Trimming in Shoreline Setback Areas.** Trimming of trees and vegetation is allowed within shoreline setback areas, under authorization of a ~~shoreline exemption~~ **clearing and grading permit per AMC 19.78**, provided:

- a. This provision is not interpreted to allow clearing of vegetation,

- b. Trimming does not include topping, stripping or imbalances; a minimum of 75% of the original crown must be retained to maintain tree health,

Figure 19.72.445(B)(9)(b)

Tree trimming best practices.



Commented [AC71]: City Council comment - May 2022.

- c. Trimming impacts to the following critical areas may require evaluation and a report prepared by a qualified professional to demonstrate:
 - i. No direct impact on the nearshore functions and values including fish and wildlife habitat,
 - ii. It is not within a wetland or wetland buffer, and
 - iii. It does not impact soil stability in landslide and erosion hazard areas.
- d. Trimming is for view preservation, not view creation. Trimming cannot be for more than 25% of limbs in a five-year period, so long as ~~DR-6.5, AMC 19.72.445.B.(10)(b)~~ **AMC 19.72.445.B.(10)(b)** is also met, whichever is more restrictive. Photo documentation must accompany the shoreline permit application before with flagging showing limb(s) requested for removal.
- e. A photo of the tree is required as an as-built submittal, post permit issuance.
- f. Hazardous trees, or those identified as an extreme public nuisance by the Shoreline Administrator, may be removed under an ISA Tree Risk Assessment by a qualified arborist.

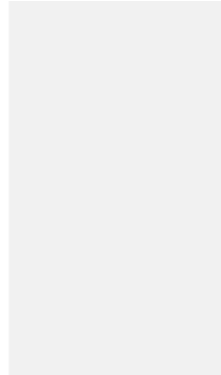
19.72 Shorelines – Regulation Amendments

Article 4 – Environmental Protection General Regulations



19.72.445 – Vegetation Conservation

- g. Hand-held equipment removal of invasive or non-native shoreline vegetation, or noxious weeds (WAC 16-750) must be re-planted with the equivalent square footage of native vegetation in the disturbed area. If nonnative tree(s) are removed in shoreline jurisdiction, ~~it they shall~~ **must** be replaced with native trees at least a 1:1 ratio, in addition to conformance with the requirements within Title 16, Tree Preservation, along with Table 16.50.070.(D)3 – Tree Unit Credits. This clearing must occur with hand-held equipment within the shoreline setback. A plan can be drawn by the applicant, so long as it is to scale, showing native species proposed, for permit submittal.
- h. Ground based motorized equipment may be used if accompanied by a professionally drawn plan showing requirements of ~~DR 6.5.11~~ **AMC 19.72.445.B(12)** and other applicable SMP and development regulations, to re-establish native vegetation, and with prior written



approval of the Shoreline Administrator. If nonnative tree(s) are removed in shoreline jurisdiction, ~~it they shall~~ **must** be replaced with native trees at a 1:1 ratio, in addition to conformance with the requirements within Title 16, Tree Preservation. The ground based motorized equipment must only be operated by a licensed professional, if within the shoreline setback.

- ~~9.11.~~ **11.** Stabilization of exposed erosional surfaces along shorelines must, whenever feasible, utilize soil bioengineering techniques.
- ~~10.12.~~ **12.** All shoreline development and activity must use effective measures to minimize increases in surface water runoff that may result from clearing and grading activity. The applicant must implement best management practices in compliance with the City's stormwater, clearing and grading regulations in AMC 19.76 Stormwater and 19.78 Clearing and Grading. Submittal requirements may include a plan addressing species removal, revegetation, irrigation, erosion and sedimentation control, and other methods of nearshore/riparian corridor protection in accordance with the City's Engineering Design Standards.
- ~~11.13.~~ **13.** The Shoreline Administrator may require a performance bond as a condition of a clearing a grading permit, shoreline letter of exemption or shoreline permit approval, to ensure compliance with this Master Program.

Commented [AC72]: Gap Analysis: Table 5-1 #5

Commented [AC73]: Duplicate of DR-6.5.12 below.

Commented [AC74]: Gap Analysis: Table 4-1 #10

19.72 Shorelines – Regulation Amendments

Article 5 – Specific Use Development Regulations



19.72.520 – Agriculture

A. Agriculture includes the cultivation of soil, production of crops, or the raising of livestock.

B. Development Regulations.

1. Agriculture in all shoreline areas is prohibited.

Commented [AC77]: Consistent with Shoreline Use Table AMC 19.72.365(A)

19.72.525 – Aquaculture

B. Development Regulations

1. Shellfish seeding/culturing may be permitted when conducted for native population recovery in accordance with a government/Tribal approved plan. All other aquaculture developments and activities, including ~~fish pens and~~ commercial shellfish seeding/culturing, are limited to the Urban, Urban Maritime, shoreline environment and ~~those adjacent~~ Aquatic designated areas over water only.
2. Aquaculture facilities ~~shall~~ must be located and designed to avoid:
 - a. loss of ecological functions,
 - b. impacts to native eelgrass and macroalgae,
 - c. significant conflict with navigation and water-dependent uses,
 - d. the spreading of disease,
 - e. introduction of non-native species, or
 - f. impacts to shoreline aesthetic qualities.
3. Mitigation sequencing ~~shall~~ must be followed.

Commented [AC78]: Gap Analysis: Table 5-1 #3

19.72 Shorelines – Regulation Amendments

Article 5 – Specific Use Development Regulations



19.72.525 – Aquaculture

aquaculture operation.

8. In-water aquaculture is prohibited in the Aquatic Designation, except non-commercial aquaculture for recovery of a native population.
- ~~8.~~9. Over-water aquaculture projects using legal above-water structures may be permitted, subject to the provisions under AMC 19.72.335, Aquatic. Applicants must include a narrative of their aquaculture proposal for a shoreline permit, consistent with the following:
 - a. Operations must maintain or improve overall water quality of the affected waterway, as applicable.
 - b. Identify antibiotics, vaccines, growth stimulants, anti-fouling agents or other chemicals the applicant anticipates using. Such materials must not be used until approval is obtained from all appropriate state and federal agencies, including but not limited to the U.S. Food and Drug Administration, the Washington State Department of Ecology, Fisheries and Wildlife, Agriculture and Department of Health.
 - c. Identify noise generation associated with the project, including boat or vehicle traffic that will occur during anticipated regular operation.
 - d. Subtidal, intertidal, floating, and upland structures and apparatus associated with the aquaculture proposal must be designed and maintained to avoid adverse shoreline ecological impact.
 - e. Aquaculture use and development must be sited so that shading and other adverse impacts to existing eelgrass, kelp, or native shellfish beds are avoided, minimized, and mitigated consistent with AMC 19.72.525.B(3).
 - f. For aquaculture projects using over-water structures, tool and other essential apparatus storage seaward of the OHWM where a pre-existing legal structure does not already exist

Commented [GL79]: Gap Analysis: Table 5-1 #3



19.72 Shorelines – Regulation Amendments

Article 5 – Specific Use Development Regulations



19.72.525 – Aquaculture

must be limited to a container three (3) feet height, measured from the raft or adjacent pier surface.

i. Increases above three (3) feet in container height may be considered by the Shoreline Administrator without a shoreline variance, given a visual impacts analysis is provided by the applicant. A visual impact analysis can be prepared the applicant themselves, so long as it is substantially complete, to scale and has the proper photo point of references from nearby properties.

ii. Height limitations do not apply to materials and apparatus that are removed daily.

b. Aquaculture equipment must be of sound construction, and contain the owners' identifying marks where feasible. Abandoned or unsafe structures and equipment must be promptly removed or repaired by the owner.

~~Fish net pens and rafts shall meet the following criteria in addition to the other applicable regulations of this section:~~

~~a. Fish net pens shall meet, at a minimum, State approved administrative guidelines for the management of net pen cultures. In the event there is a conflict in requirements, the more restrictive requirement shall prevail.~~

~~b. Fish net pens shall not occupy more than 2 surface acres of water area, excluding booming and anchoring requirements. Anchors that minimize disturbance to substrate, such as helical anchors, shall be employed. Such operations shall not use chemicals or antibiotics.~~

~~c. Net cleaning activities shall be conducted on a frequent enough basis so as not to violate state water quality standards. When feasible, the cleaning of nets and other apparatus shall be accomplished by air drying, spray washing, or hand washing.~~

~~All floating and submerged aquaculture structures and facilities in navigable waters shall be marked in accordance with U.S. Coast Guard requirements.~~

10. All geoduck aquaculture must adhere to the provisions of WAC 173-26-241(3)(b). The definition of aquaculture and its associated provisions does not include the harvest of wild geoduck associated with the state managed wildstock geoduck fishery.

Commented [AC80]: Gap Analysis: Table 2-1 2011b

19.72 Shorelines – Regulation Amendments

Article 5 – Specific Use Development Regulations



19.72.530 – Commercial Development

2. Commercial development ~~shall will is be~~ subject to the design review provisions of the Anacortes ~~Zoning e Unified Development Code~~ (Title ~~19.7~~ AMC, ~~specifically Chapters AMC 19.61, Block Frontage Standards, through AMC 19.69, Standards, Generally~~).
3. All commercial development/redevelopment requiring a Substantial Development or Conditional Use Permit within shoreline jurisdiction ~~shall~~ must provide for public visual and physical access to the shoreline in accordance with ~~Chapter 7~~ AMC 19.72.440, Shoreline Public Access, taking into consideration constitutional and statutory limitations. Such provisions could be the preservation of shoreline views, the establishment of public access easements across and to the shoreline, enhancement of an adjacent street-end or park or other consideration commensurate with the degree of impact caused by the development. Ecological restoration ~~shall~~ must also be considered as potential mitigation of impacts to shoreline resources and values for all non-water-dependent commercial development unless demonstrated to be infeasible or inappropriate.

Commented [AC81]: Table 4-1 #9

19.72 Shorelines – Regulation Amendments

Article 5 – Specific Use Development Regulations



19.72.560 – Residential Development

6. Environmental Protection

In addition to all relevant provisions of ~~Chapter 6~~ [Article 4 \(AMC 19.72.410-460\)](#), residential development ~~shall~~must comply with the following standards:

- a. Engineered storm drainage and treatment facilities ~~shall will are be~~ required by the City for proposals of five (5) or more dwellings. Drainage facilities ~~shall~~must be separate from sewage disposal facilities. Drainage systems ~~shall~~must include provisions to prevent the

- a. Developments containing wetlands ~~shall~~must use those areas only in association with parks, open space, or passive recreational facilities. Such use ~~shall~~must be consistent with the ~~shoreline specific~~ [City's Critical Areas Regulations referenced under AMC 19.72.435, Critical Areas, Ordinance No. XX, dated XX, found in Appendix A AMC 19.70, in addition to the applicable provisions of this Master Program.](#)

- b. Alteration of topography for building sites, access roads, and utilities ~~shall~~must be designed

Commented [ACB2]: Table 3-1, #1

19.72 Shorelines – Regulation Amendments

Article 6 – Specific Shoreline Modification Development Regulations



19.72.630 – Docks, Piers, and Floats

5. All docks, piers and floats shall must adhere to the following design standards:
 - a. Railings, if provided, shall must be of clear or open framework design and conform to the Building Code where required.
 - a. Utility service on docks and piers shall must be placed on or under the deck. Overhead utility service is prohibited. Floodlighting shall must be shielded to prevent unnecessary glare.
 - b. Appropriate marking shall must be provided as necessary to avoid hazardous conditions for water surface users.
 - c. Piers, docks and floats shall must be constructed of materials that comply with requirements of federal and state regulations. Treated wood materials may be utilized on pilings in repair projects for timber structures, provided the BMPs for the use of Treated Wood in Aquatic and Sensitive Environments, Western Wood Preservers Institute/Wood Preservation Canada/Southern Pressure Treaters' Association/Timer Piling Council, are specified and met. The conditions found in *An Agreement Concerning the Use of Treated Wood in Aquatic Areas* between Ecology and Department of State Fish & Wildlife dated August, 1995, also fulfill this requirement. ~~However, use of treated wood should be minimized wherever practicable.~~

Commented [AC83]: 2022 Public Comment, 2nd Draft

19.72 Shorelines – Regulation Amendments

Article 6 – Specific Shoreline Modification Development Regulations



19.72.630 – Docks, Piers, and Floats

14. Repair– The following actions are considered minor repairs for single-family residential use and are permitted, consistent with all other applicable codes and regulations. If cumulative repairs of an existing pier or dock over three years would make a proposed repair exceed the threshold established below, the repair proposal must meet the standards for a new pier or dock.

- a. Replacing decking with grated decking.
- b. Replacing decking substructure, including floats.
- c. Pile replacement.

- i. Replacing less than 50% of existing piles supporting a fixed-pile pier. All such pile replacements must use steel piles.
- ii. Replacing piling associated with a floating dock. All pile replacements must use steel piles.
- iii. Replacing creosote piles with steel piles.

~~f. Repair proposals which replace only decking or decking substructure and less than 50 percent of the existing piles subsections shall will be considered minor repairs and are permitted, consistent with all other applicable codes and regulations. If cumulative repairs of an existing pier or dock over three years would make a proposed repair exceed the threshold established above, the repair proposal shall must be reviewed as a new pier or dock.~~

15. Existing legal non-conforming floating docks for single family residences are allowed to retain their present configuration for repair proposals meeting AMC 19.72.630(A)(14), so long as the following are met:

- a. Piers and/or gangways connecting to floats must be a maximum of 4-feet in width for the first 30-foot waterward of the OHWM (nearshore area);
- b. The gangway connected to the floating dock must be composed of grated decking;
- c. Proof of WDNR aquatic use authorization will be required for piers and docks within public aquatic areas.

~~16.~~ 16. New docks, piers, and floats associated with single-family residences along Cap Sante ~~shall will be~~ are encouraged to use joint-use structures serving at least two but no more than four waterfront lots.

Commented [AC84]: Gap Analysis: Table 5-1 #6

19.72 Shorelines – Regulation Amendments

Article 6 – Specific Shoreline Modification Development Regulations



19.72.655 – Shoreline Habitat and Natural Systems Enhancement Projects

~~7.8.~~ The City may grant relief from shoreline master program development standards and use regulations resulting from shoreline restoration projects within urban growth areas consistent with criteria and procedures in WAC 173-27-215.

Commented [GL86]: Gap Analysis: Table 2-1 2009a

19.72 Shorelines – Regulation Amendments

Article 6 – Specific Shoreline Modification Development Regulations



19.72.660 – Shoreline Stabilization Measures and Flood Protection Works

Structural methods can be “hard” or “soft”. Hard structural stabilization measures refer to those with solid, hard surfaces, such as concrete bulkheads. These are static structures traditionally constructed of rock, concrete, wood, metal, or other materials that deflect, rather than absorb, wave energy. Soft structural measures rely on softer materials, such as vegetation, drift logs, and gravel. They are intended to absorb wave energy, mimicking the function of a natural beach. Generally, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology, and biological functions. Structural shoreline stabilization methods also often result in vegetation removal and damage to near-shore habitat and shoreline corridors. The following methods of shoreline stabilization are organized from “soft” to “hard”. The use of “soft” methods is the preferred “best practices” choice (if non-structural methods cannot be used or are insufficient) when considering shoreline stabilization measures.

“Soft”

- Vegetation enhancement;
- Upland drainage control;
- Bioengineering/biotechnical measures;
- Beach enhancement;
- Anchor trees; [dynamic revetment](#) and

Commented [AC87]: WDFW public comment

6. New development, including creation of new parcels, that would require future shoreline stabilization during the life of the structure [considering sea level rise projections](#) is prohibited except where no alternative locations are available and no net loss of ecological functions will result as demonstrated through a geotechnical analysis.

Commented [LG88]: 2022 Public Comments

19.72 Shorelines – Regulation Amendments Definitions



19.72.915 – Definitions

A. Definitions.

“Abiotic” means ~~Not~~ living.

~~Accessory Building – A subordinate building attached to or detached from the principal building and used for purposes customarily incidental to the use of the principal building. Accessory buildings include but are not limited to an automobile storage garage, playhouse, laundry room, garden shelter, hobby room and mechanical room.~~

~~Accessory Dwelling Unit – An accessory dwelling unit (ADU) is a habitable dwelling unit added to, created within, or detached from and on the same lot with a single family dwelling that provides basic requirements for living, sleeping, eating, cooking, and sanitation.~~

~~Accessory Use – A water-oriented or non-water-oriented use that is demonstrably subordinate and incidental to a primary use and which functionally supports its activity.~~

Commented [AC91]: Table 4-1 # 7 – Definitions removed already exist in Title 19

Commented [AC92]: Table 4-1 # 7 – Definitions removed already exist in Title 19

“Accretion” means ~~is~~ The growth of a beach by the addition of material transported by wind and/or water. Included are such shoreforms as barrier beaches, points, spits, hooks and tombolos.

“Act” means the Washington State Shoreline Management Act, Chapter 90.58 RCW. ~~The Shoreline Management Act of 1971, as amended (Chapter 90.58 RCW).~~

Commented [AC93]: Table 5-1 #2

“Activity” means ~~An~~ occurrence associated with a use; the use of energy toward a specific action or pursuit. Examples of shoreline activities include but are not limited to fishing, swimming, boating, dredging, fish spawning, wildlife nesting, or discharging of materials.

~~Act~~ means the Washington State Shoreline Management Act, Chapter 90.58 RCW

Commented [AC94]: Table 5-1 #2

“Adjacent Lands” means ~~is~~ lands adjacent to the shorelines of the state (outside of shoreline



19.72 Shorelines – Regulation Amendments

Definitions

"Average Grade Level means" ~~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 or structure; In the case of structures to be built over water, average grade level shall be the elevation of the ordinary high water mark. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure.~~

Commented [AC96]: Ecology comment, consistent with height definition under WAC 173-27-030(3)

"Building Height" – see ~~Height~~ Section 5.12 Shoreline Use and Modification Matrix and Development Standards.

Commented [AC97]: Table 4-1 #7

"Bulkhead" means ~~A~~ a solid or open-pile wall usually constructed parallel to the shore whose primary purpose is to contain and prevent the loss of soil by erosion, wave, or current action. Bulkheads are used to protect marine bluffs by retaining soil at the toe of the slope or by



19.72 Shorelines – Regulation Amendments

Definitions

~~C.D.~~ D Definitions

~~“Development” means –~~ ~~“A~~ use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any other project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the Act at any state of water level (RCW 90.58.030(3d)). ~~“Development” does not include dismantling or removing structures if there is no other associated development or re-development.~~ See also “Substantial Development.”

Commented [AC98]: Table 2-1 2017b

~~“Dock” means~~ ~~A dock or pier is~~ a landing ~~and or~~ moorage facility for watercraft that abuts the shoreline ~~and extends over the water.~~ ~~Docks are anchored to the land, substrate or the pier with pilings or anchors and float on the water.~~ This definition does not include recreational decks, storage facilities, or other appurtenances which may be associated with the dock or pier.

~~Dwelling – Any building or portion thereof designed or used primarily for residential occupancy, including single family dwellings, duplexes, triplexes, fourplexes, and multifamily dwellings, and condominiums, but not including hotels or motels.~~

~~Dwelling, multifamily – A building containing two or more dwelling units.~~

~~Dwelling, single family – A dwelling designed for single family occupancy~~

~~“Floodway” means –~~ The area, as identified in a master program, that either: (i) Has been established in federal emergency management agency flood insurance rate maps or floodway maps; or (ii) consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually. Regardless of the method used to identify the floodway, the floodway ~~shall will~~ ~~does~~ not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state. ~~[RCW 90.58.030(2)(b)]~~

Commented [AC99]: Gap Analysis: Table 2-1 2007a



19.72 Shorelines – Regulation Amendments

Definitions

~~C.D.~~ D Definitions.

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Commented [AC98]: Table 2-1 2017b

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Commented [AC99]: Gap Analysis: Table 2-1 2007a



19.72 Shorelines – Regulation Amendments

Definitions

Height: Is defined under SMP Section 5.12 Shoreline Use and Modification Matrix and Development Standards. ~~Height shall be measured from average grade level to the highest point of a structure not otherwise excepted from the height limits, where "average grade level" is: 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 or structure; provided, that in the case of structures to be built over water, average grade level shall be the elevation of ordinary high water. Calculation of the average grade level shall be made by averaging the elevations at the center of all exterior walls of the proposed building or structure. 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 filing.~~

Commented [AC100]: Gap Analysis: Table 4-1 #7

~~No building or structure in the Shoreline Area (200 feet from OHWM) shall exceed the height limits indicated on Table 5.2, except:~~

~~1. Cranes, gantries, mobile conveyors and similar equipment necessary for the function of marinas, marine manufacturing, permitted commercial, industrial or port activities and servicing vehicles.~~

I. Definitions.

"Impervious Surface" means a non-vegetated surface area that 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. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or stormwater areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.

Commented [AC101]: Gap Analysis: Table 4-1 #7

19.72 Shorelines – Regulation Amendments

Definitions



“No Net Loss of Ecological Functions” means the maintenance of existing shoreline ecological processes and functions at the level that existed at the time of approval of the major update to the shoreline master program, adopted October 4, 2010 and reflected in the shoreline inventory and characterization report dated October 2009, or for a development project, the conditions that existed prior to initiation of use or alterations of the shoreline that result in adverse impacts on ecological processes and functions.

~~No net loss of ecological function shall be measured based on the data submitted with a shoreline application, and SEPA checklist if applicable.~~

“Nonconforming development” or “Nonconforming structure” means ~~A~~an existing development or structure that was lawfully constructed at the time it was built but is no longer fully consistent with present regulations such as setbacks, buffers or yards; area; bulk; height or density standards due to subsequent changes to the master program.

“Nonconforming lot” means ~~A~~a lot that met dimensional requirements of the applicable master program at the time of its establishment but now contains less than the required width, depth or area due to subsequent changes to the master program.

~~Non-conforming Use or Development – A shoreline use or structure or portion thereof which was lawfully constructed or established prior to the effective date of the Shoreline Management Act or local shoreline master program provision, or amendments, but no longer conforms to the policies and regulations of this Master Program.~~

“Nonconforming use” means ~~A~~an existing shoreline use that was lawfully established prior to the effective date of the act or the applicable master program, but which does not conform to present use regulations due to subsequent changes to the master program.

Commented [AC102]: Gap Analysis: Table 2-1 2017g



19.72 Shorelines – Regulation Amendments

Definitions

“Substantial Development” ~~means~~ ~~Any~~ development that:

1. The total cost or fair market value exceeds the amount specified in WAC 173-27-040(2)(a); or
2. Materially interferes with the normal public use of the water or shorelines of the state.

A list of developments not considered substantial development is provided in Section 2.4 of this Master Program. [Developments not required to obtain shoreline permits or local reviews can be found under Section 2.5. \(WAC 173-27-044\).](#)

Commented [AC104]: Gap Analysis: Table 2-1 2017c

“Substantially degrade” ~~means~~ ~~+~~ to cause significant ecological impact.

“Substructure, pier” ~~means~~ ~~Relating to~~ all the pier composite elements supporting the pier decking itself, excluding the pier pile.

Commented [AC105]: Gap Analysis: Table 5-1 #6.

What's Next?



- Determine next steps and timeline for adoption, which may include, but is not limited to:
 - Updated Public Participation Plan
 - Review /update 2020 Gap Analysis
 - Coordinate with Ecology
 - Create an updated SMP Draft for public review (using October 2022 version as starting point)
 - Integrate critical areas regs

For more information...

- Project website:
<https://www.anacorteswa.gov/1095/SMP-Update>

- Staff contact:

Libby Grage, Planning Manager

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360-299-1986



Shoreline Master Program (SMP) Periodic Update

Authority for the periodic review is based on Washington's Shoreline Management Act (Ch. 90.58 RCW) and related rules. These amendments were developed by the City to comply with WAC 173-26-090, which requires all local governments to review their SMPs on an eight-year schedule set in state law, and revise it if necessary. The review ensures the SMP keeps up with changes in state law, changes in other City plans and regulations, and other changed circumstances. The City has elected to use the optional joint review process to combine the local and Ecology comment periods, as allowed under WAC 173-26-104.

Current DRAFT

- [Notice of Public Comment Period](#) (September 21, 2022 - October 12, 2022 @ 5:00 PM)
- [DRAFT 3 - AMC 19.72 Shoreline Master Program Regulations and Shoreline Element of the Comprehensive Plan](#)
- [Proposed shoreline environment designation \(SED\) amendments](#)
- [Draft Restoration Plan Addendum](#)

Supporting Documents

- [Ecology Initial Determination](#)
- [Gap analysis](#) / Periodic Review Checklist
- [SEPA DNS](#) and [Checklist](#)
- [Frequently Asked Questions](#)
- [Public Participation Plan](#)

Public Comments & Responses

- 1st Draft [Public Comments & Responses](#)
- 2nd Draft [Public Comments & Responses](#)
- 3rd Draft [Public Comments](#)

Old Drafts & Documents

- [Staff Memo](#)
 - [Summary of Changes \(1st & 2nd Drafts\)](#)
 - [SMP goals and policies relocation & codification crosswalk](#)
- [Draft 2 Public Comments & Responses / Recommendations](#)



Thank you!

Questions?

Periodic Update - Work completed



Process to Date, by the #s

3
Drafts and written
comment periods

51
Comment Letters

1
Joint Public Hearing

2
Open Houses

8
Planning Commission
Meetings
(this is the 9th)

3
City Council Meetings

XX comment
responses