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

May 12, 2026
6:00 PM

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

1. **Roll Call**
2. **Pledge of Allegiance**
3. **Minutes**
 - a. Minutes of 04/14/2026
4. **Public Comment**
5. **Public Hearings**
 - a. Shoreline Master Program Periodic Update - Updated Public Participation Plan
6. **Other Business**
 - a. Proposed Amendments to AMC 19.20, Application Procedures — Legal Lot Determinations and Criteria for Recognizing Historic Platted Lots (Discussion)
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 - April 14, 2026

Roll Call

Chairperson Frank Jeretzky called to order the Anacortes Planning Commission meeting of April 14, 2026 at 6:00 p.m. Commissioners William McCombs, Linda Martin, Jill Underwood, and Mike Mills were present.

Commissioner Paul Ryan was absent.

Pledge of Allegiance

The assembly joined in the Pledge of Allegiance.

Minutes

Minutes of 03/10/2026

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

Linda Martin: asking for a change, to remove her as the named Chairperson.

Mike Mills motioned to approve minutes with the minor change.

William McCombs seconded the motion.

All Ayes.

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

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

Planning Manager, Libby Grage, presented to the planning commission the proposed amendments to Anacortes Municipal Code (AMC), LEG-26-05: Vehicle and Boat Sales and Repair Code Amendments. 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 staff recommendation also includes prohibiting auto-oriented quick-service uses in the Industrial zone. Libby Grage also went over the background and context of how the permitted uses were defined in 2019 and how staff advised they did not intend to remove repair from the code. General-Service is not a permitted use in the Industrial zone, currently.

Chairperson, Frank Jeretzky opened the public hearing for comments.

John Willoughby, business owner and resident of Anacortes, spoke about how this would benefit his businesses.

Commissioner William McCombs: Asked the speaker, that the current zone does not allow for vehicle or boat repair now?

John Willoughby: Confirmed.

Chairperson Frank Jeretzky closed the public hearing and asked the planning commission if

they had any comments.

Discussion Topics Included:

- Definition of Minor Vehicle Repair
- Placement of Zone-Specific Standards to AMC19.44.020 Section G(1)(a).
- Intent of limiting high traffic and quick turnover services in the Industrial Zone
- Sales and Rentals for vehicles and boats within the Industrial zone
- Including tire repair and replacement to the definition of Zone-Specific Standards

Linda Martin moved, seconded by Mike Mills, to recommend the changes of adding vehicle and boat sales and repairs to General-Services and allowing for such services to be allowed in the Industrial Zone to city council with the proposed amendments, with minor structural changes to the table. All Ayes.

Other Business

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

Planning Manager, Libby Grage, went over the Shoreline Master Program Updates by reviewing the proposed amendments and project status in the slide presentation that was added to the packet materials for the meeting. With the purpose being to summarize the work completed to date and outline next steps.

Discussion Topics Included:

- Placement of the Shoreline Environmental Development information
- Possible Guemes Channel trail impacts
- Tree and Vegetation Regulations Enforcement & Inspections
- Previous legal issues

Planning Department Update

Planning, Building and Economic Development Director, John Coleman, provided updates to the department which included the recent Executive Order around permits streamlining by Mayor Ryan Walters. He also welcomed the new planning commissioner, Jill Underwood.

Adjournment

Chairperson Frank Jeretzky adjourned the meeting at 8:22pm.

Planning Commission Agenda Bill

Meeting Date: May 12, 2026

Agenda Item: 5.a.

Subject: Shoreline Master Program Periodic Update - Updated Public Participation Plan

Staff Contact: Libby Grage, John Coleman

Approved for Submittal to Commission by

Libby Grage
John Coleman

Action Type

Public Hearing

Summary Statement: The Shoreline Management Act (SMA) requires the City of Anacortes to conduct a periodic review and update of its Shoreline Master Program every 10 years. The City initiated this periodic update in 2019; however, adoption was delayed. The City is now re-initiating the update process and revising the Public Participation Plan (PPP) to guide the remaining steps through adoption. At tonight's meeting, the Planning Commission will hold a public hearing to receive public input on the proposed updated Public Participation Plan. After the public hearing, staff request that the PC make a recommendation to City Council regarding adoption of the PPP.

Background: The Public Participation Plan outlines how the City will provide for early and continuous public participation throughout the review and update process. The draft PPP includes public participation goals, anticipated audiences and partners, communication tools, outreach methods, and a preliminary schedule.

Previous Action: Past meetings and actions involving the SMP periodic update are listed and linked on the City's [SMP Periodic Update webpage](http://www.anacorteswa.gov/SMP-Update) (www.anacorteswa.gov/SMP-Update).

Competing Viewpoints Considered: This agenda item is a public hearing.

Recommended Motion: I recommend the City Council adopt the updated Public Participation Plan for the SMP Periodic Update, as presented.

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

Attachments (listed in order presented):

1. Draft Updated Public Participation Plan
2. Notice of Public Hearing
3. 20260512-Slides
4. 20260510-Nihart
5. 20260511-Nihart
6. 20260510-EvergreenIslands

Anacortes Shoreline Master Program (SMP) Periodic Review - Updated Public Participation Plan

Updated DRAFT - April 2026

Background Note: The City began its most recent SMP Periodic Review process in 2019 with publication of a Public Participation Plan (PPP). Over the next several years, the City followed the PPP, including public outreach, draft amendments, public comment periods, and a joint Planning Commission/Department of Ecology public hearing. The Department of Ecology issued an initial determination of consistency in October 2021, and in April, 2022, the Planning Commission recommended approval of the proposed SMP updates to the City Council. Upon review of the Planning Commission's recommendation, the Council requested additional amendments, and a revised draft SMP was published for public review and comment. However, Council adoption of the updates was subsequently delayed pending the outcome of appeals of amendments to the City's critical area regulations. The City is now reinitiating the SMP update effort, including a revised Public Participation Plan to guide the remainder of the process through adoption.

Introduction

The City of Anacortes is undertaking a periodic review of its Shoreline Master Program (SMP), as required by the Washington State Shoreline Management Act, RCW 90.58.080(4). The SMA requires each SMP be reviewed and revised, if needed, on ten-year schedule established by the Legislature. The review ensures the SMP stays current with changes in laws and rules, remains consistent with other City plans and regulations, and is responsive to changed circumstances, new information and improved data.

A Public Participation Plan is required to describe how the City of Anacortes will encourage early and continuous public participation throughout the process of reviewing the SMP.

This Public Participation Plan describes the steps that the City will take to provide opportunities for public engagement and public comment, as well contact information and web addresses. This plan is in addition to any other minimum requirements for public participation required by Anacortes Municipal Code (AMC) 19.16.030. This plan is a working document and will be adjusted, if needed.

1.0 Public Participation Goals

- To provide the public with timely information, an understanding of the process, and opportunities to review and comment on the SMP review and potential amendments, and to have these comments forwarded to decision makers.
- Actively solicit information from citizens, property owners and stakeholders about their concerns, questions and priorities for the review process.
- Encourage the public to informally review and comment on the update throughout the process.
- Provide forums for formal public input at milestones prior to decision making by local officials.
- Consult and consider recommendations from neighboring jurisdictions, federal and state agencies, and Native American tribes.

2.0 Public Engagement Opportunities

Anacortes is committed to providing multiple opportunities for the public to engage in the Update throughout the process. The City will take advantage of various modes of communication to inform the public and encourage their participation. Opportunities will include:

2.1 Website

The City of Anacortes's website will house a SMP Periodic Review webpage (www.anacorteswa.gov/smpupdate) where interested citizens and community members may visit for status updates, draft documents, official notices, minutes, and other project information. This webpage will be the primary repository of all information related to the Update process. An e-mail link for questions or comments will be provided.

2.2 Open House(s)

The City held community open houses on October 30, 2019 (in person) and March of 2020 (virtual) and anticipates holding a third open house to reintroduce the SMP update prior to any additional public hearings.

2.3 Notice mailing list

An e-notice mailing list of interested persons and organizations has been established. Those on the e-notice list will receive notices regarding Periodic Review progress. Individuals interested in being on the mailing list may navigate to the City's NotifyMe feature on its website:

<https://www.anacorteswa.gov/list.aspx>, and select "Shoreline Master Program Update" under "News Flash".

2.4 Comment

Interested citizens are encouraged to provide comments to the City by letter or email. All comments will be forwarded to the Planning Commission and the City Council. The Periodic Review website will be the central repository for information under consideration. Documents are available for review at the City's Planning, Community, and Economic Development Department, and copies can be provided at the established copying cost.

2.5 Planning Commission (PC)

The Planning Commission will be the primary forum for detailed review and recommendations to the City Council. Interested citizens are encouraged to attend and provide verbal comments to the City during the PC deliberations, as described in Section 5, Public Comment, below. City Council has the ability to take action on the PC recommendation without further process, meetings and public hearings. Official notices will be published as established in City policy.

2.6 News media

The local news media will be kept up to date on the update process and receive copies of all official notices.

3.0 List of stakeholders

The City will engage the following stakeholders:

Members of the Public

- Shoreline property owners
- Interested groups and individuals

Tribes

- Swinomish Indian Tribal Community
- Samish Indian Nation
- Upper Skagit Indian Tribe

City Officials

- City Council
- Planning Commission

City Departments and Services

- Public Works
- Parks and Recreation

Other Local Government

- Skagit County
- Port of Anacortes
- Port of Skagit
- Town of La Conner
- City of Mount Vernon
- City of Burlington

State Government

- Department of Ecology
- Department of Fish and Wildlife
- Washington State Parks
- Department of Natural Resources
- Department of Transportation
- Federal Government
- US Army Corps of Engineers

4.0 Timeline

The following is a general timeline, including steps already completed and those upcoming. The City will coordinate with Department of Ecology throughout. A similar timeline will be posted on the SMP Periodic Review website.

Updated Timeline

March – April 2026	Planning Commission meetings to re-introduce SMP Periodic Update process (3/10/26 & 4/14/26)
May – June 2026	Update the SMP Gap Analysis and post on project website Community Open House to reintroduce the SMP Periodic Update
July - August 2026	Prepare draft SMP amendments Planning Commission discussion of SMP amendments Environmental review
September – October 2026	Release draft SMP amendments (min. 30-day public comment period)
November – December 2026	Planning Commission Public Hearing (possibly joint with Ecology) City Council review & local adoption of SMP amendments Transmittal to Ecology for final review/approval

Work Already Completed (2019 - 2022)

September 2019	Launched webpage on City website to advertise SMP overview Posted the Draft SMP Gap Analysis on the City's website. The Gap Analysis identified recommended updates to the SMP based upon local and state regulatory changes
October 2019	SMP Open House – held 10/30/19
December 2019	Review SMP regulations and drafted proposed amendments
February 2020	Planning Commission joint Public Hearing with Ecology Public comment period on draft revisions Environment review (SEPA)
March 2020	Submit proposed SMP code, Gap Analysis to Ecology for Initial Determination of Consistency 2 nd Open House held virtually (due to COVID restrictions)
December 2020	Planning Commission discussion of proposed SMP amendments Planning Commission Joint Public Hearing with Ecology (12/9/20) Public comment period on draft revisions (11/18/20 – 12/18/20) Environmental review (SEPA)

April 2021	Submitted proposed SMP code, Gap Analysis to Ecology for Initial Determination of Consistency
October 2021	Receive Initial Determination from Ecology (10/1/21)
February – March 2022	Make SMP changes per Ecology review 2 nd Draft published for review and comment Planning Commission meetings (2/9/22, 2/23/22, 4/13/22)
April 2022	Planning Commission recommendation to City Council (4/13/22)
May 2022	City Council review and discussion (5/16/22, 5/23/22)
September – October 2022	City Council discussion (9/12/22) 3 rd Draft published for review and comment (9/21/22 – 10/12/22)

5.0 Public Comment

The Planning Commission will conduct a public comment period and at least one public hearing to consider public testimony on the Periodic Review. The City Council has the option to take Planning Commission’s recommendation without further discussion before final adoption. The City will coordinate with Department of Ecology on remaining procedural requirements for the periodic update. Public notice of future public hearing(s) with Planning Commission will state the date/time, review body and location of the public hearing. Notices will be published per official policy, sent to the stakeholders’ mailing list mentioned above, and the Department of Ecology.



Notice of Public Hearing

Publish Date: April 29, 2026

Proposal Name: Updated Public Participation Plan for the Anacortes Shoreline Master Program (SMP) Periodic Update

Documents Available At: <https://www.anacorteswa.gov/1095/SMP-Update>

Public Hearing Date: Tuesday, May 12, 2026 at 6:00 PM

Public Hearing Body: Anacortes Planning Commission
City Hall Council Chambers
904 6th Street, Anacortes, WA 98221

Contact Person: Libby Grage, Planning Manager
LibbyB@anacorteswa.gov
360-299-1986

Proposal Description(s):

The Shoreline Management Act (SMA) requires the City of Anacortes to conduct a periodic review and update of its Shoreline Master Program every 10 years. The City initiated this periodic update in 2019; however, adoption was delayed. The City is now reinitiating the update process and revising the Public Participation Plan (PPP) to guide the remaining steps through adoption.

The Public Participation Plan outlines how the City will provide for early and continuous public participation throughout the review and update process. The draft PPP includes public participation goals, anticipated audiences and partners, communication tools, outreach methods, and a preliminary schedule.

For more information about the Anacortes Shoreline Master Program and the update process, visit: <https://www.anacorteswa.gov/1095/SMP-Update>

How to Comment

Comments are accepted via email, paper, or verbally at the public hearing.

Email comments are preferred and may 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 - SMP Update
P.O. Box 547 / 904 6th St.
Anacortes, WA 98221

Verbal comments may be made at the Public Hearing. Virtual meeting access and participation information can be found here:

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

Anacortes Shoreline Master Program Update *Updated Public Participation Plan*

Planning Commission Public Hearing

May 12, 2026; 6:00pm





Background & Context

- SMP is the document that guides and regulates use and development of the city's shorelines
- SMA requires review/update of SMP every 10 years
- City began this periodic update in 2019; but adoption was delayed
- We are now re-initiating the process, including an updated PPP

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**



Public Participation Plan Updates (Proposed)

- Initial Public Participation Plan published in 2019
- Proposed 2026 updates (summary):
 - Added summary of 2019-2022 work completed
 - Added SMP Update website address: www.anacorteswa.gov/smpupdate
 - Updated project timeline



Public Participation Plan Updates (Additional Suggestions)

- Public comments received
- Additional suggested updates:
 - Add Open House date – June 9, 2026
 - Clarify how public comments will be addressed
 - Increase detail about decision-making process
 - Update terminology and clarify Tribal coordination procedures
 - Clarify scope of periodic update
 - Provide link to FAQs

Open Public Hearing

- Receive comments on Public Participation Plan for the Shoreline Master Program Periodic Update



anacorteswa.gov

904 6th Street

Anacortes WA 98221

360-293-1900



SMP Update – Timeline (2026)

March – April

- March 10
- April 14

Reintroducing the SMP Periodic Update

- PC briefing – Re-Intro to SMA & SMP
- PC briefing – Review of Draft 3 Updates

May-June

- May 12
- May 26
- June 9

Gap Analysis update; outreach

- PC public hearing on updated PPP / rec. to CC
- CC adoption of PPP
- Open House prior to PC meeting

July – August

Drafting SMP updates; environmental review

Sept. – Oct.

Release updated SMP; public comment period; PC public hearing & recommendation to CC

Nov. - Dec.

CC review and local adoption; submit SMP to Ecology

For more information...



- Project website:
www.anacorteswa.gov/smpupdate
- Staff contact:
Libby Grage, Planning Manager
libbyb@anacorteswa.gov
360-299-1986

ANACORTES washington

GOVERNMENT PERMIT & BUILD PROJECTS SERVICES

Current Planning
Property Information Resources
Long Range Planning
Shoreline Planning
Critical Areas Planning
Planning Commission

Departments · Planning, Community, & Economic Development · Planning Services
· [SMP Update](#)

Shoreline Master Program (SMP)

What is the Shoreline Master Program?
The Anacortes Shoreline Master Program (SMP) is a local planning document required by Washington State that guides how development and conservation occur along Anacortes's shorelines, including lakes and marine waters. The SMP sets policies and regulations to balance environmental protection, public access, and appropriate shoreline uses and must be consistent with the policies of the Shoreline Management Act (SMA). The SMP is developed and updated by the City and reviewed by Washington State Department of Ecology for consistency with state law. The SMP is used to review and regulate shoreline development proposals and activities along Anacortes's shorelines.

2010 Anacortes Shoreline Master Program Current Adopted Documents

- [Adopted 2010 Shoreline Master Program \(Ordinance 2837\)](#)
- [Shoreline Environment Designation Map](#)


Supporting Documents

- [2010 SMP Shoreline Analysis Report](#)
- [2010 SMP Cumulative Impacts Analysis](#)

2026 Periodic Update of the Shoreline Master Program (Happening Now)
The City is currently conducting a periodic review and update of the Shoreline Master Program. State law requires the City to review and revise the SMP on a ten-year schedule to ensure the SMP keeps up with changes in state law, other City plans and regulations, and local circumstances.

What Has Already Happened

Contact Us
Libby Grage
Planning Manager
[Email Libby Grage](mailto:libbyb@anacorteswa.gov)
Phone: [360-299-1986](tel:360-299-1986)


Sign up for Notifications

[Sign up](#) to receive SMP Periodic Update news and stay informed!

News Flash
Anacortes Shoreline Master Program Periodic Update News
The City is re-initiating the Shoreline Master Program periodic update process.
[Read on...](#)

[View All News](#)



Thank you!

Questions?

Libby Grage

From: Mark Nihart <marknihart@gmail.com>
Sent: Monday, May 11, 2026 3:36 PM
To: Mike Mills; William McCombs; Paul Ryan; Jill Underwood; Tarn Ohana; Frank Jeretzky; Linda Martin
Cc: Mark Nihart; Libby Grage
Subject: Comment to SMP Participation Plan 5/12/2026

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

To: Planning Commission

From: Mark B. Nihart; Anacortes Resident, Ward Two

Subject: Comment to the Anacortes Shoreline Master Program Public Participation Plan

Date: 5/11/2026 for the 5/12/2026 meeting

Planning Commission Members:

The Shoreline Master Program (SMP) has a good start of a participation plan. However, it is lacking in many areas where a fully engaged and knowledgeable public and nonprofits can share not only information but participate in the final decisions as part of the decision process.

Rationale:

- The decision makers are not clearly identified nor are any credentials of the unnamed decision makers to make informed scientific and environmentally informed policy.
- The public and nonprofits have expertise in many scientific fields and environmental policy that are not being leveraged as part of fully engaged public participation. The plan should have City Staff and Public staffed workgroups to collaborative review the comments and the document itself and make decisions.
- The plan does not have a documented process for review so one can only assume no documented process exists. A best practice documented public involvement process should be provided for public review and comment.
- The plan does not provide any criteria for how the comments will be evaluated. A clear set of relevant and appropriate comment evaluation criteria should be provided for public review and comment.
- The plan does not have a timeline for comment submission to acknowledgement to comment answered. The plan should have a timeline as to how this will be done.

- The plan does not provide any information on the analytics that will be used in development of the plan. The plan should state what analytic process and priority process will be used for the comments and the plan itself.

The Shoreline Master Program (SMP) notification of a participation plan did not leverage all the potential sources of notification such as social media, emails to known interested parties, newspapers, etc. The SMP participation plan should have more public open houses using all the media sources available.

Rationale:

- Not everyone was notified about the plan in a timely fashion, many by word of mouth, so less time to prepare informed comments.
- The notification methods were the bare minimum for notification. The public expects more than the minimum notification and as the owners and fanciers of the City of Anacortes they should be notified by all reasonable sources such as social media, newspaper articles, emails, notification in their utility bills.
- The plan does not use a data management framework - Seattle has one as do other cities; the city is redoing its data management system - so an opportunity to add a public comment form and backend to capture comments in a database and have the database open to the public to do simple searches and metrics. In the event this is not possible, then a comment form on the website with some relevant metadata fields so comments can be easily, at a meta data level, have simple metrics. As the plan mentions, all the comments should be available in a file folder on the website easily available to the public. (

Data management comprises all [disciplines](#) related to handling [data](#) as a valuable resource, it is the practice of managing an organization's data so it can be analyzed for [decision making](#).

- The plan does not have a robust participation model. Heart and Soul methodology is successfully used by many cities who are known for their engaged, transparent and respectful public involvement environment. The Heart and Soul model should be used for the SMP public participation plan. <https://www.communityheartandsoul.org/>

To enhance community engagement through heart and soul public participation models, consider these strategies:

- *Foster open dialogue by hosting regular community forums.*
- *Utilize surveys and polls to gather diverse community input.*
- *Create inclusive workshops that encourage collaborative problem-solving.*
- *Leverage social media platforms to reach a broader audience.*
- *Establish partnerships with local organizations to amplify outreach.*
- *Provide training for community leaders to facilitate discussions effectively.*

- The plan does not mention a prioritization methodology. Lacking a model, the participation plan and the updating of the plan itself should use Analytical Hierarchy Process (AHP). This prioritization model and associated software provides for transparent prioritization. The SMP update process should deploy the AHP methodology and software. Many cities use this methodology successfully. <https://www.6sigma.us/six-sigma-in-focus/analytic-hierarchy-process-ahp/>

To accomplish the above the SMP public participation plan should have two more open houses where public comment is taken and discussed. The first should be 45 days from the May 12, 2026, open house. This open house would have gathered all the initial comments and present them in a matrix format where easy analysis by all would be available. The matrix should include the comment, the acknowledgement, the response to the comment with criteria used, and an action.

The third open house would gather the comments made to the participation plan presented at the second open house and present them in a matrix so the public can see what comments were accepted or rejected and the reasons why and by who (SMP public and City Workgroups) rejected the comments. After a public hearing that includes some deliberation including the public. The Planning Commission can then vote to accept/reject the SMP Public Participation Plan.

Respectfully and annoyingly,

Mark B. Nihart

Libby Grage

From: libbyb@anacorteswa.gov
Subject: FW: SGA comment to SMP Public Participation Plan

From: Mark Nihart <marknihart@gmail.com>
Sent: Monday, May 11, 2026 4:18 PM
To: CityClerk <cityclerk@anacorteswa.gov>; CityClerk <cityclerk@cityofanacortes.org>
Subject: SGA comment to SMP Public Participation Plan

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City Staff, Planning Commission, Mayor, City Council:

In the spirit of maximizing public involvement and soliciting informed comments Smart Growth Anacortes requests a second public open house for the Shoreline Master Program two months from the public open house on May 12, 2026.

Rationale:

The first SMP public open house had only the bare minimum required notification.

Another public open house two months out would allow nonprofit organizations who have monthly board meetings to review the public participation plan then have time to make informed comments.

The SMP public open house used only required notifications, the second one should be fortified by social media, emails to local nonprofits and known interested parties, notification in utility bills, Anacortes American article covering the first open house, etc. Going forward the SMP communication would include the above.

The public participation plan does not reference a documented process, including but not limited to comment evaluation criteria, who evaluates the comments, acknowledgment and response to comments. The SMP public participation should aggressively pursue public input and use the best available practices for public input and analysis of SMP and like documents.

The SMP public participation plan does not provide a collaborative environment such as public and staff workgroups to discuss and evaluate comments, prioritize, discuss best available science, discuss best available environmental review process, etc.

Respectfully,

Mark B. Nihart

V.P. Smart Growth Anacortes

<https://smartgrowthnacortes.com/>



**Evergreen Islands
Board of Directors**

Marlene Finley
President

Mark Nihart
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Tom Glade
Director

Kathleen Flanagan
Director

Brian Wetcher
Director

Peggy Woods
Director

mailing address
P.O. Box 223
Anacortes WA
98221

EVERGREEN ISLANDS

May 10, 2026

To: Anacortes Planning Commission and Planning Department
via email

Subject: Anacortes Draft SMP Periodic Review - Updated Public
Participation Plan May 2026

Dear Commissioners and Planning Staff,

Thank you for this opportunity to comment on the Updated Public Participation Plan (PPP) for the Shoreline Master Program Periodic Review.

Evergreen Islands members appreciate the City's efforts to set up a public website for this project. Significant work has been accomplished to date on this periodic review. The website does a good job laying out the timeline and documents completed.

Understanding the City's goal to "encourage early and continuous public participation throughout the review process" we have some observations, questions and suggestions.

Responding to Comments. During your planning process, the public is interested in responses to individual comments. The Planning and Development Department has done this in the past and it is very helpful in knowing the public is heard, participation is valued and substantive comments are considered.

Informal vs Formal Comments. The PPP refers to informal and formal comments but doesn't describe the difference. Are formal comments those received in writing? During a Public Hearing? What is an informal comment?

Frequently Asked Questions. When appropriate, the planners may consider compiling a list of frequently asked questions with answers. Processes like this periodic review can be confusing for the public. Towards the City's goal of receiving meaningful public engagement, information is critical. These FAQs can be helpful for decision makers as well.

Addressing Sea Level Rise. The Department of Ecology is currently in the rulemaking process to amend chapters of the WAC to add requirements for local governments to address the impacts of sea level rise and increased storm severity on people, property and shoreline

website
evergreenislands.org

natural resources and the environment. Preliminary rule making is available. **Will the City of Anacortes address the impacts of sea level rise and severe storms in the SMP Update?** (see <https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking>).

Evergreen Islands looks forward to participating in this periodic review.

Respectfully submitted,

/s/ Marlene Finley

President, Evergreen Islands Board of Directors

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Planning Commission Agenda Bill

Meeting Date: May 12, 2026

Agenda Item: 6.a.

Subject: Proposed Amendments to AMC 19.20, Application Procedures — Legal Lot Determinations and Criteria for Recognizing Historic Platted Lots (Discussion)

Staff Contact: Libby Grage, John Coleman

Approved for Submittal to Commission by

Libby Grage
John Coleman

Action Type

Discussion

Summary Statement: Staff will present proposed amendments to the municipal code to revise the lot of record rules (AMC 19.20.060) to recognize preexisting lots that meet or exceed the minimum lot size and other dimensional standards for the zone without the requirement for a boundary line adjustment or land division. This agenda item is for discussion only. Staff request the Planning Commission review the proposal and provide feedback and questions to guide further refinement of the draft.

Background: Mayor Walters issued [Executive Order 2026-02](#) regarding Permit Streamlining on April 7, 2026. The Executive Order directs Planning staff to develop proposed amendments to the municipal code aimed at improving and streamlining permit review processes. This is the first of several amendment proposals directed by the Order.

Previous Action:

Competing Viewpoints Considered: A public comment period and public hearing will be advertised in the coming weeks.

Recommended Motion: None - discussion only.

Alternative Actions:

Attachments (listed in order presented):

1. Draft Amendments - 5/6/26
2. 20260512-Slides

Proposed Code Amendment:

Legal Lot Determinations and Criteria for Recognizing Historic Platted Lots

Draft – May 6, 2026

Proposed amendments are shown as follows:

Added text – Blue underline

Deleted text – ~~Red strikethrough~~

Chapter 19.20 Procedures

19.20.010 Policy.

This chapter establishes standard procedures for review of development permit applications and appeals. These procedures are designed to promote timely and informed public participation, eliminate redundancy in the process, minimize delay and expense, and result in approvals that further the goals and policies of the Anacortes comprehensive plan. These procedures are intended to be consistent with the provisions of Chapter 36.70B RCW and integrate the land use permit process with the environmental review process.

[no change, included for context]

19.20.020 Applicability.

[no change]

19.20.030 Types of review.

- A. [no change]
- B. [no change]
- C. Table 19.20.030-1 identifies the types of review for all applications, and describes the process for each type of review.
 - 1. The types of applications that are subject to each type of review are listed in the column immediately beneath the heading for each type.
 - 2. The processes required for each type of review are further described by the remainder of the column beneath the heading for each type.
 - 3. The remainder of this chapter describes the required processes for each type of review.

**Table 19.20.030-1
Review classification and process matrix**

Types of Review	Type 1 Administrative Ministerial Actions	Type 2 Administrative Decisions	Type 3 Hearing Examiner Decisions	Type 4 City Council Decisions
Types of Applications	<ul style="list-style-type: none"> • Assessment of impact fees per AMC Chapter 3.93 • Boundary line adjustments • Building, mechanical and plumbing permits • Clearing and grading permits • Critical area letter of exemption • Expiration of application • Extension of time for approval • Fence permits • Legal lot determination • Minor permit revisions • Shoreline exemptions • Sign permits • Site plan review, less than 10 dwelling units, less than 12,000 sq. ft. of nonresidential gross floor area, or less than 20,000 sq. ft. of nonresidential site improvements 	[no change]	[no change]	[no change]
NO CHANGES TO REMAINING TABLE				

19.20.040 Consolidated review.

[no change]

19.20.050 Eligibility for permits

~~All development permits require a lot of record as described in AMC 19.20.060.~~

A. A lot is eligible for project permits if it meets all of the following requirements:

1. The lot is a legal lot as described in AMC 19.20.060; and

- 2. The lot is not restricted from development by other sections of this code (e.g. critical areas) or prior land use decisions or conditions (e.g. plat notes); and
- 3. The lot is either:
 - (I) Equal to or greater than the minimum lot size for its zone; or
 - ~~A.~~(II) Meets the criteria in XXXX for an exception to the minimum lot size requirement.
- B. The Department may not issue any ~~development-project~~ permit for a lot created through a division, conveyance, or segregation that was illegal or contrary to city subdivision laws or Chapter 58.17 RCW.
- ~~B.C.~~ The Director may determine a lot's eligibility for project permits as part of the applicable permit review process, or by separate request from a property owner. The review will be based on recorded plats, title documentation, surveys, and any other information the Director deems necessary. The burden of proof is on the applicant to demonstrate that a lot meets the requirements for a legal lot.

19.20.060 Legal Lots of Record

- A. **Purpose.** The purpose of this section is to define legal lots for purposes of development and land use regulation, ensure consistency with state subdivision law, and prevent the creation or development of lots that do not comply with applicable land division requirements.
- B. **Criteria for Legal Lot Status.** A lot qualifies as a legal lot if it meets any one of the following criteria:
 - 1. **1953 – Current.** The lot was created through a land division in compliance with the City's land division regulations in effect at the time of creation.
 - 2. **1937 – 1953.** The lot was created on or after June 9, 1937 and prior to the City's first land division ordinance by being:
 - a. Described by metes and bounds, fractional section, or plat; and
 - b. Conveyed by notarized deed or recorded with the Skagit County Auditor prior to 1953.
 - 3. **Pre-1937.** The lot was created prior to June 9, 1937 by recorded subdivision or plat filed with the Skagit County Auditor under territorial or early state platting laws (as codified in RCW 58.08, or successor provisions) and is eligible for recognition under AMC 19.20.065.
 - 4. **Statutory exemptions.**
 - a. The lot was created pursuant to an exemption from subdivision requirements under RCW 58.17.040.
 - b. The lot has been determined to be a legal lot through a final decision of a court of competent jurisdiction or through a formal city determination, including recognition of an innocent purchaser where consistent with applicable law.
- C. **Property that does not qualify as a legal lot may be:**
 - a. Aggregated with adjoining property; or
 - b. Otherwise brought into compliance with applicable land division regulations.
- D. **Substandard Lots and Aggregation.**
 - 1. **Definition.** "Substandard lot" means a lot that does not meet current city standards for area, width, or other dimensional characteristics for the zone in which it is located
 - 2. **Development of Substandard Lots.** In any zone in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this title, a single-family dwelling and customary accessory buildings may be erected on any single substandard lot of record at the effective date of adoption of the 1978 zoning ordinance.

a. Such lot must have been in separate ownership and not of continuous frontage with other lots in the same ownership continuously since April 19, 1978.

A.b. This provision applies even when such lot fails to meet the requirements for area or width, or both, that are generally applicable in the zone; provided, that setback dimensions and other requirements not involving area or width, or both, of the lot conform to the current regulations for the zone in which such lot is located.

3. **Aggregation of Substandard Lots.** If two or more contiguous substandard lots, or combination of contiguous substandard lots and portions of lots, were in single ownership of record as of April 19, 1978, or at any time since that date, they must be aggregated and considered a single parcel for purposes of meeting current area and dimensional standards for lots in the zone in which they are located.

a. If all such contiguous land under single ownership still constitutes a substandard lot once aggregated, a single-family dwelling and customary accessory buildings may be erected thereon (or other uses generally permitted in the zone), provided setback, lot coverage, and other requirements are met.

b. No portion of land or lots thus aggregated may be used or sold in a manner which creates or leaves remaining a substandard lot.

4. Any residential lot or lots, which were used as residential prior to April 19, 1978, and have been in continual residential use since April 19, 1978, in a zone that is now zoned light manufacturing must be considered a conforming, permitted residential use within the nonresidential designation. Other requirements of the nonresidential designation, such as lot size, setbacks, density, land coverage, building height, and parking, apply to such residential lots.

19.20.065 Treatment of Historic Platted Lots

A. **Purpose.** The purpose of this section is to allow for the administrative recognition and development of historically platted lots that were lawfully created prior to modern subdivision regulations, while ensuring that such recognition is consistent with the comprehensive plan and applicable development land division requirements.

B. **Recognition of Historic (Pre-1937) Platted Lots.** The Director may recognize one or more contiguous historic platted lots under common ownership as separate legal lots eligible for development, without requiring a land division, when all of the following criteria are met:

1. Each lot complies with the minimum lot size, width, and dimensional standards of the applicable zoning district and can meet all applicable development regulations, including those related to critical areas and shoreline jurisdiction.

2. The lots have not been developed in a manner that precludes their independent use as separate building sites.

3. The lots have not been legally vacated, and no recorded instrument exists that expressly merges or extinguishes the lots for development purposes.

4. Adequate provisions are made for water supply, sewer service, and stormwater management for each lot.

5. Recognition and development of separate lots will not create or increase any nonconformity or result in inadequate vehicular or emergency access.

6. Public improvements that would otherwise be required under application of AMC 19.32, Land Division, currently exist and would not be avoided through recognition of separate lots.

C. When Land Division is Required. A land division pursuant to AMC 19.32, Land Division, is required to divide contiguous lots under common ownership within a historic plat when:

1. Any proposed lot does not independently meet the criteria in section 19.20.065(B);
2. The proposal includes alteration or creation of lot lines beyond those necessary to combine or recognize existing historic lots.
3. Additional lots are proposed beyond those historically created by the original recorded plat;
4. Development of individual lots would require infrastructure to be planned, designed, or constructed in a coordinated manner to serve all contiguous lots, such as new streets or extensions of water, sewer, or stormwater systems.

D. Nothing in this section must be construed to exempt any proposal from applicable subdivision requirements under Chapter 58.17 RCW.

Chapter 19.12 Definitions and Interpretation

19.12.020 Definitions

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[note: some definitions provided below are included for context only]

“*Development permit*” means a permit or approval for a development, and includes project permits per RCW 36.70B.020 and permits issued pursuant to AMC Chapter 19.14.

“*Division of land*” means any transaction or action, not otherwise exempt or provided for under the provisions of this title, which alters or affects the shape, size or legal description of any part of an owner’s land as defined in this section. Sale of a condominium apartment and rental or lease of a building, facility or structure which does not alter or affect the legal description of an owner’s land does not constitute a division of land.

“Legal lot” means a lot that meets the criteria in AMC 19.20.060.

“*Lot*” means a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term includes tracts or parcels.

~~“*Lot of record*” means a lot which is described by a final plat, short plat, or metes and bounds, and is established consistent with applicable local and state regulations at the date a legal instrument creating the lot is recorded at the Skagit County Auditor’s office.~~

“*Project permit*” ~~or “*project permit application*”~~ means any land use or environmental permit or license required from the city for a project action, including but not limited to building permits, subdivisions, binding site plans, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but

excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this definition.

“*Substandard lot*” means a lot that does not meet current city standards for area, width, or other dimensional characteristics for the zone in which it is located.

Recognizing Historic Platted Lots – Process & Criteria

Proposed Code Amendment - Discussion
AMC Title 19, *Unified Development Code*

Planning Commission Meeting
May 12, 2026





Purpose of the Amendment

- Current AMC lacks a clear process and criteria for recognizing older platted lots that meet minimum lot size as separately eligible for development
- Amendment would create a legal lot determination application process, add review criteria



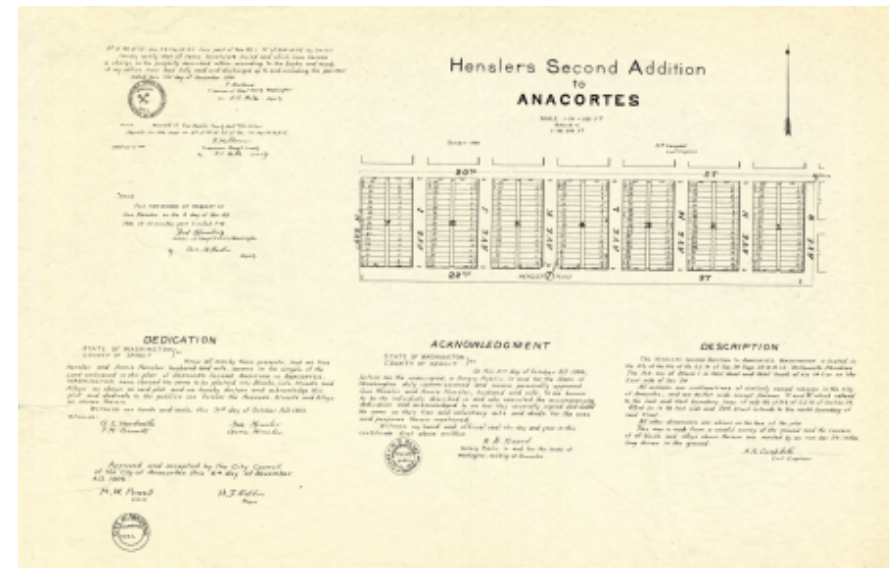
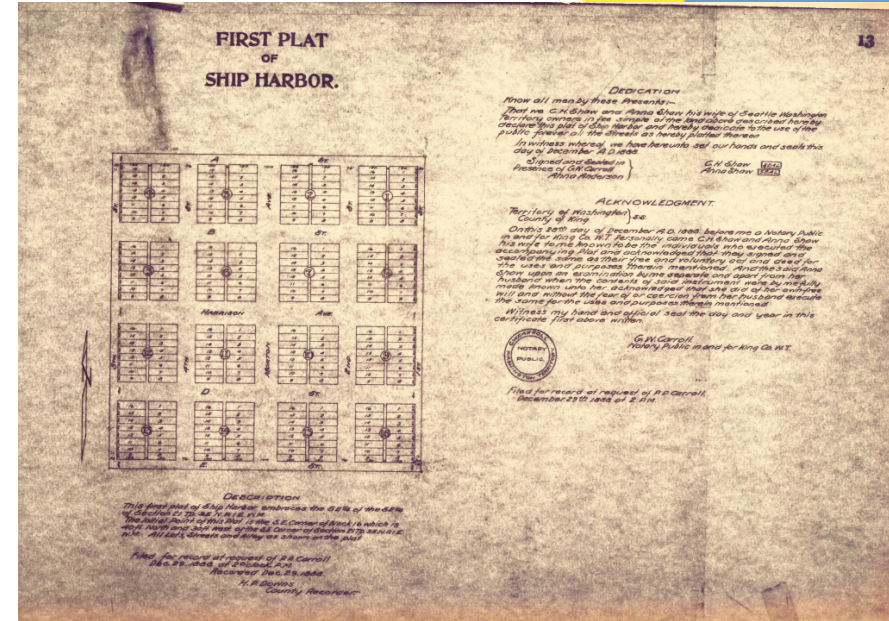
Executive Order – 2026-02

- Executive Order 2026-02 – *Permit Streamlining*
 - “Revise the lot of record rules (AMC 19.20.060) to recognize preexisting lots that meet or exceed minimum lot size and other dimensional standards for the zone without the requirement for a boundary line adjustment or land division.”



Background

- Many existing parcels consist of multiple smaller underlying (historic) lots created through plats recorded in the 1890s and early 1900s
- The historic plats predate current zoning requirements, minimum lot size standards, and modern subdivision regulations





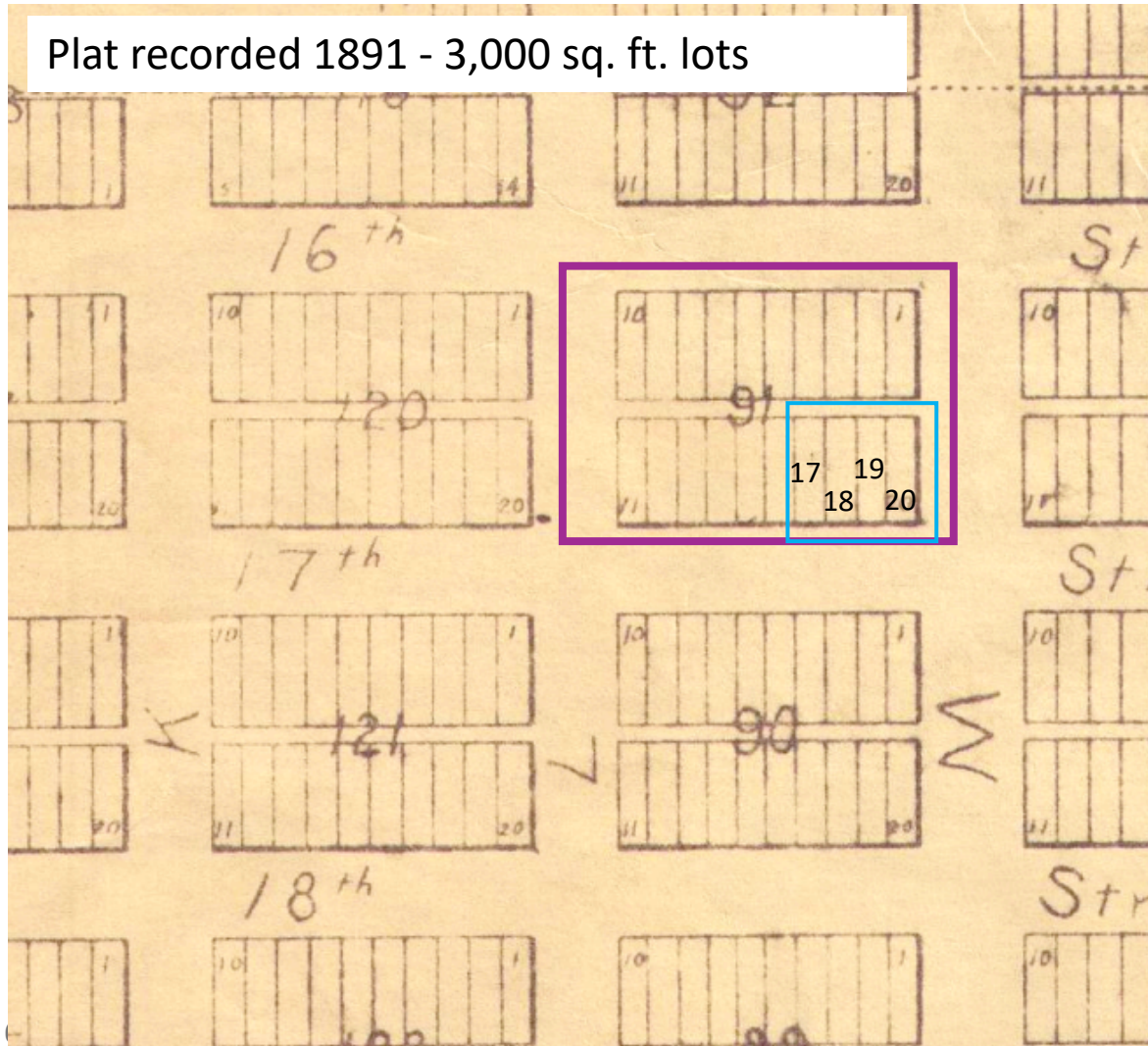
Background

- In many areas, the platted lots have since been developed with buildings, street improvements, and utility infrastructure
- In some cases, a parcel may not require all underlying platted lots to satisfy today's minimum zoning standards and segregation of a lot is requested
- The proposed amendment would create a “legal lot determination” process to ensure separate recognition and development of such lots does not result in violating applicable zoning or subdivision standards

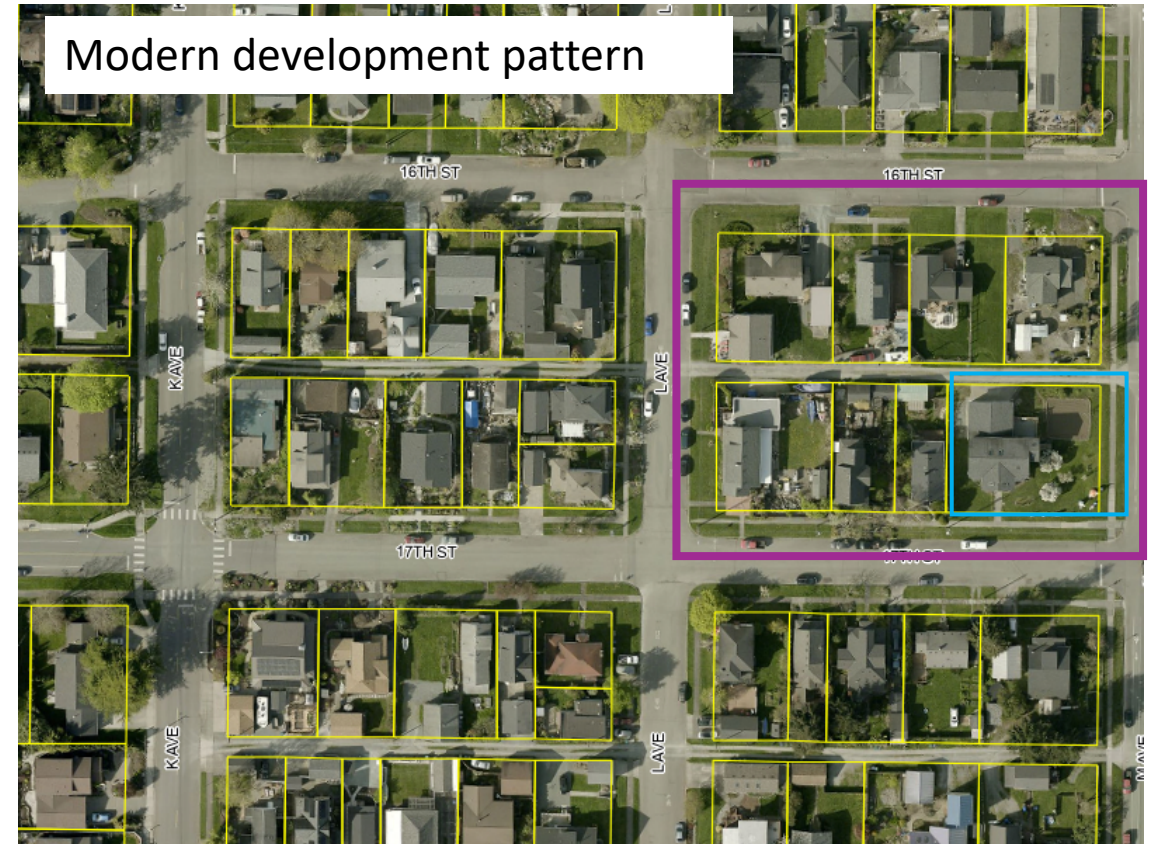
Historic Plats – Current Development



Plat recorded 1891 - 3,000 sq. ft. lots



Modern development pattern





Proposed Code Updates

1. Add “Legal Lot Determination” application to AMC Table 19.20.030-1 (Type 1)
2. Revise project permit eligibility criteria in 19.20.050
 - Lot is a legal lot per 19.20.060
 - Not otherwise restricted from development
 - Meets minimum lot size for the zone
3. Add criteria for legal lot determination in 19.20.060
 - Was lot created in compliance with regulations in place at the time of establishment?
 - Specific dates, based on local and state subdivision law enactments
 - 1953 to present day – created under Anacortes’s land division regulations, or
 - 1937 to 1953 – created under State subdivision regulations, or
 - Pre-1937 – created prior to modern subdiviosn standards - see additional criteria



Pre-1937 Lot Review Criteria

Recognition Criteria

1. Each lot meets minimum lot size for zone and other development regulations
2. Lots can independently meet standards
3. No prior merger or vacation
4. Adequate provisions are made for water supply, sewer service, and stormwater management for each lot
5. No creation or increase of any nonconformity
6. Adequate access exists
7. No avoidance of requirements that would apply if a subdivision were required



Thank you!

Questions?