****NOTE MEETING BEGINS AT 5 P.M.****

ANACORTES PLANNING COMMISSION

November 13, 2019

Municipal Building Council Chambers

6th Street and "Q" Avenue

AGENDA

5 P.M.

VIEW PACKET MATERIALS HERE

1. **Roll Call**
2. **Minutes of October 23, 2019**
3. **Correspondence**
4. **New Business**
   Discussion of the Draft Critical Area Ordinance Update – Wetlands and FWHCA's

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

Planning Commission Public Hearing Minutes for October 23, 2019

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

Chair McNett called the Public Hearing of October 23, 2019, to order at approximately 6 p.m.

Roll Call

Members Present: Commissioners McNett, Graf, Moffitt, MacKenzie, Cleland-McGrath, and Doll (Commissioner Graf left the meeting early at approximately 7:05pm)
Absent: Commissioner Mount

Minutes

Minutes from September 25, 2019, stand as presented.

Correspondence

None

New Business

Introduction and discussion of the Draft Critical Area Ordinance Update.

Tess Cooper, Associate Planner, provided her professional background and experience, and gave a presentation on the Draft Critical Area Ordinance, providing the history, timeline, and perspective of the update. The goal is to provide a Draft #2 to City Council in the coming months. Ms. Cooper asked the Planning Commissioners to review the functional changes in the draft. She also gave a summary of the CA Ordinance Draft #1 (2017) which is available on-line. The public was encouraged to sign up to receive updates of the Draft CA Ordinance. An outline was provided on what was in Draft #2, and the changes between Draft #1 & #2. Major changes proposed were discussed as well as review procedures. An outline was provided for the next meeting of the Draft Critical Area Ordinance.

Commissioners discussed the Draft CA Ordinance. Cleland-McGrath asked for a run-through of the application process. McNett asked who manages/monitors mitigation banks. Don Measamer provided information. Commissioner McNett opened the floor to public comments.

Public Comments:

Tom Glade, resident of 210 Mansfield Ct, Anacortes: Representing Evergreen Islands, disappointed with draft #2. Mentioned the letters submitted by Evergreen Islands today.

DRAFT

Wilhelm Houppermans, resident of 3412 K Ave, Anacortes: Would like a new schedule or longer time-line to review draft #2 of the CAO.

Marlene Finley, resident of 1410 Kellogg Pl, Anacortes: Representing Evergreen Islands, gave history of Evergreen Islands' involvement in CAs and stated they care about the Critical Areas.

Kathleen Flanagan, resident of 2005 10th St, Anacortes: Appreciates all the work done so far on the CAO drafts, but feels overwhelmed and would like more time to review it all.

Gene Derig, resident of 1302 K Ave, Anacortes: Urged Commissioners to review the letters from Evergreen Island and from Ross Barnes. Stated needs more time to review draft.

Bob Barry, resident of 1914 22nd St, Anacortes: Concerned about the ACFL designation in the CAO draft.

Katherine O'Hara, resident of 4407 Anaco Beach Pl, Anacortes: Concerned about the Ship Harbor wetland maintaining its category 1 status and the method used to select categories.

Neal O'Hara, resident of 4407 Anaco Beach Pl, Anacortes: Would like clarification on Ship Harbor wetland and bird breeding habitat and species in that area as it relates to the CAO.

No other public comments given. Commissioners continued discussing the draft CAO. Commissioner Doll commented on Category 1 wetlands, the protection of it, and all the changes going on in Anacortes. Ms. Cooper explained how the Growth Mgt. Act, CAO, SMP, etc. overlap and don't overlap. Mr. Measamer asked for time to meet and refresh the Commissioners on draft 1 and draft 2, and suggested the next Planning Commission start at 5pm to do this. Also, Mr. Measamer stated the Planning Department is not trying to rush anything through the process, but instead trying to move the CAO and SMP forward as they do blend together and the SMP is due in June 2020.

Reminder of the October 30th meeting to roll out the Shoreline Master Plan update process.

Commissioners Moffitt and MacKenzie both stated they would like more time to digest the information in the draft CAO. Commissioner Doll mentioned she would like to see more public involvement. Ms. Cooper stated they will be doing practice examples to use the rating system, scoring, maps, etc. Commissioner MacKenzie asked if there were any conflicts in the draft CAO and existing laws. Ms. Cooper explained that we are following a document that has all the State laws concerning CAs and has checks to make sure the draft CAO is in compliance. Mr. Measamer will create a matrix to get public comments in with the review process, and reminds everyone that this is a Draft for the Critical Areas Ordinance.

With no further discussion, Chair McNett concluded the meeting at approximately 7:31 p.m.

DRAFT

Planning Commission Agenda Bill

Meeting Date: 11/13/2019 **Agenda Item**: Click here to enter text.

Subject: Draft Critical Area Ordinance Update: Planning Commission Public Meeting

Staff Contact: Don Measamer, Tess Cooper

Approved for Submittal to PC by	
	Laurie Gere, Mayor
x	Don Measamer, PCED Director
	Darcy Swetnam, City Attorney

Action Type	
	Public Hearing
	Staff Report
X	Discussion
	Action

Summary Statement: Staff will continue discussion of the 2016 critical areas regulations update process that is required to be conducted under the periodic update requirements of the Growth Management Act. This work session on the Wetland and FWHCA sections of the second draft is provided to allow opportunity for public and Planning Commission feedback to inform the continuing development of this document. *Please note that Draft 2 was provided on 10-23-19 and is not included in this packet.

Proposed Schedule: The following general process is proposed for public and Planning Commission review

November 13	PC Work Session: Wetlands; and Fish & Wildlife Habitat Conservation Areas (FWHCAs);
November 20	PC Work Session: Geologically Hazardous Areas, Critical Aquifer Recharge Areas, Frequently Flooded Areas, and Critical Area Commerce Checklist;
November	SEPA determination; staff to compile recommendation to incorporate feedback received
December	PC Public Hearing: Recommendation to CC (Special Session)

Background: Additional project background information can be viewed on the project website. (https://www.anacorteswa.gov/201/Critical-Areas-Regulations-Update)

Previous Council/Committee/Commission Action: None.

Competing Viewpoints Considered: Continued public input is encouraged and welcomed. Informal public comment may be provided at Planning Commission work sessions or in writing to Tess Cooper, tessc@cityofanacortes.org. A formal public hearing will be advertised and held later in the process.

Recommended Motion: None

Attachments:

- Proposed Schedule
- SEPA Environmental Checklist w/ Notice
- New Comments Received
- Meeting Summary of October 23 meeting discussion points

Proposed CAO Timeline

Date	Action
October 23rd	**PC – Public Meeting Unveiling**
October 25th	SEPA Notice to AA
October 29th	Commerce Notice
October 30th	Posting of SEPA 21 day Comment Period *SMP Open House*
November 13th	**PC – Public Meeting Overview Cont'**
November 20th	End of SEPA comment period **PC Special* Meeting – Public Meeting Overview Cont'**
November 27th	**Propose to Cancel Meeting due to Holiday**
December	**PC – Public Hearing TBD**
December 28th	End of 60 day Commerce Review

Notice of Availability and SEPA Comment Period

Description of Proposal: Notice of Availability of the Draft Update to the Critical Area Ordinance and associated SEPA Environmental Checklist for review and comments. The proposed non-project legislative action is to amend the Critical Area regulations in accordance with the Growth Management Act requirements. The critical areas ordinance regulates certain activities and development in and near wetlands, streams, fish & wildlife habitat conservation areas, geologically hazardous areas, frequently flooded areas, and critical aquifer recharge areas. The draft includes updates in accordance with state law and best available science, reorganization, and functional changes to certain requirements.

Project File: PLN-2019-0010

Proponent*:* City of Anacortes 904 6th Street, P.O. Box 547, Anacortes, WA 98221-0547

Lead Agency: City of Anacortes, Planning, Community, & Economic Development Department

SEPA Review: The City of Anacortes will not act on this proposal for 21 days from the date of this notice. Once a determination is made a copy of the subsequent SEPA threshold determination for the proposal may be obtained upon request. **Written comments must be submitted on or before 5:00 p.m., November 20, 2019** to the project contact listed below**.**

Existing Environmental Documents: SEPA Environmental Checklist, Best Available Science Report for Wetlands and FWHCA's (ATSI, 11/1/16), Best Available Science Report for GHAs, CARAs, and FFAs (GeoEngineers, 7/26/17), City of Anacortes Stream Buffer BAS Review (GeoEngineers, 10/21/17).

To View Documents: Documents associated with this proposal can be viewed on the City of Anacortes website, at: https://www.anacorteswa.gov/201/Critical-Areas-Regulations-Update or may be reviewed at the City of Anacortes Planning Department.

Public Hearing: Date to be determined.

Contact Person: Please direct any comments to: Tess Cooper, Associate Planner; Planning, Community, & Economic Development Department; P.O. Box 547, Anacortes, WA 98221; 360-588-8234; tessc@cityofanacortes.org.

SEPA Responsible Official: Don Measamer, Director, Planning, Community & Economic Development Department

Date of Notice: October 30, 2019

SEPA ENVIRONMENTAL CHECKLIST

A. BACKGROUND [help]

1. Name of proposed project, if applicable: [help]

City of Anacortes Critical Areas Regulations Periodic Update

2. Name of applicant: [help]

City of Anacortes Planning, Community & Economic Development

3. Address and phone number of applicant and contact person: [help]

Tess Cooper, Associate Planner
City of Anacortes
P.O. Box 547
Anacortes, WA 98221
360-588-8234
tessc@cityofanacortes.org

4. Date checklist prepared: [help]

October 25, 2019

5. Agency requesting checklist: [help]

City of Anacortes

6. Proposed timing or schedule (including phasing, if applicable): [help]

Planning Commission public hearing in December 2019. Adoption by ordinance expected by end of January 2020. If adopted, the proposed amendments would go into effect shortly thereafter.

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

The non-project action does not have any future additions or expansions expected. The City updates the Regulations at minimum every eight years (RCW 36.70A.130), as required under GMA

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

Environmental review has been conducted for this proposal through this SEPA Expanded Environmental Checklist. These existing documents are relevant to the present proposal and are being adopted and used to help meet environmental review requirements pursuant to WAC 197-11-600. We expect a DNS determination to be issued in November 2019.

Additionally, the following reports have been prepared for the update:
Best Available Science Report for Wetlands and FWHCA's; ATSI 11/1/16
Best Available Science Report for GHAs, CARAs, and FFAs (GeoEngineers, 7/26/17)
Best Available Science Stream Buffer Review and Buffer Recommendations Report (GeoEngineers, 10/21/19)

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

This non-project action affects all of Anacortes city limits and the adjacent Urban Growth Area within Skagit County. There are many pending development proposals, however the changes will only impact new development proposals after the ordinance is adopted.

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

City Council approval or modification of these proposed amendments (by ordinance).

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

The proposed non-project legislative action is to amend the Critical Area regulations in accordance with the Growth Management Act requirements. The critical areas ordinance regulates certain activities and development in and near wetlands, streams, fish & wildlife habitat conservation areas, geologically hazardous areas, frequently flooded areas, and critical aquifer recharge areas. The draft includes updates in accordance with state law and best available science, reorganization, and functional changes to certain requirements. The intent of the changes is to provide an overall increase in environmental protections.

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

The Critical Area Regulations affect all real property city-wide, and within the Urban Growth Area.

B. ENVIRONMENTAL ELEMENTS [help]

ITEMS 1 THROUGH 16 RESPONSES ARE GENERAL IN NATURE BECAUSE THIS IS A NON-PROJECT ACTION.

1. Earth

a. General description of the site [help]
(circle one): Flat, rolling, hilly, steep slopes, mountainous,
other _____

b. What is the steepest slope on the site (approximate percent slope)? [help]
c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. [help]
d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. [help]
e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. [help]
f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. [help]
g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? [help]
h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: [help]

The City of Anacortes, Washington is located on the northern end of Fidalgo Island. Elevations within the City vary from sea level, to 600 feet in the southwest quadrant, and to 1,270 feet at the top of Mt. Erie. Portions of Anacortes are flat, rolling, hilly, and or contain steep slopes. Soil types vary throughout City limits.

Development that is authorized consistent with the City's development regulations following the adoption of the amendments will be required to comply with City, State, and Federal requirements regarding slopes, soils, stormwater management, and erosion. The intent of the update is to provide an overall increase in environmental protections to the elements of earth.

2. Air

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. [help]
b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. [help]
c. Proposed measures to reduce or control emissions or other impacts to air, if any: [help]

This non-project action does not propose allowing for an increase in industrial type development that may increase emissions.

Development that is authorized consistent with the City's development regulations following the adoption of amendments will be required to comply with City, State, and Federal requirements regarding regulated critical areas, stormwater runoff, and all other potential impacts to the air. The intent of the update is to provide an overall increase in environmental protections.

3. **Water**

a. Surface Water: [help]

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. [help]
2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. [help]
3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. [help]
4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. [help]
5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. [help]
6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. [help]

b. Ground Water:

1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. [help]
2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. [help]

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. [help]
2) Could waste materials enter ground or surface waters? If so, generally describe. [help]
3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

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

The City is bounded on three sides by 20 miles of saltwater shoreline of Burrows Bay, Rosario Strait, Guemes Channel and Fidalgo Bay. These shorelines are "shorelines of statewide significance". There are 15 named streams flowing through the city, including Happy Valley Stream, Ace of Hearts Creek, Beaver Brook, Cranberry Creek, Clyde Creek, Anaco Bourn, Morrison Run, Cedar Springs, Weaverling Rill, Miller Creek, Aqua Creek, Howard Creek, Summit Creek, and March's Run. Many of the streams have been placed in culverts, channels, or have been otherwise altered. There are three freshwater lakes within City limits, including Whistle, Heart and Cranberry Lakes, as well as a portion of the northeast shoreline of Lake Erie. Various category wetlands are found throughout the City, with major systems located within the Anacortes Forest Lands and near Ship Harbor.

There are parts of the City that are located within the regulated flood plain, primarily along shoreline areas.

Potable water is supplied to City residents and surrounding areas by the City water utility, which gets water from Skagit River.

Development that is authorized consistent with the City's development regulations following the adoption of amendments will be required to comply with City, State, and Federal requirements regarding regulated critical areas, stormwater runoff, and all other potential impacts to both ground and surface water. The intent of the update is to provide an overall increase in environmental protections to water resources.

4. **Plants** [help]

a. Check the types of vegetation found on the site: [help]
____deciduous tree: alder, maple, aspen, other
____evergreen tree: fir, cedar, pine, other
____shrubs
____grass
____pasture
____crop or grain
____ Orchards, vineyards or other permanent crops.
____ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
____water plants: water lily, eelgrass, milfoil, other
____other types of vegetation

b. What kind and amount of vegetation will be removed or altered? [help]
c. List threatened and endangered species known to be on or near the site. [help]
d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: [help]
e. List all noxious weeds and invasive species known to be on or near the site.

Anacortes is located within the Pacific Northwest, which has plentiful rainfall and mild summers. A majority of the above plants occur within the city. Rare plant species are identified in mapping from the Department of Natural Resources and especially within the Anacortes Community Forest Lands. Regulations will protect these rare and endangered species.

Development that is proposed will be consistent with the City's development regulations and will be required to comply with City, State, and Federal requirements regarding plants, including endangered species and priority habitats and species protections under the Fish and Wildlife Habitat Conservation Areas requirements. The intent of the update is to provide an overall increase in environmental protections to sensitive plant resources.

5. **Animals**

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include: [help]

birds: hawk, heron, eagle, songbirds, other:
mammals: deer, bear, elk, beaver, other:
fish: bass, salmon, trout, herring, shellfish, other _____

b. List any threatened and endangered species known to be on or near the site. [help]
c. Is the site part of a migration route? If so, explain. [help]

d. Proposed measures to preserve or enhance wildlife, if any: [help]

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

All of the above animals occur within Anacortes. Anacortes is part of the migratory route known as the American Pacific Flyway. The City is home to many fish, shellfish and bird and mammal species, especially within the Anacortes Community Forest Lands and along the saltwater shorelines.

Development that is authorized consistent with the City's development regulations following the adoption of amendments will be required to comply with City, State, and Federal requirements regarding animals in regulated critical areas and Fish and Wildlife Habitat Conservation Areas. The intent of the update is to provide an overall increase in environmental protections to sensitive animal species.

6. **Energy and natural resources**

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

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

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

No significant impacts are anticipated to energy and natural resources outside of normal development. Any future development that is proposed will be consistent with the City's development regulations and will be required to comply with City, State, and Federal requirements regarding energy and natural resources.

7. **Environmental health**

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

1) Describe any known or possible contamination at the site from present or past uses.
2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.
3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.
4) Describe special emergency services that might be required.
5) Proposed measures to reduce or control environmental health hazards, if any:

This non-project action does not propose allowing for an increase in industrial type development that may increase risks of environmental health hazards. The section on Critical Aquafir Recharge Areas increases regulation of activities that could cause a spill and contamination of ground water resources.

Development that is proposed will be consistent with the City's development regulations and will be required to comply with City, State, and Federal requirements regarding environmental health. No significant impacts are anticipated to environmental health outside of normal development. The intent of the update is to provide an overall increase in environmental protections.

b. **Noise**

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? [help]
2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. [help]
3) Proposed measures to reduce or control noise impacts, if any: [help]

Noises typical of urban and residential environments are currently found in the area of the City. The intensity can range depending on the location and use of the project area. Changes to noise levels can be expected with certain development activities. Noise can be controlled through hours of operation, screening, and design elements of a proposed project covered under the draft critical area regulations.

Development that is proposed will be consistent with the City's development regulations and will be required to comply with City, State, and Federal requirements regarding land use and noise.

8. **Land and shoreline use**

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. [help]
b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? [help]
1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:
c. Describe any structures on the site. [help]
d. Will any structures be demolished? If so, what? [help]
e. What is the current zoning classification of the site? [help]
f. What is the current comprehensive plan designation of the site? [help]
g. If applicable, what is the current shoreline master program designation of the site? [help]
h. Has any part of the site been classified as a critical area by the city or county? If so, specify. [help]
i. Approximately how many people would reside or work in the completed project? [help]
j. Approximately how many people would the completed project displace? [help]
k. Proposed measures to avoid or reduce displacement impacts, if any: [help]
L. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: [help]
m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:

This non-project action does not propose a change in shoreline use at this time. The City use and zoning designation within the shoreline jurisdiction include residential, commercial, and commercial marine and are not expected to experience any affects by approval of the Plan. Many of the protected critical areas in this plan including Fish and Wildlife Habitat Conservation Areas, Geologically

Hazardous Areas, and Frequently Flooded Areas frequently occur within the 200 foot shoreline jurisdiction. The intent of the update is to correlate with the Shoreline Master Program to protect valuable shoreline resources.

Any future development that is proposed will be consistent with the City's development regulations and will be required to comply with City, State, and Federal requirements regarding land use and shoreline regulations. The intent of the update is to provide an overall increase in environmental protections to shoreline resources.

9. **Housing**

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. [help]
b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. [help]
c. Proposed measures to reduce or control housing impacts, if any: [help]

No significant impacts are anticipated to housing are expected with the adoption of these regulations, the Reasonable Use Accommodation makes allowanced to permit residential development.

Development that is authorized consistent with the City's development regulations following adoption of the amendments will be required to comply with City, State, and Federal requirements regarding housing.

10. **Aesthetics**

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? [help]
b. What views in the immediate vicinity would be altered or obstructed? [help]
c. Proposed measures to reduce or control aesthetic impacts, if any: [help]

The Plan if approved will help preserve existing open space and the natural character of critical areas, as well as protect the scenic viewshed of Fidalgo Island.

11. **Light and glare**

a. What type of light or glare will the proposal produce? What time of day would it mainly occur? [help]
b. Could light or glare from the finished project be a safety hazard or interfere with views? [help]
c. What existing off-site sources of light or glare may affect your proposal? [help]
d. Proposed measures to reduce or control light and glare impacts, if any: [help]

Development that is authorized consistent with the City's development regulations following adoption of the amendments will be required to comply with City, State, and Federal requirements regarding lighting and glare.

12. **Recreation**

a. What designated and informal recreational opportunities are in the immediate vicinity? [help]
b. Would the proposed project displace any existing recreational uses? If so, describe. [help]
c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: [help]

The city offers various designated recreation opportunities that in include the 3000 acres of designated Community Forest Lands and various play fields (baseball, soccer, and open play areas), there are tennis courts, basketball courts and racquet ball courts. We have many parks that offer various playground experiences such as a zip line, a spray pad and a skate park.

Development that is authorized consistent with the City's development regulations following adoption of the amendments will be required to comply with City, State, and Federal requirements regarding recreation.

13. **Historic and cultural preservation**

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe. [help]
b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. [help]
c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. [help]
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.

Development that is authorized consistent with the City's development regulations following adoption of the amendments will be required to comply with City, State, and Federal requirements regarding cultural preservation.

14. **Transportation**

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. [help]
b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? [help]
c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? [help]
d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). [help]
e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. [help]
f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? [help]

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.
h. Proposed measures to reduce or control transportation impacts, if any: [help]

No significant impacts are anticipated to transportation infrastructure are expected with the adoption of these regulations, the Permitted Alteration provisions makes allowanced to permit public transportation projects as needed in the community through mitigation sequencing and a designated permit process.

Development that is authorized consistent with the City's development regulations following adoption of the amendments will be required to comply with City, State, and Federal requirements regarding transportation.

15. **Public services**

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. [help]
b. Proposed measures to reduce or control direct impacts on public services, if any. [help]

No significant impacts are anticipated to public service are expected with the adoption of these regulations, the Permitted Alteration provisions makes allowanced to permit public service projects as needed in the community through mitigation sequencing and a designated permit process.

Development that is authorized consistent with the City's development regulations following adoption of the amendments will be required to comply with City, State, and Federal requirements regarding public services.

16. **Utilities**

a. Circle utilities currently available at the site: [help]
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other _____
b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. [help]

All of the utilities listed above are available within the City. Upgrades and extensions are generally requirements to development if needed. Development that is authorized consistent with the City's development regulations following adoption of the amendments will be required to comply with City, State, and Federal requirements regarding utilities.

C. SIGNATURE [HELP]

I certify (or declare) under penalty of perjury under laws of the State of Washington that the above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make a decision.

Signature:

Name of signee: Tess Cooper

Position and Agency/Organization: Associate Planner, City Of Anacortes

Date Submitted: October 25, 2019

D. Supplemental sheet for nonproject actions [help]

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?

In general, new development creates additional hard surfaces, traffic, and noise, but it is anticipated the draft amendments would limit growth and development in sensitive environmental areas and is therefore not likely to increase the above listed actions.

Proposed measures to avoid or reduce such increases are:

Discharges to water, air, production of noise, and storage or release of toxic or hazardous substances would continue to be subject to existing city, state and federal regulations and/or additional project-level environmental review.

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

Planned growth enabled under this proposal is limited in environmentally sensitive areas and is therefore primarily focused within already developed areas such that impacts to plants, animals, fish or marine life are not likely to significantly increase as compared to existing land use plans.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:
Existing Federal, State laws and City development regulations have been adopted to protect and conserve plants, animals, fish, and marine life. The City has adopted a Shoreline Master Program that aims to protect shoreline resources. Specifically, future development under this proposal would be subject to critical area buffer restrictions, use restrictions and mandatory mitigation in environmentally sensitive areas including wetlands, fish and wildlife conservation areas, protections for endangered and threatened species, and priority habitats.

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

The proposal is not likely to significantly increase impacts to energy usage and natural resources.

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

Future development under this proposal would be able to incorporate low impact design guidelines and utilize energy saving technology. All activities will continue to be subject to existing energy codes and other city, state and federal regulations and/or additional project-level environmental review.

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

The proposal is specifically for the purpose of the protection all of the above environmentally sensitive areas. This amendment addresses environmental evaluation requirements, prohibits certain uses and activities, establishes protective buffers, and mandates no net loss through mitigation standards. The language in the document has been strengthened, the mistakes have been corrected, and unclarities have been clarified.

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

Future development under this proposal would continue to be subject to existing regulations protecting environmentally sensitive areas, and other city, state and federal regulations and/or additional project-level environmental review.

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 amendment integrates the shoreline master program requirements and provided environmental protection to sensitive shoreline resources. The regulations prohibit incompatible uses in the shoreline critical areas and implement protective buffers.

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

Future development under this proposal would continue to be subject to existing regulations protecting environmentally sensitive areas, and other city, state and federal regulations and/or additional project-level environmental review.

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

The proposal is not likely to significantly increase demands on transportation or public services and utilities.

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

Future development under this proposal would continue to be subject to existing city, state and federal regulations and/or additional project-level environmental review.

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

The proposal directly implements local comprehensive plan policies and is consistent with the Growth Management Act and all other local, state and federal laws applicable. Future development under this proposal would continue to be subject to existing city, state and federal regulations and/or

additional project-level environmental review. The intent of the changes is to provide an overall increase in environmental protections.

Cooper, Tess

Subject: FW: Anacortes Critical Areas Ordinance: additional comments

From: Neil O'Hara <neiloh52@gmail.com>
Sent: Saturday, October 26, 2019 5:55 PM
To: Young, Anthony <anthony@cityofanacortes.org>; Adams, Brad <brada@cityofanacortes.org>; McDougall, Bruce <Brucem@cityofanacortes.org>; Johnson, Eric <ericj@cityofanacortes.org>; Miller, Matt <mattm@cityofanacortes.org>; Gere, Laurie <laurieg@cityofanacortes.org>; Walters, Ryan (Anacortes City Council) <ryanw@cityofanacortes.org>; Moffitt, Amber <amberm@cityofanacortes.org>; Doll, Andrea <andread@cityofanacortes.org>; Cleland-McGrath, Christine <christinec@cityofanacortes.org>; Measamer, Don <don@cityofanacortes.org>; Graf, Jeffrey <jeffg@cityofanacortes.org>
Subject: Anacortes Critical Areas Ordinance: additional comments

Dear Sir or Madam,

I would like to expand on my earlier comments about the draft CAO, which included a reference to observing 35 bird species at the Ship Harbor Interpretive Reserve on a single visit in late June 2019.

I have reviewed my list of birds to identify those for which I noted breeding behavior either at the time or other visits to SHIP around that time:

1. Anna's hummingbird
2. Rufous hummingbird
3. Osprey
4. Black-capped chickadee
5. Marsh wren
6. Swainson's thrush
7. American robin
8. Cedar waxwing
9. House finch
10. Purple finch
11. American goldfinch
12. Spotted towhee
13. Common yellowthroat
14. Yellow warbler
15. Black-headed grosbeak
16. Red-winged blackbird

Of these 16 species, six nest only near water (osprey, marsh wren, common yellowthroat, yellow warbler, black-headed grosbeak and red-winged blackbird), which makes the SHIP wetland all the more important.

Please note that these were just regular birding observations rather than a formal breeding bird survey and all were from the SHIP trail only (i.e., not from the ferry terminal road, Ship Harbor Inn or Portallis).

Despite the verbal assurance offered at the October 23 meeting that the revised wetland rating system will not reduce protection of any locally important critical areas, the draft CAO as written offers no such assurance. The deletion of any reference to specific wetlands including SHIP, Cannery Pond and the various wetlands within the Anacortes Community Forest Lands leaves open the possibility that protection for these key areas may in fact be reduced.

I implore the planning commission to insist that important local wetlands and the specific protections to which they are entitled remain spelled out in writing in the new CAO—and to ensure that those protections are, at a minimum, no less stringent than those cited in the existing CAO.

Sincerely,

Neil A. O'Hara
4407 Anaco Beach Place
Anacortes, WA 98221-8767

Tel: 781-290-9083
www.neiloharawriter.com

Cooper, Tess

Subject: FW: A sentence to consider, from the American Planning Association re: the roles of Planning Commissions and staff.

Dear Planning Commissioners,

At the Oct. 23, 2019 Planning Commission meeting I got the impression that the planning staff were trying to dictate deadlines, thereby attempting to
reverse the Commission / staff roles in the planning process. The Planning Commission is in charge, the staff serve you, not visa versa.

Here is a sentence to back up my statement: From page 23, under the heading "Planning Staff", point # 7, from the American Planning Associations (APA)
handbook, "The Citizen's Guide to Planning", fourth edition, by Duerksen, Dale and Elliott:
Planning staff's responsibilities typically involve the following: **"Serving as staff to the planning commission, the appeals board, and various other boards and commissions"**

In my opinion, that sentence from the APA is a good reminder that the line between the roles of decision makers and their staffs is not to be blurred. Clarity of responsibility is in the best interest of open government. For instance, there is the expectation that staff will get crucial public comments to the commissioners in time to read before meetings, rather than what happened on the 30th when comments by Mr. Barnes and Mr. Glade were apparently held up.

Thanks for your time.

Gene Derig
Anacortes, WA

Cooper, Tess

Subject: FW: Don't Gut the Anacortes Critical Areas Ordinance

From: John Morgan <jjm32018@aol.com>
Sent: Saturday, November 2, 2019 12:33 PM
To: Young, Anthony <anthony@cityofanacortes.org>; Adams, Brad <brada@cityofanacortes.org>; McDougall, Bruce <Brucem@cityofanacortes.org>; Johnson, Eric <ericj@cityofanacortes.org>; Miller, Matt <mattm@cityofanacortes.org>; Gere, Laurie <laurieg@cityofanacortes.org>; RyanWalters@aol.com; Walters, Ryan (Anacortes City Council) <ryanw@cityofanacortes.org>; AmberMoffitt@aol.com; Moffitt, Amber <amberm@cityofanacortes.org>; AndreaDoll@aol.com; Doll, Andrea <andread@cityofanacortes.org>; ChristineCleland-McGrath@aol.com; Cleland-McGrath, Christine <christinec@cityofanacortes.org>; Measamer, Don <don@cityofanacortes.org>; JeffGraf@aol.com; AnacortesPlanning@aol.com; Graf, Jeffrey <jeffg@cityofanacortes.org>
Subject: Don't Gut the Anacortes Critical Areas Ordinance

To distinguished City officials,

Please re-consider your decision to allow uncontrolled development of these critical Environmental areas. Not every square foot of land in Anacortes needs to be filled in with Asphalt and Buildings. How about some "Open Space" areas with Trees planted in the potential Landslide Zones. You may have to do a Tax measure to do this. But I'm sure you are able to figure this out. I'll come by with some of my friends with some ideas. See you in the Council Chamber!

Thanks,

John Morgan
360-873-8747

DRAFT OUTLINE

CRITICAL AREA ORDINANCE UPDATE

Summary of Recommendations: Session 1 (October 23)

The following concerns were submitted to the Planning Department in response to Draft 2.

REGIONALLY/LOCALLY SIGNIFICANT WETLANDS

Current Provisions: 17.70.320
Draft Proposal: 19.70.250
Public Feedback: Disappointed that special protections for these wetlands have been removed.
Considerations:

REMOVAL OF STREAM NAMES

Current Provisions: 17.70.540.A.7
Draft Proposal: 19.70.340
Public Feedback: Disappointed that stream names have been removed.
Considerations:

ACFL PROVISIONS

Current Provisions: 17.70.570.D
Draft Proposal: 19.70.350.C.1
Public Feedback: Disappointed the special introduction explaining the ACFL is removed
Considerations:

PASSIVE VS. ACTIVE RECREATION

Current Provisions:
Draft Proposal:
Public Feedback:
Considerations:

BICYCLES

Current Provisions:
Draft Proposal:
Public Feedback:
Considerations: