

ANACORTES PLANNING COMMISSION



August 23, 2017

Municipal Building Council Chambers

6th Street and "Q" Avenue

AGENDA

6 P.M.

1. **Roll Call**
2. **Minutes of August 9, 2017**
3. **Correspondence**
4. **Old Business**
Discussion: Critical Areas Regulations Update – Review of Geologically Hazardous Areas, Frequently Flooded Areas & Critical Aquifer Recharge Areas sections

If reasonable accommodation of a disability is needed please contact Cherri Kahns at 299-1950 at least 48 hours prior to this meeting.



Planning Commission Meeting Minutes for – August 9, 2017

Chair Laumbattus called the meeting of August 9, 2017 to order at approximately 6 p.m.

Roll Call

Members Present: Commissioners Laumbattus, McNett, Doll, Oppel, Cleland-McGrath, and Mount

Members Absent: Commissioner Moffit

Minutes

Minutes of July 26, 2017 were approved as written

Correspondence

None

Old Business

Critical Areas Update

Libby Grage, Planning Manager, presented a recap of the process, proposal, and schedule of the Critical Areas Update.

Martha Hall. Ms. Hall stated disagreement with the exemption of passive recreation and maintenance, and requested a public process for allowing it.

Vernon Lauridsen, 2219 32nd Street. Mr. Lauridsen suggested methods of processing the update and details to consider, as well as suggesting reasonable use exceptions be reviewed by a Hearing Examiner. Mr. Lauridsen provided an article from the Attorney General on regulatory takings, and a written comment was provided for the record. Mr. Lauridsen questioned the time limit placed on public comment period.

Don Measamer, Planning Director, stated staff will respond with comments at a later meeting. In response to a comment from Mr. Lauridsen regarding a limited public comment period, Mr. Measamer provided public comment is not necessarily restricted although there is a timeframe for coordination and submittal to other agencies which does require a deadline to collect input. Comment may be provided throughout the process including during public meetings and the public hearing. The process may extend through September.

Chair Laumbattus called the meeting to a close at approximately 8 p.m.



Planning Commission Agenda Bill

Meeting Date: 8/23/2017 **Agenda Item:** [Click here to enter text.](#)

Subject: Anacortes Critical Areas Regulations Update

Staff Contact: Libby Grage, Planning Manager

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

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

Summary Statement: At the 8/23/17 meeting, staff will review a summary of the proposed changes to the Geologically Hazardous Areas, Critical Aquifer Recharge Areas, and Frequently Flooded Areas sections of the City's critical areas regulations. The attached memo dated 8/16/17 provides additional background and information about some of the more substantial changes within these sections. Staff recommends that the format of the meeting generally follow that of the prior PC meeting (8/9/17), with staff presentation of the summary and planning commission questions and discussion occurring first, then providing time for public comments.

Background: The GMA requires the City to periodically review and update, if needed its Comprehensive Plan and development regulations protecting critical areas. Planning Department staff developed a first draft of proposed changes to the City's critical areas regulations based on recommendations from qualified professional consultants, review of best practices and other documents from other jurisdictions, and guidance documents from WA State Department of Ecology, Department of Commerce, and Department of Fish & Wildlife.

Additional project information can be found on the project webpage:

<http://www.cityofanacortes.org/CARupdate.php>.

Previous PC Action: The Planning Commission discussed proposed updates to the critical areas regulations at the 8/9/17 PC meeting.

Competing Viewpoints Considered: Public input is welcomed and will be accepted in writing or verbally at relevant Planning Commission meetings.

Recommended Motion: None. This is a discussion item only.

Attachments (listed in order presented):

Memo from Libby Grage, PCED, dated 8/16/17

DRAFT CARA map

Public comments

City of Anacortes

Planning, Community & Economic Development Department

DATE: August 16, 2017
TO: Planning Commission
FROM: Libby Grage
Planning, Community & Economic Development Department
SUBJECT: **August 23, 2017 PC Meeting:** Anacortes Critical Areas Regulations Update
Summary of Proposed Changes: *Geologically Hazardous Areas; Critical Aquifer Recharge Areas; Frequently Flooded Areas*

Introduction

The information in this document corresponds to the 1st draft proposed updates to the City's critical areas regulations titled "Ch.19.70-CriticalAreasPC-V1", dated July 20, 2017. The document is focused on Geologically Hazardous Areas (GHAs), Critical Aquifer Recharge Areas (CARAs), and Frequently Flooded Areas (FFAs). Please see the memo (dated 8/2/17) prepared by PCED for the 8/9/17 PC meeting for additional background information and a summary of proposed changes to the Wetlands, Fish & Wildlife Habitat Conservation Areas, and proposed new General Provisions and Critical Areas Review Procedures sections.

The City contracted with GeoEngineers to assist with the updates to the GHAs, CARAs and FFAs sections. GeoEngineers' review of existing codes, Best Available Science (BAS) and recommendations can be found under the "Technical Memorandums" link on the project webpage:

<http://www.cityofanacortes.org/CARupdate.php>.

Each heading section below identifies proposed updated code section name or topic, general discussion providing background, a summary of what the existing regulations say, and a summary of what the proposed regulations say (including subsection citations).

Geologically Hazardous Areas Section

Geologically hazardous areas include areas that are susceptible to the effects of erosion, sliding, earthquake, or other geologic events. The focus of the regulations for geologically hazardous areas is to ensure that the public health and safety is not threatened by development in such areas. Some geologic hazards can be reduced or mitigated by engineering, design, or modified construction practices so that risks to public health and safety are minimized.

Some of the key elements intended to incorporate BAS, and to improve readability and certainty in this section are:

1. Designation

Discussion: RCW 36.70a.030 defines geologically hazardous areas. WAC 365-190-120 identifies areas that are required to be classified as geologically hazardous areas.

Existing: (17.70.190)	Generally consistent with WAC and BAS.
Proposed: (19.70.410)	Updated with some additional detail including specific soil map units for erosion hazard areas; areas within ¼ mile of an active fault for seismic hazard areas; areas with moderate to high risk of liquefaction on DNR maps, etc. per GeoEngineers recommendations.

2. Mapping and resources

Discussion:	City mapping of geologically hazardous areas will be updated as part of this process based on available resources. The City's consultant recommended that the City obtain high resolution LiDAR mapping. LiDAR represents the BAS with respect to mapping recent and historic landslides. The City is looking into acquisition of this data.
Existing: (19.70.190)	Various maps and data sources are referenced.
Proposed: (19.70.420)	The list of information sources to consult has been updated to include more recent mapping and resources.

3. Exemptions and allowed activities

Discussion:	Activities that are identified as exempt are not subject to the critical areas regulations or review; some allowed activities are not required to submit a critical areas report. GeoEngineers recommended against exempting from CA report requirements any proposals involving "occupied" buildings.
Existing: (17.70.220)	Except for in erosion and landslide hazard areas, the regulations list out exemptions to the requirement to submit a critical area report, including construction of new buildings less than a certain size that do not have a residential, employment or public assembly occupancy. In areas other than erosion and landslide hazard areas, additions to SFRs that are less than 250 sq. ft. are allowed without submittal of a critical areas report.
Proposed: (19.70.020, 19.70.035 & 19.70.430)	19.70.020 identifies activities that are exempt from critical areas review provided certain standards are met. After further review, some adjustments to the proposed language are recommended to ensure that exemptions will not result in adverse impacts to landslide or erosion hazard areas (including AMC 19.70.035(C)).

4. Specific development standards – Erosion & landslide hazard areas

Discussion:	The focus of CAO regulations for geologically hazardous areas is to ensure that the public health and safety is not threatened by development in these areas. Regulations typically include minimum buffers and/or setbacks and allow disturbance to landslide hazard areas only if a site-specific investigation is completed, analysis indicates that the proposed development will not affect or be affected by the landslide hazard, and specific development or performance standards/recommendations are followed.
Existing: (17.70.220; 17.70.260)	Unless otherwise exempt, all proposed activities within an erosion or landslide hazard area or buffer require a critical areas report. A buffer equal to the height of the slope or 50', whichever is greater, is required from all edges of a landslide

hazard area. The buffer may be reduced to a minimum of 10' based on a report from a qualified professional. Alterations may be allowed if it is shown through a critical areas report prepared by a qualified professional that the hazard is eliminated or mitigated to a level equal to or less than pre-development conditions, and meeting certain additional design standards.

The Anacortes Shoreline Master Program contains management policies and development regulations for marine bluffs that are located in shoreline jurisdiction.

Proposed: (19.70.440(A))	Unless otherwise exempt, all proposed activities within an erosion or landslide hazard area or buffer would still require a critical areas report. A buffer of 50' is proposed to be required from all edges of a landslide hazard area. GeoEngineers recommended allowing a buffer reduction to a minimum of 15' based on a report from a qualified professional. Alterations of the minimum buffer or landslide hazard area are proposed to only be allowed based on certain criteria and would require submittal of a critical areas report prepared by a qualified professional subject to certain design standards. A notice on title would be required to be recorded that acknowledges and informs subsequent property owners of the risk of development in a landslide hazard area.
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5. Specific development standards – Seismic hazard areas

Discussion: Seismic hazard areas include areas that are subject to severe risk of damage from earthquake induced ground shaking, slope failure, settlement, soil liquefaction, and lateral spreading or surface faulting. According to DNR natural hazard mapping for the Anacortes area:

- Landslide hazard areas occur throughout the City, but the majority are along the northern and western shorelines;
- The closest active fault is about 5 miles southwest of Fidalgo Island;
- Areas mapped as having a high susceptibility to liquefaction include the north and central Fidalgo Bay waterfront, northern portion of the city along Guemes Channel between F and T Avenues; Skyline marina area; and March's Point

Typically, concerns with activities within seismic hazard areas include evaluation of the type and magnitude of potential seismic hazard and mitigation to reduce the seismic risk through engineering design in accordance with the IBC.

Existing: (17.70.250; 17.70.260 (B))	The code requires a critical areas report for activities within seismic hazard areas, except that additions to existing SFRs less than 250 sq. ft. are exempt from the requirement. Activities within seismic hazard areas must meet the general performance standards in AMC 17.70.250.
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Proposed: (19.70.440 (B))	Activities would be allowed in seismic hazard areas subject to submittal of a critical areas report and to the General Development Standards in 19.70.460(C), which include not increasing the threat to adjacent properties, not adversely impacting other critical areas, eliminating or mitigating to a level equal to or less than pre-development conditions, and a determination by a qualified professional that the activity is safe as designed under anticipated conditions. Consistent with GeoEngineers recommendations, the exemption from the requirement to submit a critical areas report for additions to SFR is proposed to be eliminated.
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6. Specific development standards – Mine hazard areas

Discussion: No coal mine hazards have been identified in the Anacortes area. Two silver-copper-gold mines, Anacopper Mine and Stephens (Fidalgo) Mine, were located in central Anacortes in the Little Cranberry Lake / Anacopper Mine Road area, and are no longer in operation.

Existing: (17.70.250; 17.70.260 (C)) The code requires a critical areas report for activities in a mine hazard area and/or buffer, except that additions to existing SFRs less than 250 sq. ft. are exempt from the requirement. Activities within mine hazard areas must meet the general performance standards in AMC 17.70.250.

Proposed: (19.70.440 (C)) Activities would be allowed in mine hazard areas subject to the submittal of a critical areas report and to the General Development Standards in 19.70.460(C). Due to the believed location of the mines within the ACFL, it is unlikely that development proposals within these areas will occur.

7. Specific development standards – Tsunami hazard areas

Discussion: Tsunami hazard areas are those areas that are susceptible to flooding, inundation, debris impact, and/or mass wasting as the result of coastal wave action generated by seismic or other geological events. Skyline Marina, Washington State Ferry Terminal Area, the northeastern shoreline of Anacortes along Guemes Channel, and shoreline areas along Fidalgo and Padilla Bays are mapped as being potentially impacted by a tsunami.

Existing: (17.70.250 (D)) All activities within areas susceptible to inundation require an evacuation and emergency management plan. Also, the city may use the performance standards for coastal high hazard areas (in the frequently flooded areas section) as guidance in reviewing new structures proposed in these areas.

Proposed: (19.70.) Activities require an evacuation and emergency management plan. The purpose of such a plan is to require consideration of the hazard in the design of a new development (e.g. consideration of ways to avoid potential bottlenecks in case of evacuation, etc.). It might be reasonable to exempt single new SFRs on existing legal lots from this requirement. One potential option to increase awareness of this potential risk would be to require notice be recorded on title when new construction or substantial improvement is proposed for existing SFRs or other uses. Also, the IBC table listing prohibited occupancies (Risk Categories III and IV) within tsunami hazard zones is referenced. Staff recommends a section (3) be inserted, consistent with the existing regs, stating that the City may require performance standards for Coastal High Hazard Areas be met for new construction and substantial improvements in tsunami hazard areas.

8. Critical area report additional requirements

Discussion: A critical areas report will typically be required if the Director determines that geologic, hydrologic, or other site conditions present significant risk to life or property. The report must show to the satisfaction of the Director that the on-and off-site risk of damage from the proposal is minimal under the conditions set forth in the report and that the proposal will not increase the risk of potential geological hazard.

Existing: (17.70.250 (D))	This section contains specific elements required in the report for each type of geologically hazardous area.
Proposed: (19.70.450)	The new section is substantially similar to the existing in terms of technical report requirements. One addition is the requirement for a third party review when a buffer reduction or alteration to a landslide hazard area or buffer are proposed.

Critical Aquifer Recharge Areas Section

Under GMA, Critical Aquifer Recharge Areas (CARAs) are areas with a critical recharging effect on aquifers used for potable water. Aquifers are bodies of soil or rock that contain sufficient saturated material to conduct ground water and yield usable quantities of groundwater to wells or springs. The primary goal of establishing critical aquifer recharge areas is to protect the functions and values of a community's drinking water by preventing pollution and maintaining supply. Groundwater is also a source of water to streams, lakes, estuaries, wetlands and springs and therefore serves a critical function for wildlife and fish habitat. It also is often a key factor in flooding and geologic hazards.

The current and future potable water supply for the majority of Anacortes residents is the municipal supply system, and the source is surface water from the Skagit River. The City requires new and re-development to connect to the City water system. There are a few dozen private water supply wells servicing individual homes remaining within city limits.

Some of the key elements intended to incorporate BAS, and to improve readability and certainty in this section are:

9. Designation

Discussion: As stated above, most of Anacortes does not use groundwater for potable water, and new development is required to connect to the city public water system, which is not dependent on groundwater within the City limits. Therefore, in Anacortes, the primary purpose for establishing CARAs is the need to preserve aquifer resources for a limited number of existing private water supply wells, potential future drinking water supplies, and for maintaining base flows to protect aquatic resources.

Existing: (17.70.090)	The existing code designates two categories of aquifer recharge areas: - Category I are those areas needing special protection because they meet certain criteria, such as federal designation as a sole source aquifer; location within a "closed" or "low-flow" stream watershed as identified by DOE; areas designated as wellhead protection areas associated with group A or B supply wells; areas identified by the city or county as sea water intrusion areas; or plats served by more five or more individual wells where the average lot size is less than 2 acres and a wellhead protection plan has been completed and filed with Skagit County Health Department. - Category II are those areas not designated as Category I.
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Proposed: (19.70.520)	Based on the BAS review, one Group B wellhead protection area partially overlaps the southwestern city limits. Skagit County mapping shows a ½ mile from the shoreline as potential seawater intrusion areas (designated Category 1); however, because there are not any existing wells within this area and all new development is
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required to connect to the public water system, it is not necessary to include potential seawater intrusion areas in the CARA designation.

The proposed code language includes only one category, "Critical Aquifer Recharge Areas". Designated CARAs would include most areas qualifying as Category I in the existing code (in case areas are designated in the future). In addition, the following areas are also proposed to be designated as CARAs (and their general locations mapped):

- The 1,000-foot radius from individual private drinking water supply wells;
 - Areas with soils that have moderate to rapid permeability (>2 inches per hour) as listed in Table 14 of the Soil Survey of Skagit County (this needs to be added under this section).
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10. Applicability

Discussion: In order to carry out the provisions of the CARA regulations, it's important that it is easy to understand when an activity is subject to its provisions, what the requirements for report submittal are, and the applicable performance standards.

Existing: SFR building permits and residential short plats (where each lot is ≥ 2.5 acres) that
(17.70.100) are outside Category 1 areas, and SFR building permits where a site assessment was required with the original land division, are exempt from the aquifer recharge area code provisions.

All other development is subject to the provisions. Non-exempt projects are required to submit a site assessment report, of which the level of study and report detail is determined by the zoning administrator based on the type of land use being proposed, the designated aquifer recharge area category, and the vulnerability of the underlying aquifer(s) to contamination. The site assessment report requires a description of activities, practices, materials, or chemicals that have a potential to adversely affect the quantity or quality of underlying aquifer(s) and proposed mitigation measures; a map showing all wells and surface water courses within 1000'; and a description of the site hydrogeologic characteristics regarding impact to the quantity or quality of underlying aquifer(s).

Proposed: Staff has experienced difficulty in administering the existing regulations due to
(19.70.510.) confusing language and complicated process for determining applicable submittal requirements and standards for a particular proposal.

To enhance predictability in the code administration, it is proposed that applicability be based on whether a proposed use within an designated CARA will process, handle, treat, or store more than a certain amount of chemicals or wastes that could be introduced to, and contaminate, groundwater if improperly handled.

Definitions for "regulated facilities" and "hazardous materials" need to be added to the draft code. The City of Burien uses quantities exceeding 20 gallons or 200 pounds of hazardous, dangerous or extremely hazardous wastes or substances as defined in Ch. 70.105 RCW and Ch. 173-303 WAC.

New mapping and a hazardous materials questionnaire are being developed to assist in administration of the updated CARA regulations. The hazardous material questionnaire would be a form provided by the City and completed by an applicant or owner/operator to help determine regulatory status. The form would require disclosure of the types and estimated amounts of hazardous materials used by the facility and its operational activities so as to establish the level of risk to a CARA.

11. Public notice

Discussion:	Public notice allows people that may be impacted by an action, and/or that have more specific knowledge about the characteristics of a particular area to be involved in the decision-making process.
Existing: (17.70.140)	The existing regulations require public notice of a decision for projects occurring in Category I areas, except SFRs or accessory building permits and short plats; activities identified as prohibited activities; and commercial or industrial projects or subdivisions that have the potential to adversely affect the quality or availability of potable water.
Proposed: (19.70.120 & 19.20.030)	Public notice of the initial critical areas determination would be provided for projects requiring a NOA for the underlying project application (as proposed in AMC 19.70.120); a notice of decision would also be provided for projects that require a NOD for the underlying project application.

12. General & specific development standards; prohibited facilities

Discussion:	The GMA says that local government should consider and coordinate with state, federal and other authority's laws, rules, and permits when considering development regulations to avoid duplication of effort by making use of what is already being done by others. There are multiple local, state, and federal regulations that pertain to groundwater-impacting activities. These include laws about storage tanks, dangerous waste, car washes, injection wells, junk yards, oil and gas drilling, septic systems, pesticide storage and use, surface mining and more. At the local level, several regulations are in place that help to protect groundwater quality and quantity: • Ch. 18.30 Illicit Discharges and Connections to the Stormwater Drainage System is intended to protect surface and ground water quality by controlling the discharge of pollutants and to ensure ongoing compliance with the City's NPDES Permit. • Ch. 19.76 Stormwater is intended to manage stormwater through emphasis on conservation and use of on-site natural features integrated with engineered, small-scale hydrologic controls to mimic predevelopment hydrologic conditions. • Other critical areas regulations, including those pertaining to stream and wetland protection measures require non-disturbance buffer areas to protect these areas functions and values.
Existing: (17.70.160)	Performance standards are listed for some of the more common uses, including storage tanks (underground and aboveground); vehicle repair and servicing; and use of reclaimed water for surface percolation or direct recharge. Prohibited uses within CARAs are also listed, including landfills, certain injection wells, radioactive disposal sites, mining, wood treatment facilities, and several others.

Proposed: (19.70.550 (A))	The proposed regulations include many of the same specific performance standards as the existing code for various types of regulated facilities and identification of prohibited uses. In addition, a table is included which lists use/activity types that have a potential to impact groundwater, along with references to applicable state and federal regulations. The table is supplemented with the statement that the City can condition approval of a proposed use as necessary to protect CARAs.
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Frequently Flooded Areas Section

Under GMA, the primary goal of establishing flood hazard regulations is to control development in the 100-year floodplain designated by the Federal Emergency Management Agency (FEMA) to avoid a substantial risk of damage to public and private property and loss of life.

Many local governments have separate floodplain development ordinances designed to comply with the National Flood Insurance Program (NFIP). In order for property owners in Anacortes to be eligible for participation in the NFIP, the City has adopted minimum standards, established by the (FEMA), for protecting buildings from the 100-year flood. The regulations include requirements for increasing building elevations above the base flood elevation, and other building standards to improve safety and avoid loss during a flood.

The NFIP, and City's implementing regulations, were not originally intended to address other floodplain management concerns and functions, such as the protection of riparian habitat. In 2008, National Marine Fisheries Service (NMFS) issued a Biological Opinion (BiOp) which determined that continued implementation of the NFIP in Puget Sound adversely affects the habitat of certain threatened and endangered species. Under the BiOp, FEMA and, in turn, local governments have a responsibility to prevent harm to species listed under the ESA. A number of options were provided to meet the requirements. Anacortes chose the "door 3 approach" – which essentially requires showing compliance with ESA on a permit by permit basis. This typically involves requiring applicants for floodplain development permits to submit habitat assessments. The habitat assessment must show that there will be no effect, or that there may be an effect, but not likely to adversely effect, ESA species and their critical habitat.

Some of the key elements intended to incorporate BAS, and to improve readability and certainty in this section are:

13. General

Discussion:	In order to maintain community eligibility for the NFIP (which is a requirement for most government-backed mortgages), the city's regulations must comply with the minimum flood protection standards established by FEMA.
Existing:	The existing Frequently Flooded Areas code contains its own definitions, processes, and other content that must be reviewed by FEMA and/or Ecology when amended to ensure continued compliance with the eligibility requirements of the NFIP and state floodplain management regulations.
Proposed:	Because of the stand-alone nature of the floodplain management provisions, staff recommends that they be recodified in another chapter within Title 19. This approach has been discussed with the Department of Ecology NFIP State Coordinator.

14. Designation

Discussion: WAC 365-190-030 defines frequently flooded areas as “lands in the floodplain subject to at least a one percent or greater chance of flooding in any given year, or within areas subject to flooding due to high groundwater. These areas include, but are not limited to streams, rivers, lakes, coastal areas, wetlands, and areas where high groundwater forms ponds on the ground surface.”

At minimum, this definition requires regulation of the 100-year floodplain, or special flood hazard area (SFHA). The special flood hazard area means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The Flood Insurance Rate Map (FIRM) adopted in 2003 designates these areas, which always include the letters A or V. In Anacortes, most of the 100-year floodplain is located along the marine shoreline, in areas designated as Zone AE (with base flood elevation of 9' along Guemes Channel and 7' along Fidalgo Bay and portions of Burrows Bay) or Zone VE (with base flood elevation of 9' along Washington Park & west side of Shannon Point). Freshwater areas include Zone A (base flood elevation unknown) at Shannon Point lake, and waterbodies in the Cranberry Lake, Heart Lake and Whistle Lake ACFL. The 2003 FIRM 100-year floodplain mapping is still the most current adopted mapping. Although preliminary mapping updates are underway, there is not a foreseeable completion date due to difficulties or disagreements in mapping Skagit River levees.

Additional land may be mapped and regulated pursuant to the City's CAO BAS.

Existing: Currently, the SFHA is the only area designated as an FFA. The Shoreline Master Program contains the provisions that regulate FFAs within shoreline jurisdiction.

Proposed: No change proposed to the SFHA designation, except that Tsunami Hazard Areas (19.70.) are referenced and a note about climate change and sea level rise is included, urging applicants to become familiar with potential impacts.

Staff recommends additional discussion about sea level rise impacts, including potential adjustments to development regulations, be incorporated into the upcoming Shoreline Master Program update process.

15. Critical areas report additional requirements

Discussion: To comply with the BiOp, development within the regulated floodplain must not adversely effect ESA species or habitat. As a Door 3 community, development must demonstrate this on a permit by permit basis.

Existing: No existing reference to this requirements. (n/a)

Proposed: Add specific requirements for a habitat assessment, including reference to FEMA (19.70.625) guidance, and exemptions to the requirement to do a habitat assessment.

Grage, Libby

Subject: FW: Critical Areas Ordinance

From: Anne Elkins [<mailto:rustyanne1@yahoo.com>]

Sent: Wednesday, August 16, 2017 4:12 PM

To: Measamer, Don <don@cityofanacortes.org>

Subject: Critical Areas Ordinance

Dear Mr. Measamer,

I am writing to ask you to extend the timeline for completing the update to the Critical Areas Ordinance. I believe there needs to be more time for the public to study the issues and provide comments. Starting the process with the first two important work sessions in August doesn't work for many people because of vacations, and many groups don't meet in August. I'm asking that the deadline for public comments on the first draft of the updated CAO be changed to the end of September, giving more residents time to have input. This ordinance will last for many years, so the more input the better.

Anne Elkins
2006 N Ave.
Anacortes

Grage, Libby

Subject: FW: CAO timeline

From: Martha Hall [<mailto:pondfrog.mh@gmail.com>]

Sent: Wednesday, August 16, 2017 12:47 PM

To: Measamer, Don <don@cityofanacortes.org>

Subject: CAO timeline

TO: Don Measamer, Director, Planning Department

I'm writing to ask if the proposed schedule for updating our CAO (see below) could be changed to provide more time for the public and staff to work on these important codes. It looks like staff needs more time to work on the first draft of the proposed updates.

The copy available to the public shows areas where more research is needed. I also need more time to study the issues. I'm still

researching the general, wetland and FWHCA sections discussed at the meeting on Aug. 9th so I can provide written comments.

There is a lot to understand in just these three sections. I haven't even read the other sections yet. August is not a good month for

getting comments from the public. So many people are on vacation. Most groups that might be interested in commenting don't

have regular meetings in Augusts. Meeting the August 23rd deadline for comments really isn't possible for many people.

I appreciate your statements at the end of the work session on August 9th about the timeline, that the public could comment after

Aug. 23rd, etc. Also that there is no required deadline for completing this update.

Would you consider changing the deadline for comments from Aug. 23 to maybe the end of September? This would give the public

and staff time to work on it, talk, hold meetings, etc. Having this added time might result in a better second draft. If hearings run

into the holidays, perhaps the update could continue after the holidays.

Thank you for considering this request,
Martha Hall

Proposed Schedule: The following general process is proposed for public and Planning Commission review. It is anticipated that public input would be welcomed at all PC work sessions, in addition to the required public hearing.

Feedback and suggestions about this proposed process are welcomed.

Proposed Schedule (2017)

July 26 PC Work Session: Introduction and overview, public input

August 9 PC Work Session: General Provisions; Wetlands; and Fish & Wildlife Habitat Conservation Areas (FWHCAs), public input

August 23 PC Work Session: Geologically Hazardous Areas; Critical Aquifer Recharge Areas; and Frequently Flooded Areas, public input

August/September SEPA determination; staff to revise draft to incorporate feedback received

September 13 PC Work Session: Review of revised draft, public input

September 27 PC Public Hearing; Recommendation to CC B

Grage, Libby

Subject: FW: August 23rd deadline for input from public

From: Ana King [<mailto:ahnakarina1@gmail.com>]

Sent: Wednesday, August 16, 2017 2:39 PM

To: Measamer, Don <don@cityofanacortes.org>

Subject: August 23rd deadline for input from public

Don, I attended the Aug 9th planning commission's work session for the Critical Areas Ordinance review. I found it informative but am concerned that people who would be interested are not able to attend or address the issues because they are away in August.

I did find it hard to hear at the meeting even when the presenter was asked to speak into the microphone. I also found it difficult to understand some of the general terminology used such as "soft recreational use", the different use allowances in "buffer zones", etc. Also I didn't catch any mention of how the public using the areas will be informed about the rules/restrictions (conspicuous and clear signage?) Or how these ordinances will be enforced/checked on. Will there be any monitoring by the city to see that the critical areas are actually being protected as time passes? What, if any, consequences are there for people who are unwilling to follow the guidelines?

Is it possible to postpone the deadline for public input for at least another month and provide a handout for the public defining some of the very general terminology used in the draft? I hope to be able to attend the August 23rd session as well.

Thank you for your attention,

Ahna King

Anacortes

4155330904