

ANACORTES PLANNING COMMISSION



APRIL 13, 2016

Municipal Building Council Chambers

6th Street and "Q" Avenue

AGENDA

6 P.M.

1. **Roll Call**
2. **Minutes of March 9, 2016 and March 23, 2016**
3. **Correspondence**
4. **Old Business**
No Old Business
5. **New Business**
 - a. Leeward Landing Final Replat/PUD Application

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



Draft - Planning Commission Meeting Minutes for – March 9, 2016

Chair Laumbattus called the Meeting of March 9, 2016 to order at approximately 6 p.m.

Roll Call

Members Present: Commissioners Moffitt, Oppel, Laumbattus, Pollard, McNett, Cleland-McGrath and Farnsworth.

Minutes

Minutes of January 27, February 3 and February 17, 2016 were approved as read.

Correspondence

No correspondence was presented.

Old Business

Planning Commission Approval of Findings of Fact & Recommendation for the 2016 Comprehensive Plan

Ms. Libby Grage, Planning Manager, provided that the Planning Commission had previously voted for approval of the 2016 Comprehensive Plan subject to several changes to the preferred land use alternatives. Staff prepared draft findings and conclusions utilizing the direction from the Planning Commission and it is now the Planning Commission's discretion to authorize the Chair to sign the findings. Ms. Grage offered to answer any questions to which there were none.

Commissioner Pollard made a motion to authorize the Planning Commissioner Chair to sign the City of Anacortes Planning Commission recommendations for the 2016 Comprehensive Plan periodic update. Commissioner Farnsworth seconded the motion. Vote called for was unanimous in favor of the motion.

New Business

Public Hearing: 12th Street & D Avenue Replat and PUD, PUD-2015-0002

Mr. Kevin Cricchio, Senior Planner, presented the 12th Street & D Avenue Replat and PUD to the Commission. Mr. Cricchio provided this is a preliminary replat, preliminary planned unit development, SEPA environmental review, Code modifications, right of way dedication, right of way vacation to create five lots on a subject property zoned R2 and known as the 12th Street and D Avenue PUD. Several modifications are proposed, including a vacation request of right of way to unimproved 11th Street consisting of a 13.5-foot-wide by approximately 209.83 lineal foot strip of land on the north side of lots 1 through 7 and a dedication request of right of way. This would consist of a 6 by 209.84 lineal foot of strip of land on the south side of lots 1 through 7, block 203, map of the City of Anacortes. The right of way dedication would be 1259.04 square feet. A third modification proposed is no improvements to the unimproved 11th Street

and instead install a meandering 6 foot wide pedestrian pathway between D to C Avenues. The fourth modification is several lots would not front on an improved public or private road which would not provide the required 30 feet of frontage adjacent to the unimproved 11th Street.

There is one existing residence on the subject property which is slated for demolition if it cannot be moved. Each of the five residential lots would meet the R2 zoning if the subject vacation request is approved. In R2 the maximum density permitted is four dwelling units per acre. In the site area for the subject property, net lot area, excluding any type of vacation, currently is 36,000 square feet or .83 of an acre. The net lot area including the right of way vacation is 37,523 square feet or .86 of an acre. Gross area which would include half the abutting right of ways as well as the vacation request is 64,999 square feet or 1.49 acres. The applicant is proposing five dwelling units.

Mr. Cricchio reviewed the tree assessment and preservation plan and provided there are no critical areas on the subject property. The Planning Department recommends approval to City Council.

Steve Lange, Public Works Engineering Department, discussed the proposal including the six-foot pedestrian pathway that creates neighborhood connectivity and the location of the utilities. Mr. Lange concluded that this project meets approval by the Public Works department.

Commissioner Pollard asked whether the proposed swale in the 11th Street area is part of a required storm water mitigation for the short plat or the PUD to which Mr. Lange provided that it is because creation of more than 2,000 square feet of new impervious surface requires water quality improvements. Commissioner Pollard asked who would maintain the swale and if the right of way vacation is approved and becomes private property, will that prevent it from ever being opened and turned into a road. Mr. Lange stated he is not sure about the maintenance of the swale and concluded that a 32 foot wide road is not feasible in that area.

Mr. Lange provided the 24-foot-wide road is wide enough to be able to handle vehicular traffic in both directions with no parking. Commissioner Oppel made inquiry into the right of way and whether there could be a street put in that would eliminate the right of way. Mr. Lange responded he has yet to see a 32-foot-wide road go into a 50-foot right of way, but there is more than enough room to get a 32-foot-wide road with the applicable necessities.

Chair Laumbattus then asked for any further question for staff from the Commissioners. With no further questions, Chair Laumbattus opened the public hearing.

The applicants, Susan and Mark Harris, addressed the Commission and audience regarding their proposal. They provided the background to this decision to develop this property and hope to provide the community with the ambiance of a secret garden concept.

Ms. Mary Earnest, 1109 C Ave, Anacortes. Ms. Earnest discussed her concerns regarding maintenance of any plantings where the swale and pathway may be located. Ms. Earnest also expressed concern over flooding and the potential for increased collection of groundwater around the paved pathway that could cause flooding on their property; who would be responsible for the destruction of their landscaping if this occurred? Ms. Earnest expressed

concern over the removal of a rhododendron strip that provides a great deal of attraction for birds and other wildlife.

Mr. Measamer provided some clarification to these concerns including responsibility for maintenance of the landscaping in any unopened right of ways. Because this is a Planned Unit Development which comes before the Planning Commissioners for review and then on to the City Council, there are conditions that are placed on the request in response to some of the requests made by the proponents. City staff is continuing work on some of the proposals for the maintenance of that unopened right of way and the landscaping. Mr. Measamer suggested the landscaping in that right of way would also be maintained by the City to some degree. The whole concept for the landscaping condition was to try to get some native plants that would be low maintenance and not need much mowing at all. Mr. Measamer suggested it would be maintained by the City, not the abutting residences because this would be a public pedestrian corridor.

Ms. Joyce Anderson, 1006 C Avenue, Anacortes. Ms. Anderson provided she would like to make sure that these are single-family homes that go in rather than a duplex which would bring a lot more traffic into that alley.

Mrs. Marilyn Derig, 1302 "K" Avenue, Anacortes. Mrs. Derig asked what determines when a traffic study should be conducted. Mr. Steve Lange provided that under the Engineering Standards, any subdivisions with one to 10 lots would be subject to a small traffic study. The Engineering Department determined this project is not exceeding any additional lots than what is platted and did not see the necessity of a traffic study.

With no further public comment, Chair Laumbattus closed the public hearing.

Mr. Measamer suggested two additional conditions after listening to concerns presented which included no access onto 12th Street from lots one and two and that the City be responsible for maintenance of the pedestrian corridor and landscaping on 11th Street.

Commissioner McNett provided this is a great project and agrees with the condition presented by Mr. Measamer for the maintenance of the pedestrian corridor and landscaping.

Commissioner McNett stated his preference for the walkway be asphalt. Mr. Measamer provided that the recommended condition 15(g) shall have a minimum width of six feet and be constructed with cement concrete.

Commissioner Pollard stated she likes the plan because the proposed 13.5 foot vacation does not impact any future possibilities of creating an actual through street and that the pedestrian pathway is not proposed to have any lighting which keeps a natural, more native environment. She has no concerns with the parking and appreciates the applicants' efforts to keep as many of the trees on the site as possible. Commissioner Pollard stated she does not have any major concerns or issues moving forward with this project.

Chair Laumbattus stressed his concerns with the project in that it does not appear to correspond with the current Comprehensive Plan transportation goals and policies regarding improved traffic circulation, i.e., maintain existing dedicated rights of way where potential

future traffic flow indicates a need, future subdivision development, plat rights of way so they tie in with existing rights of way where reasonable and practicable and in future subdivision development and required street designs would provide routes for through traffic where reasonable and practicable. Chair Laumbattus believes the City should stick with those goals and policies.

Commissioner Pollard argued that she understands the Code to provide alternatives with the permitted application process such as instead of a required sidewalk being installed, something else is put in its place. Commissioner Pollard concluded that her interpretation of the code is a PUD provides an alternative so in lieu of the full right of way, 11th Street, a fire department approved wider alley and the pedestrian connectivity from C to D Avenues is constructed.

Chair Laumbattus disagreed and stated that goals, policies and development regulations are clear that he has never seen a PUD laid out where streets are platted that could be put through with no problem. At this site, the ground is flat, there are no wetlands, no critical areas, no rock cropping or anything that might indicate a need to deviate from city plans. Now there is an application for the right of way vacation because they need some extra property to get 7,500-foot lots on the north side of the alley. But they've given up six feet on the north side of the alley, pushing those lots into the 11th Street right of way six feet. If the lots were backed up to a 16-foot right of way in the alley, they could back the lots up off of 11th Street and they would only need seven and a half feet of 11th Street to get three 7,500-foot lots.

Mr. Measamer responded there are incidences where a property owner may apply for a planned unit development where there are some extenuating circumstances such as asking for some variations from the standard subdivision ordinance. Mr. Measamer explained that a PUD, planned unit development, shall be particularly encouraged where steep terrain, natural features or patterns of existing development make a standard subdivision difficult and where creative planning could result in a better development. The proponents believe their proposal could result in a better development by not specifically developing 11th Street.

Chair Laumbattus stated the Commissioners have adequate legal reasons to turn this down or modify it to suggest to Council that they approve this by giving them enough property off the 11th Street right of way and push the lots on the northern side back towards the alley and move the alley back to 16 feet. Chair Laumbattus stated he would not have any problem with vacating property to get three lots in the space and added that if 11th Street is not put in now, it will never happen.

Commissioner Cleland-McGrath requested clarification whether the need for extra width in the ally is for fire department access. Mr. Measamer responded that is correct. Commissioner Cleland-McGrath asked for confirmation that the proposal put forth was approved by City staff to which Mr. Measamer confirmed it was.

Commissioner Oppel asked whether this proposal was a variation from standard procedures. Mr. Measamer provided previous projects similar to this proposal including a project off of West Third where the alley was developed into a 20-foot alley, dedicated some property on the existing lots, and that is the access to the homes that would typically front on Oakes Avenue.

They were not required to develop Oakes Avenue with curb, gutter, sidewalk, etc. San Juan Passage has a number of lots that access only off of an alley. Portales has a number of lots that have a 20-foot alley they front on without a street.

Commissioner Farnsworth offered this is a fair use of the creative portion of the PUD stipulations.

Commissioner Pollard made a motion to recommend approval of the planned unit development along with the proposed street vacation with two additional conditions to include that the City be responsible for maintenance of the landscaping in the pedestrian corridor within the unopened 11th Street right of way, no access to 12th Street from lots one and two and the dedication of the alley. Chair Laumbattus called for a second to which Commissioner Cleland-McGrath seconded the motion. Vote called for: Ayes: Commissioners Pollard, Farnsworth, Oppel, Cleland-McGrath, and McNett; Nays: Commissioner Laumbattus. Motion carried.

With no further business, Chair Laumbattus called the meeting to a close at approximately 7:20 p.m.



Draft - Planning Commission Meeting Minutes for – March 23, 2016

Chair Laumbattus called the Meeting of March 23, 2016 to order at approximately 6 p.m.

Roll Call

Members Present: Commissioners Moffitt, Oppel, Laumbattus, Cleland-McGrath and Farnsworth. Members Absent: Commissioners Pollard and McNett

Minutes

Minutes of February 24, 2016 were approved as read.

Correspondence

No correspondence was presented.

New Business

Public Hearing - 2016 Stormwater Management Program Plan

Mr. John Franz, Stormwater Coordinator for the City of Anacortes, presented the 2016 Storm Water Management Program Plan for the City of Anacortes. The City of Anacortes is required by state law to obtain a Western Washington Phase II Municipal Stormwater Permit issued by the State of Washington Department of Ecology. The City was first issued a permit in 2008; the current permit was issued on August 1, 2012 and was amended on January 16, 2015. Each Permittee is required to develop and implement a Stormwater Management Program (SWMP). Each Permittee must also annually prepare written documentation of the SWMP, called the SWMP Plan. This plan is intended to be a forward-looking document describing the set of actions and activities the Permittee intends to complete in the upcoming year to comply with the Permit.

Mr. Franz stated the purpose of this presentation is only to receive public comment on the City's draft Plan. No action is required by the Commission. The Stormwater Permit and the planned actions and activities related to permit compliance are grouped under the following Program elements: Public Education and Outreach; Public Involvement and participation; Illicit Discharge Detection and Elimination (IDDE); Controlling Runoff from New Development, Redevelopment, and Construction Sites; and Municipal Operations. Permit requirements and planned activities for each of the required elements are presented in the Plan.

Mr. Franz concluded his presentation and asked for comments on the Plan from the public. There were no comments and Chair Laumbattus closed the public hearing.

With no further business, Chair Laumbattus called the meeting to a close at approximately 6 p.m.



Planning Commission Agenda Bill

Meeting Date: 4/13/2016 **Agenda Item:** #1

Subject: Final Plat Application, Leeward Landing (PUD-2014-0001):

Staff Contact: Libby Grage, Planning Manager

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

Action Type	
	Open-Record Public Hearing for quasi-judicial land use application
X	Discussion
X	Recommendation to CC
	Decision
	Other: _____

Summary Statement: Preliminary plat/PUD approval was issued for Leeward Landing, a 10-lot re-plat/PUD located on the north side of Oakes Avenue, east of Anacopper Rd., by City Council on July 6, 2015, subject to 41 conditions. Following preliminary approval, civil construction plans were approved by the Public Works Department and project infrastructure, including curb, gutter, sidewalk and landscaping on Oakes Avenue, private internal access road and utilities, have been constructed. Leeward Landing, LLC has submitted a final plat/PUD application meeting the requirements of AMC 16.16.020. The Public Works Department has inspected all improvements and recommends approval of the final plat application, subject to submittal of a 2-year maintenance bond prior to recording of the plat. **The Planning Commission is asked to make a recommendation for approval or disapproval as to substantial compliance with all the terms and conditions of preliminary plat approval.**

Based on an approved critical areas report, arborist tree preservation plan/report and geotechnical report, the applicant conducted some tree removal and tree pruning. A final report from the arborist was submitted identifying several items remaining to be addressed, including some erosion control, debris management and additional planting on the slope. This will be completed prior to final plat approval. The applicant has also agreed to submit an irrevocable letter of credit in the amount of \$10,000 in order to ensure successful completion of the 5-year maintenance and monitoring period, and to plant the geotech setback area prior to recording of the plat.

Background: The final plat process is a check to determine that the terms and requirements of preliminary plat approval have been met and that required improvements have been constructed or bonded/guaranteed. If the City Council finds that the final plat meets the requirements as set-out in the preliminary plat approval conditions, the final plat shall be approved (AMC 16.16.030).

Previous Commission/Committee Action: The Planning Commission held an open record public hearing and recommended approval of the preliminary replat/PUD to the City Council on May 13, 2015.

Competing Viewpoints Considered: Public view points were considered during the preliminary plat / PUD comment period and public hearing process. Final plat review is a time to address conformance with conditions of approval.

Recommended Motion: I move that we recommend approval of the final plat application to the City Council, subject to the submittal by the applicant of a 5-year bond or other acceptable security regarding maintenance and monitoring of slope vegetation, and submittal of a 2-year maintenance bond for public improvements, as recommended by staff, prior to recording of the plat.

Attachments (listed in order presented):

1. Memo from Public Works Department, April 1, 2016
2. City Council's Findings of Fact, Conclusions of Law & Decision for Leeward Landing
3. Applicant's statement regarding Compliance with "Findings of Fact", April 5, 2016
4. Applicant's letter re: Leeward Landing Public Stairs/ ROW vacation cost, March 30, 2016
5. Arborists Notes, Urban Forestry Services, Inc., March 29, 2016
6. Applicant's Hillside/NGPE Landscape Plan and proposed 5-Year Maintenance and Monitoring Plan
7. Geotechnical Hazardous Area Covenant, Conditions and Restrictions
8. Draft Native Growth Protection Easement (NGPE) Agreement for Maintenance and View Protection
9. NGPE As-Built
10. Final Plat Map



ANACORTES PUBLIC WORKS DEPARTMENT

Steven Lange, Project Manager

P.O. BOX 547, ANACORTES, WA 98221

E-MAIL: stevel@cityofanacortes.org

PH(360) 293-1920

FAX(360) 293-1938

Memo

Date: April 1, 2016

To: Don Measamer, Planning Director

From: Steven Lange

Subject: Leeward Landing Final Plat Acceptance (PW#14-013-DEV)

cc: Fred Buckenmeyer, Eric Shjarback, Libby Grage, Kevin Cricchio, Kaitlyn Nelson

The construction of the Leeward Landing project is completed and ready for Final Plat approval.

The inspection of the deficiency list was completed on Thursday, March 31, 2016 and found that all items were completed to the satisfaction of the Public Works Department

At this time, the Public Works Department recommends approval of the Leeward Landing project subject to a 2-year Maintenance Bond being submitted prior to the recording of the Final Plat.

Thank you,

A handwritten signature in blue ink, appearing to read "Steven Lange".

Steven Lange
Project Manager



● Water ● Wastewater ● Streets ● Storm Drainage ● Engineering ● Solid Waste
● Transportation ● Equipment ● Capital Projects ● Development Services

Attachment 1



**CITY COUNCIL'S
FINDINGS OF FACT, CONCLUSIONS OF LAW,
& DECISION:**

CLOSED RECORD

HEARING DATE:

June 1, 2015, at 7:00 PM
July 6, 2015, at 7:00 PM (Continued to)

SITE VISIT:

June 1, 2015, at 5:30 PM

PROJECT NAME:

Leeward Landing PUD

FILE NUMBER:

PUD-2014-0001 (Planned Unit Development)
SDP-2014-0001 (Shoreline Permit)

APPLICANT:

Nels Strandberg
Strandberg Construction
2018 "R" Avenue
Anacortes, WA 98221

LANDOWNER:

Leeward Landing, LLC
P.O. Box 319
Anacortes, WA 98221

PROJECT PLANNER:

Kevin Cricchio, AICP
Associate Planner
City of Anacortes
904 6th Street
Anacortes, WA 98221

SUBJECT PROPOSAL:

Preliminary approval of a 10-lot replat (preliminary plat approval) including vacation of public right-of-way; Planned Unit Development (PUD) approval including modification(s) to underlying zoning standards; Shoreline Substantial Development Permit for site development and a shoreline trail (public & private), shoreline variance for trail setback to OHWM; & SEPA environmental review. The site consists of approximately 4.63 ± net acres along the Guemes Channel shoreline.

Ten (10) residential lots are proposed ranging in size from 17,776 to 20,236 square feet in area. One single-family residence with an attached garage is proposed for each lot. Additionally, one twenty-eight (28) foot high detached 2,000 square foot (maximum) accessory structure is also proposed on each lot. Where an accessory dwelling unit (ADU) is proposed within each accessory building, living space is limited to 1,200 square feet (maximum). A more in depth discussion regarding the applicant's proposed variance /deviation to code is listed below.

Access to the site off of Oakes Avenue is proposed from a one way internal private roadway serving the 10 lots maintained by the homeowners association.

PROJECT LOCATION:

The subject properties are 4.63 ± net acres in area. The subject properties are located in a portion of Section 23; Township 35 North; Range 01 East; Willamette Meridian

SUBJECT PARCELS:

Parcel #: P58285, P58264, P31716, & P31717

ZONING DISTRICT:

The subject property is located in the Residential (R2) Zoning District of the City of Anacortes.

COMPREHENSIVE PLAN DESIGNATION:

Residential Low Density (R2)

SHORELINE ENVIRONMENT /DESIGNATION:

Conservancy Environment (within first 100 feet landward of the OHWM) and Shoreline Residential Environment (from 100 feet to 200 feet as measured landward from the OHWM).

EXISTING LAND USE:

The subject property is vacant with no structures or improvements located on it.

SURROUNDING ZONING & LAND USES:

Direction:	Zoning:	Present Land Use:
North:	Commercial Marine (CM)	Guemes Channel Trail
South:	Residential (R2)	Oakes Avenue
East:	Residential (R2)	Single-Family Residential
West:	Residential (R2)	Single-Family Residential

PERMITS REQUIRED:

The following permits /approval may be required in addition to the above: Civil Construction Plan approval, Final PUD and Plat approval, NPDES Construction Stormwater General Permit, building permit(s); DOE approval of shoreline variance, other applicable state and federal permits/authorizations.

EXISTING ENVIRONMENTAL DOCUMENTS:

Critical Areas Report (11/17/14); SEPA Environmental Checklist (2/11/15); JARPA (2/11/15); Large Parcel Storm Water Plan (1/8/15); Tree Preservation Plan & Vegetation Conservation (11/5/14); Revised Tree Preservation Plan & Vegetation Conservation Drawing (3/31/15), Landscape Plan (11/6/14); Archeological Evaluation (7/24/14); Geotechnical Evaluation (11/4/14); Traffic Impact Analysis (10/3/14); Description of Shade Conditions (3/31/15); ATSI's ESA Compliance & SMP Shoreline Functions; Assessment (2/27/15); Shoreline Functions by Hart Crowser

UTILITIES:

- **Water:** City of Anacortes
- **Sanitary Sewer:** City of Anacortes
- **Garbage:** City of Anacortes
- **Storm-water:** City of Anacortes

FIRE:

- City of Anacortes

POLICE:

- City of Anacortes

A. FINDINGS OF FACT:

I. SITE DESCRIPTION:

The project site is vacant with no structures located on it. It is predominantly vegetated with alder trees with sporadic maple and fir located on it. The understory mostly consists of ferns, grasses, blackberry, and nettle.

The southern and central part of the project site has a gentle northward sloped bench. Along the northern part of the subject property, the site dips to the north at an inclination of approximately 40 to 45 degrees and descends to approximately 60 to 80 vertical feet to the shoreline of Guemes Channel.

At the base of the project site is located the Guemes Channel Trail (a public trail) and the Guemes Channel shoreline.

II. REPLAT /PUD /SHORELINE PERMIT CHRONOLOGY & BACKGROUND:

1. The applicant submitted the application for the subject replat, PUD, & shoreline permit to the City of Anacortes on November 26, 2014.

2. After reviewing the application material, it was deemed incomplete on December 23, 2014.
3. The applicant submitted to revisions to the city for review on February 13, 2015. The application was still deemed incomplete on February 25, 2015.
4. Additional revisions were submitted to the city on March 5, 2015. After reviewing the additional revisions, the application was deemed complete on March 11, 2015.
5. On April 22, 2015, an open-record public hearing was conducted regarding the subject PUD, replat, and shoreline permit applications. The open-record public hearing was continued to May 13, 2015 at 7:00 PM.
6. Prior to the continued open-record public hearing on May 13, 2015, Planning Commission members conducted a site visit of the subject property at 6:00 PM.
7. Prior to the closed-record public hearing/meeting, City Council conducted a site visit of the subject property at 5:30 PM on June 1, 2015.

III. CRITICAL AREAS REVIEW:

Geologically Hazardous Area:

The project development was reviewed for proximity to critical areas. The 100-foot Conservancy shoreline environment setback from the ordinary high water mark includes steep slopes that are considered a geologically hazardous landslide /erosion hazard area. According to the Geotechnical Evaluation prepared by Geotest dated November 4, 2014, flatter portions of the site range from 8 to 15 percent slopes while the bluff's slope is 70 to 90 percent. According to the Geotechnical Report, a thirty (30) foot building setback/ buffer is recommended from the top of the bluff. Additionally, the report states that the proposed roof and footing drains should be parallel to the top of the slope and setback a minimum of twenty-five (25) feet from the slope. The recommendations of the Geotechnical Evaluation have been incorporated herein as conditions. The Planning Commission has added condition of approval number forty (40) hereto requiring a forty-five (45) foot building setback as measured from the top of bank.

Third Party Review:

GeoEngineers located in Bellingham, Washington, reviewed the applicant's geotechnical report and has suggested recommendations to the city which have been made as conditions of approval herein.

Cultural Resources:

According to a Cultural Resource Report and Addendum prepared by Caldera Archaeology dated August 29, 2013, and July 24, 2014, respectively no cultural resources or anthropogenically modified soils were identified during the investigation.

Both the State of Washington's Department of Archaeology and Historic Preservation and Samish Indian Nation reviewed the results of this archaeological survey report and concur with the finding that no further archaeological oversight is necessary for the project.

Wetlands:

According to a Critical Areas Report prepared by ATSI dated November 17, 2014, there are no wetlands located onsite.

Priority Habitat & Species:

No known priority habitat or species is located on or within close proximity to the subject properties following a review of Washington State Department of Fish and Wildlife's website.

Shoreline Functions:

On January 22, 2015, Hart Crowser prepared a memorandum addressing no net loss of shoreline functions and processes to comply with the Shoreline Master Program regulations. According to Hart Crowser's memo, the proposed 10 lot PUD, does not propose to make any changes to the beach substrate below the ordinary high water mark. Therefore, the physical beach and habitat functions (bluff erosion prevention, maintenance of littoral drift, and habitat) will not be altered and no loss of functions will occur.

Hart Crowser states that no "direct impacts to the beach will occur due to the proposed project. Therefore, there will be no loss of forage fish spawning habitat due to the project. The current condition of the beach habitat for forage fish spawning would not change due to the proposed project. While some trees on the upper portions of the bluff will be removed and replaced with shrubs and small trees, the vegetation that directly overhangs the beach is proposed to remain." Hart Crowser anticipates that the shading of the beach will remain the same as currently exists or only slightly altered but restored over time. Therefore, no net loss of shoreline functions is anticipated by this project.

Endangered Species Act (ESA) & Shoreline Functions:

According to an Assessment of ESA Compliance & Shoreline Master Program (SMP) functions prepared by ATSI dated February 27, 2015, ATSI identified the Guemes Channel shoreline adjacent to the project area to the north as having endangered species within the marine waters of the Guemes Channel. However, ATSI states that the project as designed is ESA compliant and that there will be no net loss of ecological functions per the city's SMP.

IV. TREE PRESERVATION PLAN & VEGETATION CONSERVATION::

The applicant submitted both a Tree Preservation Plan (See Exhibit 10) prepared by Urban Forestry Services and a revision to the Tree Preservation Plan's drawing. According to the report, 187 trees were located onsite of which eight-four (84) trees are proposed for retention and 103 slated for removal which includes 7 trees at risk of failing. The site consists mostly of a dense canopy of red alder and big-leaf maple.

Replacement and proposed planting of native trees and shrubs will be used to comply with City of Anacortes Municipal Code. Planting will also help mitigate and minimize possible erosion while contributing to shoreline shading below. Trees designated for retention and proposed for planting can also be viewed in the Landscape Plan (See Exhibit 11).

V. TRANSPORTATION:

Transportation Solutions, Incorporated (TSI) of Redmond, Washington performed a traffic impact analysis of the proposed ten (10) lot Planned Unit Development (PUD). According to this report, the site accesses satisfy City of Anacortes level of service standards. Furthermore, no sight distance deficiencies exist. No offsite mitigation was recommended. Frontage improvements shall be consistent with city standards.

VI. VACATION REQUEST:

The applicant has requested that the unimproved portion of Minnesota Avenue shown on the preliminary PUD map (See Exhibits 1 & 12) which is surrounded by the subject properties be vacated as part of the subject 10 lot PUD request. If approved, this ROW area vacated would then be used as part of the subject PUD resulting in 10 lots. The City's Public Works Department supports this vacation request (See Exhibit 3).

VII. PRIVATE & PUBLIC TRAILS:

The applicant also is proposing to construct a private trail from Tract A and B as shown on the preliminary replat/ PUD map (See Exhibits 1, 11, & 12). The private trail would connect to a proposed public trail located offsite beginning at the eastern edge of Tract B. The public trail would meander along the bank/bluff in an east to west direction and connect to the Kansas Street Park.

In exchange for the vacated portion of Minnesota Avenue, the applicant would construct the public trail, improve Kansas Street Park (including paved parking areas) and construct a trail with steps/rails that connects to the Guemes Channel Trail below the bank as approved by the Parks Department (See Exhibit 3).

VIII. PROPOSED CODE DEVIATION /MODIFICATION:

The applicant has applied for a Planned Unit Development (PUD) which allows for some deviation /modification to city standards /code. Specifically, the applicant has proposed that the required setback for the underlying R2 Zoning District be reduced to 5 feet on both side yards instead of the required 5 feet on onside and no less than 15 on both sides combined (per AMC § 17.36.060).

Additionally, the applicant proposes a deviation to both the maximum permitted square footage to accessory structures and accessory dwelling units (ADU). According to municipal code, accessory structures are limited to 1,000 maximum square feet while accessory dwelling units are limited to 900 square feet per AMC 17.48.010(B) and AMC 17.10.170(D)) respectively. The applicant also proposes a variance /deviation to the maximum permitted height to accessory structures. According to AMC 17.48.010(B), accessory structures are limited in height to 16 feet above original grade. The applicant has requested that one twenty-eight (28) foot high detached 2,000 square foot (maximum) accessory building be permitted on each lot. Where an accessory dwelling unit (ADU) is proposed within each accessory building, living space would not exceed 1,200 square feet.

Lastly, the applicant proposes constructing a six (6) foot fence within the front yard parallel and adjacent to Oakes Avenue. According to AMC § 17.52.010, fences within a front yard shall not

exceed 4 ½ feet (the first 2 ½ feet is a 100% sight obscuring fence. On top of this, an additional 2 feet is permitted provided it is 50% sight obscuring).

IX. NOTICE OF APPLICATION & HEARING:

1. A "Notice of Application & Hearing with Optional SEPA DNS" was published in the Anacortes American Newspaper on March 11, 2015.
2. Notice was also posted on the subject property in three (3) different locations on March 9, 2015.
3. Notice was posted at city hall, the library, and the USPS on March 6, 2015. Additionally, the notice was posted on the city's website.
4. Neighbors within 300 feet of the subject property were mailed "Notice of Application & Hearing with Optional SEPA DNS" on March 9, 2015.
5. Departments and agencies of jurisdiction were emailed the respective application material, notice, and comment form on March 6, 2015.
6. Notice of application & hearing with optional SEPA DNS was emailed to Department of Ecology on March 6, 2015, for posting on to the SEPA register.
7. The 30-day comment period ended on April 10, 2015.
8. A SEPA MDNS was issued on April 15, 2015 (**See Exhibit 5**). Parties of record and departments/ agencies of jurisdiction were mailed /emailed copies of the MDNS. The SEPA MDNS was emailed to Department of Ecology for posting again on to the SEPA register.
9. Notice of continuance of Planning Commission open-record public hearing was posted at city hall on April 23, 2015.
10. Notice of Closed Record Public Hearing /Meeting was published in the Anacortes American Newspaper on May 13, 2015. Additionally, Notice of Closed Record Hearing was posted at city hall, the library, the post office, and on the city's website on May 5, 2015. Neighbors and parties of record were also mailed Notice of Closed Record Hearing on May 13, 2015. The subject property was posted with four (4) Notice of Closed Record Public Hearing on May 7, 2015.

X. COMMENTS RECEIVED:

Public Comments:

To date, staff has received five (5) written comments (**See Exhibit 4**) on the subject PUD request from the following individuals:

	Public Comments:	Date Received:
1.	Don (Pete) Peterson	3/16/15
2.	Bruce Flanagan (& names undersigned)	4/10/15
3.	Ross Barnes	4/22/15 & 5/13/15
4.	Joan Osborne	4/22/15
5.	Marilyn Derig	5/13/15

Department & Agencies of Jurisdiction Comments:

To date, staff has received several comments from departments & agencies of jurisdiction (See Exhibit 3) and the table listed below.

The Skagit River System Cooperative expressed concerns and doubts that the proposed tree removal and trimming on the bluff above Guemes Channel will not result in no net loss of shoreline habitat due to a loss of shading. Strandberg Construction responded to this comment by revising their Tree Preservation Plan Drawing showing less trees proposed for removal. Additionally, Strandberg Construction prepared a Shade Study with a description and graphical representation of shade provided by those trees designated for retention.

The Samish Indian Nation provided comment stating that they had no cultural resource concerns after reviewing the applicant's submitted Archaeological Evaluation.

Washington State Department of Transportation also provided comment requesting that a single access to State Route (SR) 20 be used for the subject 10 lot PUD. Staff forwarded this comment to the applicant for review. The applicant along with representatives from the City of Anacortes Public Works Department met with WSDOT on Tuesday April 14, 2015, to discuss WSDOT's comment. Please see the attached memo (See Exhibit 3) from the Public Works Department summarizing this meeting.

	DEPARTMENT & AGENCY COMMENTS:	DATE RECEIVED:
1.	Washington State Department of Fish & Wildlife	5/4/15
2.	Washington State Department of Transportation	4/7/15
3.	Department of Archaeology and Historic Preservation	3/24/14
4.	City of Anacortes Parks Department	4/15/15
5.	City of Anacortes Public Works Department	4/14/15
6.	Samish Indian Nation Tribal Historic Preservation Office	3/30/15
7.	Skagit River System Cooperative	3/19/15 & 3/23/15
8.	City of Anacortes Water Department	
9.	City of Anacortes Street Department	
10.	City of Anacortes Solid Waste Department	
11.	City of Anacortes Operations Department	

XI. APPEALS:

Parties of record were mailed copies of the signed recommendation following the Planning Commission's open-record public hearing conducted on May 13, 2015, to recommend approval to City Council. No appeals have been received to date.

XII. SEPA ENVIRONMENTAL REVIEW:

1. According to AMC § 16.080.010, SEPA environmental review is required for the subdivision of property into five (5) or more lots, tracts, parcels, sites, or divisions, for sale or lease.
2. Notice of application and hearing with optional SEPA DNS was published, mailed to property owners within 300 feet of the subject property, and posted onsite as required by AMC and state law.

3. Notice of application & hearing with optional SEPA DNS was also emailed to the Department of Ecology on March 6, 2015, for posting on to the SEPA register.
4. On April 15, 2015, a SEPA Mitigated Determination of Non-Significance (MDNS) was issued using the optional DNS process pursuant to WAC § 197.11.355. Parties of record and departments/agencies of jurisdiction were mailed /emailed copies of the MDNS.
5. The issued SEPA MDNS was emailed to the Department of Ecology for posting on to the SEPA register on April 15, 2015.

XIII. SHORELINE MANAGEMENT ACT & 2010 SHORELINE MASTER PROGRAM:

1. A portion of the subject property lies within 200 feet of a shoreline of statewide significance. Therefore, conformance with the City of Anacortes' 2010, Shoreline Master Program which implements and administers the State of Washington's Shoreline Management Act (RCW 90.58) is applicable.
2. Within the first one hundred (100) feet landward of the Ordinary High Water Mark is located the "Conservancy" Shoreline Designation /Environment.
3. According to SMP's DR-5.8.3, structures shall be setback a minimum of 100 feet from the Ordinary High Water Mark within the Conservancy Shoreline Designation /Environment. The applicant's site plan shows conformance with this requirement.
4. According to SMP's DR-5.8.6 impervious surface is limited based on the percent of slope.
5. From one hundred (100) feet to two hundred (200) feet landward as measured from the ordinary high water mark, is located the "Shoreline Residential" Shoreline Designation /Environment.
6. According to SMP's Table 5.1, single-family residential developments within the "Shoreline Residential" Shoreline Designation /Environment, are permitted.
7. According to SMP's DR-5.9.5, structures shall be setback a minimum of 60 feet from the ordinary high water mark.
8. Since the subject development lies within two shoreline designations /environments, the stricter of the two setback requirements (100 feet as required in the Conservancy Shoreline Designation /Environment) will prevail /apply.
9. According to SMP's Table 5.2, the maximum permitted height in the Shoreline Residential" Shoreline Designation /Environment is thirty-five (35) feet.
10. Maximum percent of impervious surface within the "Shoreline Residential" Shoreline Designation /Environment is based on percent of slope per SMP's DR-5.9.10.
11. A subdivision within two hundred feet of a shoreline of the statewide significance requires an approved Shoreline Substantial Development Permit (SSDP).
12. According to SMP Chapter 6.5, all clearing and grading activities shall be limited to the minimum necessary for the intended development. Additionally, exposed soils shall be immediately developed or revegetated to prevent erosion. Exposed soils must be replanted such that complete coverage of exposed soils is attained within one growing season, or otherwise stabilized using mulch or other similar best management practice. Conformance with these requirements will be met as conditioned.

13. According to SMP Chapter 6.9, applicants proposing development adjacent to a marine bluff shall submit a geotechnical engineering report prepared by a Washington State licensed professional civil engineer with a specialty in geotechnical engineering. All proposed development on a marine bluff or in the required buffer is prohibited. The applicant has met these requirements.
14. According to SMP DR-8.11.3, residential development shall be located and designed to avoid the need for structural shore defense and flood protection works in the foreseeable future. The applicant has met this requirement.
15. According to SMP DR 8.11.4, subdivisions shall be designed to minimize potential conflicts with the use of adjacent public lands and areas of public access. This may include providing a physical separation to reinforce the distinction between public and private space, achieved by providing adequate space, through screening with landscape planting or fences, or other means. Additionally, subdivisions shall comply with local plans, codes, and/or ordinances. The applicant has met this requirement.
16. Additionally, a Shoreline Variance is required as the private /public trail at times traverses into the required one hundred foot (100) setback requirement per DR-5.8.3 and Table 5.2 of the Shoreline Master Program (SMP).

Criteria for granting upland variances: Variance permits for development that will be located landward of the ordinary high water mark, including those areas designated by the Department of Ecology as wetlands pursuant to WAC 173.22, may be authorized provided the applicant can demonstrate all of the following:

- A) That the strict requirements of the bulk, dimensional, or performance standards set forth in the Master Program preclude or significantly interfere with a reasonable use of the property not otherwise prohibited by the Master Program.

Staff Analysis:

A Shoreline Variance is required as a portion of the public trail proposed as part of this 10 lot PUD is within the 100 foot setback for the Conservancy Shoreline Designation /Environment. This trail would be built by the developer as part of the subject development. The site sits on city owned property. A public trail that starts at the subject property traverse eastward along the bank and connects to Kansas Street Park. The public trail would also include a switchback that traverses northward down the bank connecting to Guemes Channel Trail.

- B) That the hardship described in subsection (a) above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the Master Program, and not, for example from deed restrictions or the applicant's own actions.

Staff Analysis:

The subject property's northern portion abuts a steep slope /bank. A public trail within this area that traverses east and west ultimately connecting to the Guemes Channel Trail below is located within the 100 foot setback of the Conservancy Shoreline Designation /Environment. The hardship results from the property's proximity to a steep slope /bank and existing Guemes Channel Trail below.

- C) That the design of the project will be compatible with other authorized uses in the area and will not cause adverse effects to adjacent properties or the shoreline environment.

Staff Analysis:

The proposed trail (public and private) that may be located within the 100 foot setback of the Conservancy Designation /Environment per SMP DR 5.8.3.b is compatible with existing and authorized land uses within the area. For example, Guemes Channel Trail a public trail located along the shoreline of Guemes Channel was recently permitted by the Department of Ecology.

Additionally, the public trail will not result in adverse impacts to adjacent properties or the shoreline environment. The applicant has submitted numerous studies analyzing its impacts including but not limited to: a critical areas report, geotechnical report, storm-water plan, tree preservation plan, archaeological evaluation, traffic impact analysis, landscape plan, description of shade conditions, and Endangered Species Act compliance.

D) That the variance requested will not constitute a grant of special privilege not enjoyed by the other properties in the area.

Staff Analysis:

The variance request will not constitute a grant of special privilege. If approved, the variance would result in a public trail which ultimately would connect to Guemes Channel Trail below. Guemes Channel Trail recently permitted already existing within the 100 foot setback of the Conservancy Shoreline Designation /Environment.

E) That the variance requested is the minimum necessary to afford relief.

Staff Analysis:

The variance requested is the minimum necessary to permit the construction of a city owned public trail designed for the public use and enjoyment.

F) That the public interest will suffer no substantial detrimental effect.

Staff Analysis:

There will be no detrimental effect to the public interest. Conversely, the construction of the public trail represents an improvement to the public interest for both the residents and visitors to the City of Anacortes.

17. The subject proposal is consistent with the City of Anacortes' 2010, Shoreline Master Program and development regulations listed therein for developments within both the "Conservancy" and "Shoreline Residential" Shoreline Designation /Environment.

B. CITY OF ANACORTES' 2012 COMPREHENSIVE PLAN:

The following goals from the City of Anacortes' Comprehensive Plan appear to be applicable to the subject PUD proposal:

General City Goal 1: Create and maintain a high quality of life and environment that maximizes the opportunity for all citizens to share the social, psychological, physical, and economic benefits of Anacortes /Fidalgo Island; aesthetics and health are key components of quality of life.

General City Goal 2: Improve the image of Anacortes as a marine oriented City by encouraging, protecting and enhancing marine views from public places, public access, and marine habitats and resources by encouraging marine water-dependent and water-related businesses and activities.

General City Goal 3: Promote compatible land uses and improve visual appearance in each and every zoning district.

General City Goal 5: Encourage the development of a balanced and adequate employment and revenue base necessary for provision of needed services.

Transportation Goal 5: Develop the City as a pedestrian friendly community and improve non-motorized circulation patterns.

Transportation Goal 6: Encourage a physically active community by allowing people of all ages to incorporate physical activity into their lives by walking, bicycling, exercising and using public transit as part of everyday living.

Transportation Goal 7: Require adequate off-street parking in all zones.

Tourism Goal 1: Encourage an attractive community in order to increase the City's appeal to visitors and residents alike.

Tourism Goal 4: Utilize the shoreline and marine resources of Anacortes to increase tourism while maintaining the quality of the resource.

Parks and Recreation Goal 4: Increase the opportunities for public access to and enjoyment of the shorelines of Anacortes.

Conservation Goal 4: Public access to shorelines and tidelands should be maintained, enhanced, and increased.

The subject proposal is consistent with the goals of the City of Anacortes' Comprehensive Plan identified above.

C. ZONING ORDINANCE/ CODE:

1. The City's Zoning Map establishes zoning district boundaries and the City Zoning Ordinance establishes (1) the permitted use of land in the various zones, and (2) development standards.
2. The subject property is located in the Residential (R2) Zoning District.
3. Pursuant to AMC § 17.36.010, the purpose of the Residential (R2) Zoning District is to maintain and create an environment which meets the standards for single-family residential development, by restricting uses within the district, and by requiring a minimum lot size and maximum density.

4. According to AMC § 17.36.020, “single-family dwellings” are permitted land uses within the Residential (R2) Zoning District.
5. According to AMC § 17.36.050, the minimum lot size for the Residential (R2) Zoning District is 7,500 square feet.
6. AMC § 17.36.060 lists the required setbacks for the Residential (R2) Zoning District. The applicant however has applied for variance /deviation (see above) to the required side yard setback to permit a five (5) foot setback on both side yards of each lot.
7. The maximum lot coverage for the Residential (R2) Zoning District is thirty-five (35) percent per AMC § 17.36.080. This requirement is reviewed at time of building permit application submittal.
8. According to AMC § 17.36.070, the maximum permitted density for the Residential (R2) Zoning District is four (4) dwelling units per gross acre. The applicant has 5.48 ± gross acres. According to code, the applicant could potentially create twenty-one (21) homes based on the permitted density and gross acreage (5.48 acres X 4 = 21.92 dwelling units). Ten (10) dwelling units are proposed as part of the subject PUD request. The density of the development is 1.82 dwelling units per gross acre (10 lots divided by 5.48 gross acres).
9. AMC § 17.46.020, two (2) parking spaces are required for each residence. Additionally, since Accessory Dwelling Units are proposed, the minimum number of parking spaces for both the ADU and single family residence is three (3) off-street parking spaces per AMC § 17.10.170(F). The applicant proposes two car garages attached to each residence and a one car garage serving and attached to each accessory dwelling units.
10. The maximum permitted square footage to an Accessory Dwelling Unit’s habitable area is 900 square feet per AMC § 17.10.170(D). The applicant however has applied for a variance /deviation to this requirement (**See Section IX**) to exceed this standard. The applicant proposes constructing a 1,200 square foot Accessory Dwelling Unit within a two thousand (2,000) square foot accessory building. The balance of the accessory building (800 square feet) will be used to house a one (1) car garage serving the ADU.
11. The maximum permitted area for a detached accessory structure /building is one thousand (1,000) square feet per AMC § 17.48.010. The applicant however has applied for a variance /deviation (**See Section IX**) to this requirement to exceed this requirement. The applicant proposes construct a 1,200 square foot Accessory Dwelling Unit within a 2,000 square foot accessory building.
12. According to AMC § 17.52.010, fences within a front yard shall not exceed 4 ½ feet (the first 2 ½ feet can be a 100% sight obscuring fence. On top of this, an additional 2 feet is permitted provided it is 50% sight obscuring). The applicant proposes constructing a six (6) foot fence within the front yard parallel and adjacent to Oakes Avenue.
13. Landscaping is required according to AMC Chapter 17.41. The applicant has submitted a landscape plan meeting this requirement (**See Exhibit 11**). Additionally, a final landscape and tree preservation will be required before final replat /PUD submittal or approval is given.
14. According to AMC § 16.50.050, a Tree Preservation Plan is required as part of application for a subdivision /planned unit development. Accordingly, the applicant has

submitted both a Tree Preservation Plan and calculation of tree unit credits meeting this requirement (**See Exhibit 10**). The minimum tree density per AMC § 16.50.070 is one (1) tree unit per one thousand square feet. The applicant has met this requirement.

15. According to AMC § 17.44.010, the purpose of a Planned Unit Development (PUD) is: to permit greater flexibility and consequently more creative and imaginative design for the development of residential and business uses than generally is possible under conventional zoning regulations; To promote more economical and efficient use of the land while providing a harmonious variety of housing choices, a higher level of city attractiveness and quality, and preservation of scenic open space; and To correlate the intentions of this title and other ordinances of the city to encourage developments which will provide a desirable and stable environment in harmony with that of the surrounding area.
16. According to AMC § 17.44.020, a PUD is permitted on any size parcel of land, whether or not it is part of a plat. Additionally, according to AMC § 17.44.030, single-family uses shall be permitted in a PUD in any residential zone subject to the criteria listed in AMC Chapter 17.44.
17. According to AMC 17.42.010, street and alley vacations associated with dedication of new rights of way shall go through the replatting process set forth in AMC Title 17.
18. According to AMC 17.04.050, creation of or changes to lot lines shall conform to the use provisions, dimensional and other standards, and procedures of this title and Title 16, Subdivisions.
19. According to AMC 17.05.030, development shall be prohibited, and all applications therefore shall be denied, if the development would cause the level of service on a concurrency facility or service to decline below adopted levels of service standards, unless the improvements or strategies to accommodate the new development are made concurrent with the development, subject to the provisions of AMC § 17.05.070(3). For potable water, sewer/on-site sewage disposal and stormwater management, only available capacity or capacity that can be provided prior to the actual use of the facility will be used.
20. The subject proposal is consistent with the above development regulations.

D. OTHER APPLICABLE CODE, REVIEW CRITERIA, & PROCESS:

The preliminary replat /PUD application is also subject to review for conformance with the following Anacortes Municipal Code Titles and Chapters:

1. According to AMC § 16.40.040, there are four (4) steps for approval of a PUD: A) Pre-application conference during which the city's planning coordinating committee reviews sketches and conceptual information and makes recommendations to the applicant. Particular attention shall be given to the items where the PUD concept varies from normal subdivision standards, B) Preliminary PUD development plan where a more complete conceptual plan is submitted for planning coordinating committee review and then goes through a standard planning commission and city council approval process, C) Preliminary plat review and approval process with a detailed plan incorporating the approved preliminary PUP development plan concepts and conditions, and D) Final plat

meeting the submittal requirements of and following the approval process for a standard subdivision.

2. According to AMC § 16.12.010, when a preliminary plat meeting the requirements has been submitted, the administrator shall establish the date and time for an open record public hearing before the planning commission on the preliminary plat which shall not be more than sixty days from the date of the notice of complete application and which shall coincide with a regular meeting of the planning commission. Following planning commission action, the administrator shall schedule the preliminary plat for the city council agenda for its next available meeting date in accordance with its rules and regulations.
3. The subject proposal is consistent with the above development regulations.

E. CONCLUSIONS OF LAW:

1. The Planning Commission having fully reviewed the staff report hereby adopts said staff report as properly setting forth the issues, the land use requests, consistency with the existing regulations, principles, conditions and their effect upon the request. It is therefore adopted by the Planning Commission as a conclusion as if set forth in full herein.
2. The proposed preliminary planned unit development and preliminary re-plat as conditioned conforms to the general purposes of the city comprehensive plan, the city's planning standards and specifications of the zoning ordinance, Title 16 and other ordinances applicable to the proposal. Additionally, the proposal makes appropriate provisions for the elements listed in Section 16.12.020.E AMC.
3. The proposal includes a street vacation of a portion of Minnesota Avenue. The Planning Commission supports the proposed street vacation through the re-platting and Planned Unit Development (PUD) process and finds no evidence to do so otherwise.
4. The requirements of the State Environmental Policy Act have been complied with.
5. The public notice requirements of the Shoreline Management Act have been complied with.
6. The Planning Commission bases its Findings of Fact and Conclusions of Law on the entire record, including all testimony and exhibits. Any finding which would be deemed a Conclusion of Law and any Conclusion of Law which should be deemed a finding is hereby adopted as such.
7. The project is consistent with the shoreline designation and general goals, policies and development regulations of the Anacortes Shoreline Master Program, the Shoreline Management Act, the general purposes of the city comprehensive plan, the city's planning standards and specifications of the zoning ordinance, and other ordinances applicable to the proposal.

F. STAFF RECOMMENDATION:

The Department of Planning, Community, and Economic Development recommend that the subject replat, PUD, code deviation/ modification, vacation request, shoreline substantial development permit, and shoreline variance be approved by the City Council subject to staff's suggested conditions of approval listed below.

G. PLANNING COMMISSION RECOMMENDATION:

The Planning Commission conducted an open-record hearing on both April 22, 2015, and May 13, 2015, (continued to). At the conclusion of the hearing on May 13, 2015, the Planning Commission voted 6-0 to recommend that City Council approve the subject replat, PUD, code variance /deviation, vacation request, shoreline substantial development permit, and shoreline variance based on staff's suggested conditions of approval and two additional conditions added thereto (#40 & #41).

H. DECISION:

Based on the foregoing information and analysis submitted by the applicant, and the City regulatory authority to implement the policies, standards, and the regulations of the Comprehensive Plan, and the Anacortes Municipal Code (AMC), the Anacortes City Council hereby approves the subject replat, planned unit development, code variance /deviation, vacation request, shoreline substantial development permit, and shoreline variance subject to the following conditions of approval:

1. A clearing and grading plan consistent with City requirements shall be submitted by the applicant for review and approval by the City of Anacortes Planning\Building and Public Works Departments prior to any construction activities taking place on or off-site. Site grading shall not adversely impact adjacent neighbors.
2. A Large Parcel Storm Water Plan and Water Quality Control Plan consistent with City requirements shall be submitted by the applicant for review and approval by the Planning\Building and Public Works Departments prior to any construction activities taking place on or off-site.
3. Clearing activities may require a Forest Practice Permit (logging permit) issued by the Department of Natural Resources prior to construction activities taking place on or off-site.
4. Prior to any clearing\fill\grade work beginning, construction civil plans consistent with the City of Anacortes Engineering Development Standards, including but not limited to, Erosion Control Plan, Site utility\Infrastructure improvements Plan, Roadway Improvements Plan, Signage Plan, Street Lighting Plan and other plans and/or information required by the City Planning\Building and Public Works Departments shall be submitted for review and approval.
5. Engineering and Inspection fees in the amount of \$500.00, plus 2% of the total estimated construction cost shall be due upon civil plan approval. No construction activity is

allowed until the construction plans are approved, all fees have been paid and a preconstruction conference held.

6. Prior to the final plat approval, all infrastructure improvements shall be completed as required by the City of Anacortes Public Works Director and a 2-year Maintenance Bond in place. The 2-year Maintenance Bond is 10% of the actual construction cost.
7. Fire Hydrants are to be located as approved by the City of Anacortes Fire Chief. Fire flows shall be addressed in a manner acceptable to the Fire Chief and the City of Anacortes Public Works Department.
8. The water main will need to be extended to the most easterly boundary of the property and designed to allow for future extension by others per Public Works Department approval.
9. The value of the vacated right-of-way shall only go toward the offsite public portion of trail construction (Kansas Avenue Park north to the Guemes Channel Trail). Any remaining funds shall be paid to the City of Anacortes. The value of the proposed vacated right-of-way will be determined prior to construction plan approval.
10. Mailbox locations shall be reviewed and approved by the City of Anacortes Public Works Department and the U.S. Postal Service.
11. Street lighting shall be required at both ingress and egress of the project. Street lighting shall be energy efficient and shall limit glare and/or emission of light downward to the street and front yard areas. Street lighting will be installed per PSE Schedule 52, Option "B". Lighting fixtures and design shall be approved by the Public Works Director. Shields may be necessary to reduce impacts to adjacent properties.
12. Sanitation, recycling, and compost collection shall be picked-up from the internal private road serving the subject replat/ PUD -not placed on Oakes Avenue.
13. There shall be no parking permitted on any portion of either Oakes Avenue or the one-way street located within the development. No parking signage shall be demarcated onsite. A note to this effect shall be added to final replat /PUD.
14. Internal private driveway shall be required to provide for:
 - A. A minimum of 24-feet of paved asphalt with a thickened edge on one side to control sheet flow runoff.
 - B. Maximum grade of 12%.
 - C. One-way direction from west to east.
 - D. Appropriate signage, shall be installed at Oakes Avenue to identify ingress and egress locations.
 - E. The road shall be constructed to meet City requirements and maintained by the property owners of which it serves.
15. Oakes Avenue, along the frontage of this project is required to provide for:
 - A. Cement Concrete Traffic Curb and Gutter with a 5-foot minimum meandering sidewalk, landscaping, and driveway approaches.

- B. Storm drainage conveyance system that discharges on the south side of Oakes Avenue.
 - C. If the City Engineer finds that inconsistencies of the asphalt edge along Oakes Avenue would not allow for proper drainage into the new curb and stormwater facilities, the appropriate amount of asphalt will need to be removed and replaced by the applicant to correct the issue.
 - D. These improvements would extend to the easterly and westerly boundaries fronting Oakes Avenue.
16. The proposed storm-water conveyance to the public outfall and easement shall be considered private and maintained by the property owners of which it serves.
 17. The proposed 10-foot storm drain easement and collector system near top of bank shall be private and maintained by the property owners of which it serves.
 18. The conveyance system proposed along Oakes Avenue will be considered Public. This system will discharge to a swale along the south side of Oakes Avenue. This crossing will need to be coordinated with the Washington State Department of Transportation Local Region for appropriate permits.
 19. Sewer will need to be extended across Oakes Avenue to service this project and will need to be coordinated with the Washington State Department of Transportation Local Region for appropriate permits.
 20. Proposed 15-foot sanitary sewer easement for pump lines and collector side service pipe on the north side of the proposed manhole will be a private easement and maintained by the property owners of which it serves.
 21. The scope of the project shall not exceed that as set-out in the replat, PUD, shoreline substantial development permit, and shoreline variance applications (including attachments), and in accordance with the determinations made and conditions imposed. **Exhibit 12** shall be the approved site plan.
 22. The project shall comply with all applicable Shoreline Master Program regulations, including but not limited to, Chapter 5, *Shoreline Environments & Associated Policies and Regulations*, Chapter 6, *Environmental Protection General Regulations*, and Chapter 8, *Specific Use Policies and Development Regulations*.
 23. The applicant shall be responsible for reimbursement to the City for the cost of third party review, posting/mailling and publication of the public hearing for this proposal. Payment in full shall be made before building permit issuance.
 24. Development shall comply with the revised landscape plan (**See Exhibit 11**). Landscaping shall be in place and complete before building permit certificate of occupancy will be issued.
 25. Preliminary subdivision and Planned Unit Development approval authorizes the applicant to proceed with application for necessary permits to construct required improvements and to prepare construction drawings in accordance with the determinations made and conditions imposed.

26. A note on the final short plat shall denote the following minimum building setbacks from the respective property lines as follows:
 - A) Front: 20-feet
 - B) Rear: 20-Feet
 - C) Side: 5-feet
27. Both Tracts A & B shall be owned and maintained by the property owner, property owner's association, successors or assigns. A note to this effect shall be recorded on the final replat/ PUD map.
28. Private utilities shall be owned and maintained by the property owner, property owner's association, successors or assigns in a manner to ensure their functioning consistent with applicable regulations. A note to this effect shall be recorded on the final plat map.
29. Those trees designated for retention on the submitted tree preservation plan shall be protected before and during site development and construction through adherence to AMC § 16.50.100. Chain link fencing (or other sturdy construction fencing) shall be erected along the drip line (plus 6 feet) of each of the trees designated for retention on the plan.
30. Before any site development or construction activities occur on the subject property the applicant shall contact the Department of Planning, Community, and Economic Development to arrange a tree fence inspection.
31. The lots in this subdivision are subject to applicable water, sewer, and stormwater general facility and hookup fees and transportation, fire, and park impact fees. These fees are payable at levels in effect at the time of building permit issuance and may differ from those fee levels currently in effect; sewer and water latecomer charges may be payable. A note to this effect shall be recorded on the final plat map.
32. Before final replat /PUD approval is given, the applicant /landowner shall provide covenants, conditions, and restrictions (CC&Rs) to the city for review and approval.
33. Before final replat /PUD submittal or approval, the land surveyor shall place the respective property corners of the subject property.
34. Unless otherwise outlined within a vegetation management plan that has been approved by the City of Anacortes, within the NGPE, vegetation or tree removal, topping, or trimming is prohibited unless approved by the City. The applicant would need to submit an ISA certified report that states a tree is dead, diseased, or dying and hazardous to surrounding uses, along with a geological hazardous area critical area report to the City of Anacortes' Planning Department and Parks and Recreation Department for review and approval. Notwithstanding, vegetation /tree removal from an erosion or landslide hazard area and its associated buffer is prohibited per AMC § 17.70.260(4).
35. One twenty-eight (28) foot high, detached 2,000 square foot (maximum) accessory building is permitted on each lot provided it is in compliance with all other bulk and dimensional standards for the zone, except where modified through these conditions of approval. Where an accessory dwelling unit (ADU) is proposed within said building, the living space shall not exceed 1,200 square feet. Impact fees & GFC shall be payable at

the time of building permit issuance for both the ADU and primary residence. The 2,000 square foot (maximum) permitted accessory building size and 28 foot high (maximum) height limit variance/deviance only applies to lots 3 through 9. Accessory structures on lots 1, 2, & 10 shall meet current zoning code standards including but not limited to maximum permitted building size and height.

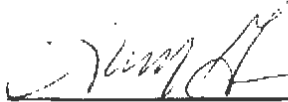
36. Development shall comply with the issued SEPA Mitigated Determination of Non-Significance (MDNS) mitigation measures as follows:
- A. Development shall comply with all of the recommendations of the Geotechnical Evaluation prepared by Geotest dated November 4, 2014, listed therein (MDNS Condition #1).
 - B. All structures shall be setback a minimum of thirty (30) feet from the top of the bank of the geologically hazardous /steep slope as identified on the face of the replat /PUD (MDNS Condition #2). [See Condition of Approval #40 below. The stricter of the two conditions shall prevail]
 - C. A final tree preservation plan shall be submitted for review and approval prior to construction plan approval (MDNS Condition #3).
 - D. Erosion control, dust control, and best management practices shall be employed during construction /development activities as required by both the Building and Public Works Departments (MDNS Condition #4).
 - E. The applicant shall submit a Large Parcel Stormwater & Water Quality Plan to minimize runoff, control erosion, and protect adjacent properties. Such measures may include replanting, reseeding, storm retention ponds, buffer areas or prompt development. This plan shall be prepared by a licensed civil engineer (MDNS Conditions #5).
 - F. Orange construction fencing shall be installed at the project boundary's clearing limits as required by the Planning Department (MDNS Condition #6).
 - G. All applicable permits shall be secured before any construction activities begin onsite. (MDNS Condition #7).
 - H. Before building permits for each of the proposed residences will be issued, the applicant shall contact the Department of Planning, Community, and Economic Development to arrange a tree fence inspection (MDNS Condition #8).
 - I. The landowner /applicant shall obtain a National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharge as required by the State of Washington's Department of Ecology (MDNS Condition #9).
 - J. A legally enforceable agreement, which shall be recorded as a covenant and noted on the face of the deed or plat, and executed in a form satisfactory to the City of Anacortes' acknowledging that the site is located in a geologically hazard area; the risks associated with development of such site; and a waiver and release of any and all claims of the owner(s), their directors, employees, successors, or assigns against the City of Anacortes for any loss, damage or injury, whether direct or indirect, arising out of issuance of development permits for this proposal (MDNS Condition #10).

- K. Pursuant to City of Anacortes' Shoreline Master Program (SMP) Appendix A-3.9.4, unless otherwise provided or as part of an approved alteration, removal of vegetation from an erosion or landslide hazard area or related buffer shall be prohibited. The applicant however has submitted a geotechnical report, tree preservation plan, and landscape plan addressing proposed vegetation removal. Any vegetation removal shall be consistent with the submitted geotechnical report, tree preservation plan, and landscape plan (MDNS Condition #11).
 - L. Pursuant to City of Anacortes' SMP A-3.9.5, clearing shall be allowed only from May 1st to October 1st of each year provided that the city may extend or shorten the dry season on a case-by-case basis depending on actual weather conditions. Clearing limits shall be consistent with the submitted geotechnical report, tree preservation plan, and landscape plan (MDNS Condition #12).
 - M. The project geotechnical engineer, shall review the final civil drawings for consistency with the geotechnical report and provide specific detail for anchoring of the storm line on the slope. Site work shall be monitored by the geotech as determined by the Planning Department (MDNS Condition #13).
 - N. Before final replat /PUD submittal or approval is given, the applicant shall provide a tree cutting and debris management plan for review and approval prior to any activity taking place onsite (MDNS Condition #14).
 - O. Before final replat /PUD submittal or approval is given, the applicant shall submit a final report from their project biologist and geotechnical engineer prior to plan approval concerning the construction of the off-site public trail (MDNS Condition #15).
 - P. Before final replat /PUD approval is given, the off-site public trail connecting to Kansas Street Park, improvements to Kansas Street Park, and connection to Guemes Channel Trail below shall be constructed to city standards (MDNS Condition #16).
 - Q. Before final replat /PUD submittal or approval is given, the applicant shall submit a detailed landscape plan addressing re-vegetation of both the steep slope and area of the project site that lies within the Conservancy Shoreline Designation /Environment. An as built shall be prepared after planting has been completed. Additionally, a 5-year maintenance and monitoring plan shall be prepared and submitted to the city for approval (MDNS Condition #17).
 - R. Before final replat/ PUD submittal or approval is given, that portion of each lot that lies within the Conservancy Shoreline Designation /Environment shall be placed into a Native Growth Protection Easement with a long-term maintenance plan for the homeowners association. A split rail cedar fence shall be constructed at the edge of the Conservancy Environment as determined by the Planning Department with critical area signage placed on it as required by the Planning Department (MDNS Condition #18).
37. The applicant / landowner shall work with neighboring property owners east of the subject property that are adjacent to the private and public trail and provide a combination of a sight obscuring fencing and/or landscaping utilizing only native plants indigenous to Western Washington.

38. The Homeowner's Association shall be responsible for the maintenance of all landscaping provided along the sidewalk fronting the subject property that runs parallel to Oakes Avenue. The height of any trees planted therein shall be similar to the landscaping in the San Juan Passage development /PUD fronting Oakes Avenue. This shall also be reflected in the CC&Rs. Additionally, the maximum permitted height of the fence proposed located within the front yard setback shall be five (5) feet from grade.
39. Before final PUD/ replat submittal or approval is given, the applicant/ landowner shall submit a 5-year maintenance and monitoring plan to the city for approval for all planting along the public trail, private trail, sidewalk located within the right-of-way, and plantings within the Native Growth Protection Easement (NGPE) located onsite. Once approved, the plan shall be noted on the final PUD /replat.
40. As modified since the SEPA MDNS was issued, all structures shall be setback forty-five (45) feet from the top of the bank of the geologically hazardous /steep slope. This shall be identified and noted on the face of the final replat /PUD.
41. The twenty-eight (28) foot high detached accessory structures (which may include ADUs) shall not exceed sixteen (16) feet in height (maximum) as measured above Oakes Avenue.

INTRODUCED, PASSED, AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ANACORTES on this 6th day of July, 2015.

CITY OF ANACORTES, WASHINGTON



LAURIE M. GERE, MAYOR

Approved as to form and legality:



Darcy Swetnam, WSBA# 40530
City Attorney

ATTEST:



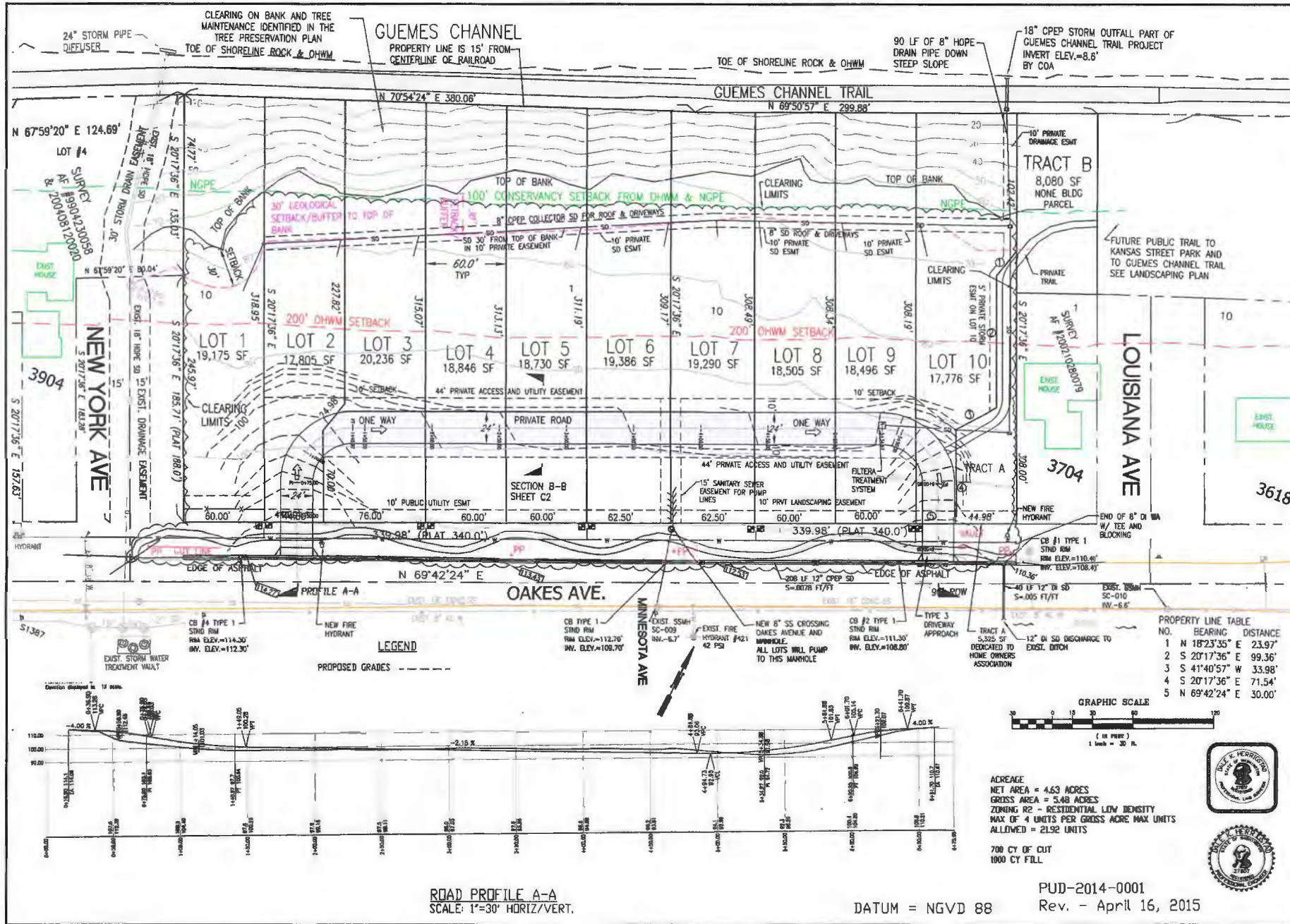
Steve D. Hoglund, City Clerk Treasurer

JUDICIAL APPEAL:

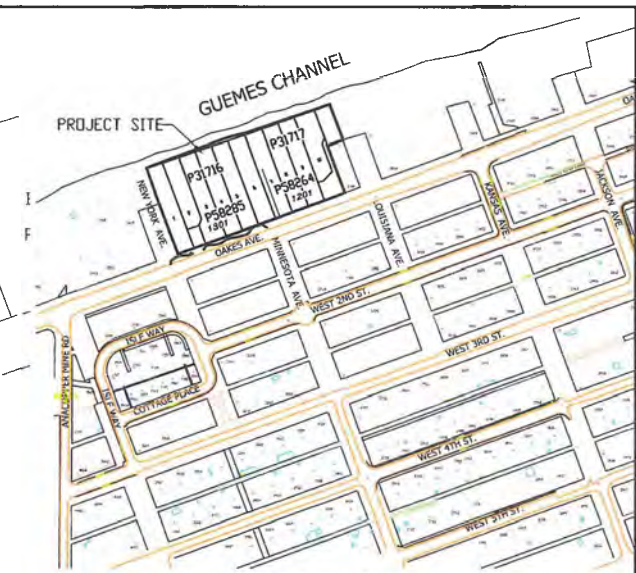
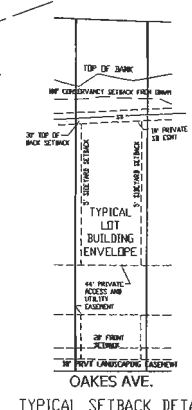
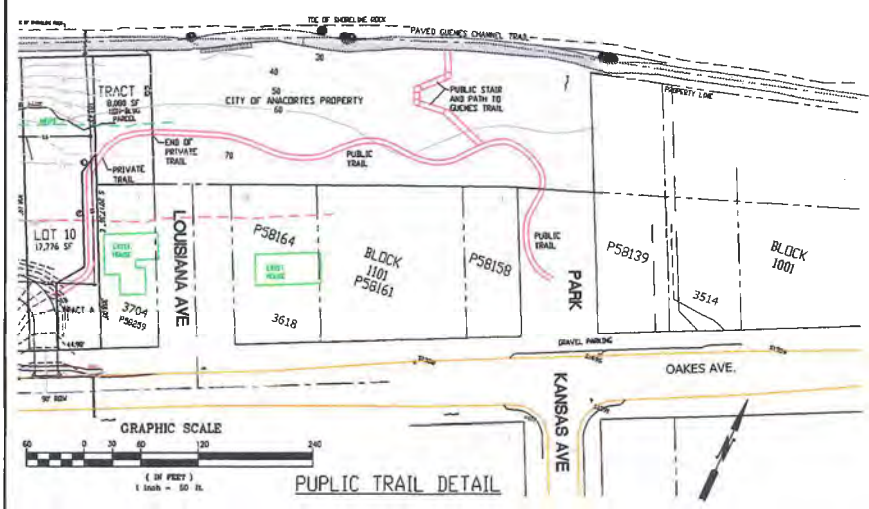
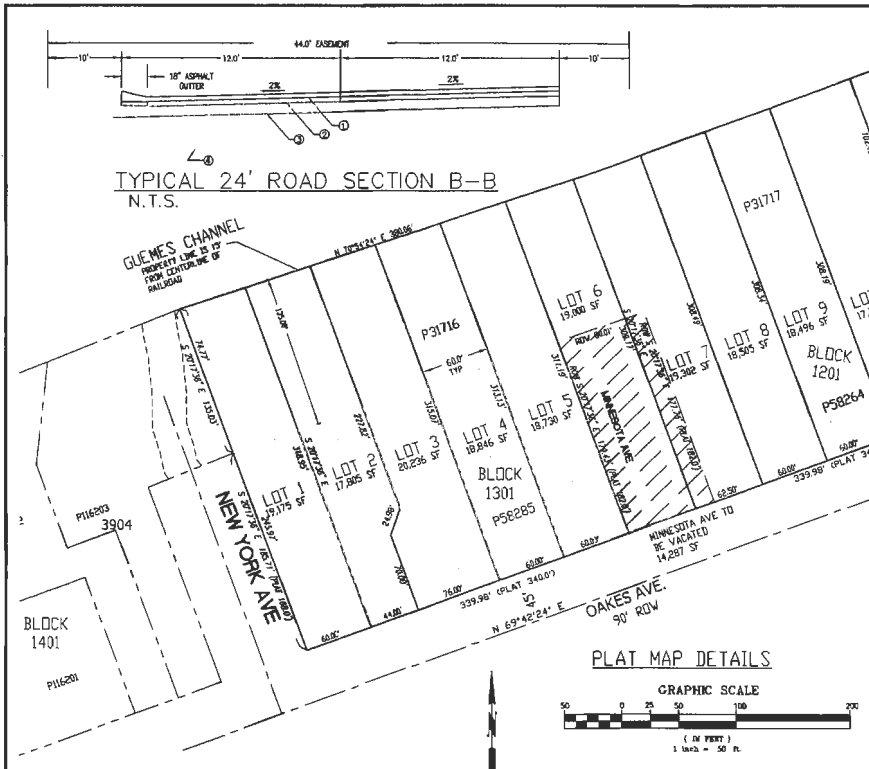
AMC § 17.08.090 - Notice of appeal of any final action taken under this title must be filed with the Superior Court and served on the city attorney for the city within twenty-one (21) days of the date on which such final action was taken. For purpose of appeals from decisions of the Anacortes City Council, the "date of final action" shall mean the date on which the city council made its decision by vote taken at a regular or special public meeting.

EXHIBITS:

EXHIBIT NUMBER:	NAME OF EXHIBIT:
Exhibit #1	Narrative, Master Permit Application, JARPA Application, & Letter of Authorization
Exhibit #2	Notice of Application & Hearing with Optional DNS
Exhibit #3	Department /Agency Comments Received
Exhibit #4	Public Comments Received
Exhibit #5	Issued SEPA MDNS
Exhibit #6	Geotechnical Report & Third Party Review
Exhibit #7	Traffic Impact Analysis
Exhibit #8	ATSI Critical Area Report, Addendum, ESA Compliance, & Ecological Functions, & Description of Shade Conditions
Exhibit #9	Caldera Archaeological Report & Addendum
Exhibit #10	Urban Forestry Service's Tree Preservation Plan & Vegetation Conservation + Tree Credit Table
Exhibit #11	Landscape Plan
Exhibit #12	Assessor's Info & GIS Map
Exhibit #13	Site Plan



HERRIGSTAD ENGINEERING & SURVEYING DALE K. HERRIGSTAD P.E., P.L.S. 4320 WILSTAD LANE ROAD ANACORTES, WA 98021 (360) 289-8864	
Leeward Landing PUD Oakes Ave & Louisiana Ave Owner: Leeward Landing LLC PO Box 319 Anacortes, WA 98021	
Preliminary Site Plan & Road Profile	
SHEET NO. C1 REV. JUN 10 2015-05 DATE: April 2015 SCALE: 1"=30' DRAWN: D. HERRIGSTAD CHECK: D. HERRIGSTAD SHEET 1 OF 2	REVISIONS BY DATE



SECTION 23, N 35 N, R 01 E

LEGAL DESCRIPTION

PARCEL A: P58285
Lots 1 to 10, inclusive, Block 1301, "NORTHERN PACIFIC ADDITION TO ANACORTES," as per plat recorded in Volume 2 of Plats, page 9, records of Skagit County, Washington.

PARCEL B: P31716
That portion of Government Lot 4, in Section 23, Township 35 North, Range 1 East, W.N., described as follows:
Beginning at the Northwest corner of Block 1201, "NORTHERN PACIFIC ADDITION TO ANACORTES," as per plat recorded in Volume 2 of Plats, page 9, records of Skagit County, Washington; thence Northerly along the Southeastly line of said Block 1201 extended, to a point 15 feet distant Southeastly, measured at right angles, from the centerline of the railway of said Great Northern Railway Company, as located and constructed on March 6, 1940; thence Southeastly parallel with said centerline and 15 feet distant there from, to the Southeastly line of Block 1301 in said Plat extended Northerly; thence Southeastly along said extended line to the Northwest corner of said Block 1301; thence Northerly along the Northerly boundary of said "NORTHERN PACIFIC ADDITION TO ANACORTES," to the point of beginning.

Situate in the City of Anacortes, County of Skagit, State of Washington.

PARCEL C: P58264
Lots 3 through 10, inclusive, Block 1201, "NORTHERN PACIFIC ADDITION TO ANACORTES," as per plat recorded in Volume 2 of Plats, pages 9 through 11, inclusive, records of Skagit County, Washington.

PARCEL D: P31717
All that portion of the right-of-way of the former railway of the Great Northern Railway Company in Section 23, Township 35 North, Range 1 East, W.N., described as follows:
Beginning at the Northeast corner of Block 1201 in Northern Pacific Addition to Anacortes, as per plat recorded in Volume 2 of Plats, pages 9 through 11, inclusive, records of Skagit County, Washington; thence Northerly along the Northerly line of said Block 1201 extended, to a point 15 feet distant Southeastly, measured at right angles, from the center line of the former railway of said Great Northern Railway Company, as located and constructed on March 6, 1940; thence Southeastly parallel with said center line and 15 feet distant there from, to the Southeastly line of said Block 1201 extended Northerly; thence Southeastly along said extended line to the Northwest corner of Block 1201 in said Northern Pacific Addition to Anacortes; thence Northerly along the Southerly boundary of said Northern Pacific Addition to Anacortes, to the point of beginning.

Situate in the City of Anacortes, County of Skagit, State of Washington.



PUD-2014-0001
Rev. A. April 16, 2015



REVISIONS	BY	DATE
HERRIGSTAD ENGINEERING & SURVEYING DALE K. HERRIGSTAD P.E., P.L.S. 4320 WHISTLE LAKE ROAD ANACORTES, WA 98221 (360) 299-8604		
Leeward Landing PUD Oakes Ave & Louisiana Ave Owner: Leeward Landing LLC PO Box 319 Anacortes, WA 98221		
Vicinity Plan, Legal Description & Private Road Section		
SECRET NO.	C2	
REV. A		
JOB NO: 2012-05		
DATE: April 2015		
SCALE: Noted		
DRAWN: D. HERRIGSTAD		
CHECK: D. HERRIGSTAD		
SECRET	2	2

LEEWARD LANDING LLC

Compliance with "Findings of Fact" Leeward Landing Planned Unit Development April 5th, 2016

PUD-2014-0001

1. A clearing and grading plan consistent with City requirements shall be submitted by the applicant for review and approval by the City of Anacortes Planning\Building and Public Works Departments prior to any construction activities taking place on or off-site. Site grading shall not adversely impact adjacent neighbors. **Complete**
2. A Large Parcel Storm Water Plan and Water Quality Control Plan consistent with City requirements shall be submitted by the applicant for review and approval by the Planning\Building and Public Works Departments prior to any construction activities taking place on or off-site. **Large Parcel Storm Water Plan submitted to the COA for review.**
3. Clearing activities may require a Forest Practice Permit (logging permit) issued by the Department of Natural Resources prior to construction activities taking place on or off-site. **A Forest Practice Permit was not required as no timber was sold.**
4. Prior to any clearing\fill\grade work beginning, construction civil plans consistent with the City of Anacortes Engineering Development Standards, including but not limited to, Erosion Control Plan, Site utility\Infrastructure improvements Plan, Roadway Improvements Plan, Signage Plan, Street Lighting Plan and other plans and\or information required by the City Planning\Building and Public Works Departments shall be submitted for review and approval. **All plans and information have been submitted, approved and improvements are complete.**
5. Engineering and Inspection fees in the amount of \$500.00, plus 2% of the total estimated construction cost shall be due upon civil plan approval. No construction activity is allowed until the construction plans are approved, all fees have been paid and a preconstruction conference held. **Inspection Fees have been paid, receipt submitted, pre-construction meeting complete.**
6. Prior to the final plat approval, all infrastructure improvements shall be completed as required by the City of Anacortes Public Works Director and a 2-year Maintenance Bond in place. The 2-year Maintenance Bond is 10% of the actual construction cost. **The 2 year maintenance bond is pending the final letter of completion from COA stating all infrastructure improvement work is complete.**
7. Fire Hydrants are to be located as approved by the City of Anacortes Fire Chief. Fire flows shall be addressed in a manner acceptable to the Fire Chief and the City of Anacortes Public Works Department. **Fire Hydrants have been installed and approved, hydrant flow test are complete, test results submitted to COA on 4/1/2016.**
8. The water main will need to be extended to the most easterly boundary of the property and designed to allow for future extension by others per Public Works Department approval. **Water main installed per design.**

LEEWARD LANDING LLC

9. The value of the vacated right-of-way shall only go toward the offsite public portion of trail construction (Kansas Avenue Park north to the Guemes Channel Trail). Any remaining funds shall be paid to the City of Anacortes. The value of the proposed vacated right-of-way will be determined prior to construction plan approval. **The value of the vacated ROW has been determined, the actual costs for improvements related to Kansas Park and Public Stairs-Trail access to GTC has been submitted to COA.**
10. Mailbox locations shall be reviewed and approved by the City of Anacortes Public Works Department and the U.S. Postal Service. **Mailboxes are installed, located on the North side of Oakes Avenue west of the Leeward entrance.**
11. Street lighting shall be required at both ingress and egress of the project. Street lighting shall be energy efficient and shall limit glare and/or emission of light downward to the street and front yard areas. Street lighting will be installed per PSE Schedule 52, Option "B". Lighting fixtures and design shall be approved by the Public Works Director. Shields may be necessary to reduce impacts to adjacent properties. **Street lighting installed and complete.**
12. Sanitation, recycling, and compost collection shall be picked-up from the internal private road serving the subject replat/ PUD -not placed on Oakes Avenue. **This is noted as Condition #1 on Final Plat Map.**
13. There shall be no parking permitted on any portion of either Oakes Avenue or the one-way street located within the development. No parking signage shall be demarcated onsite. A note to this effect shall be added to final replat /PUD. **Signs will be installed per plan this is Noted as Condition #2 on final plat map.**
14. Internal private driveway shall be required to provide for:
 - A. A minimum of 24-feet of paved asphalt with a thickened edge on one side to control sheet flow runoff. **Complete**
 - B. Maximum grade of 12%. **We had permission from Jack Kennedy to increase road grades to 14% at both access points.**
 - C. One-way direction from west to east. **One way street designed entrance at West, exit at East.**
 - D. Appropriate signage, shall be installed at Oakes Avenue to identify ingress and egress locations. **Signs have been ordered, will be installed once received.**
 - E. The road shall be constructed to meet City requirements and maintained by the property owners of which it serves. **Leeward Lane is complete and approved, page 4 of final plat Easements #2 notes, Leeward Landing HOA is responsible for the maintenance of the private road.**
15. Oakes Avenue, along the frontage of this project is required to provide for:
 - A. Cement Concrete Traffic Curb and Gutter with a 5-foot minimum meandering sidewalk, landscaping, and driveway approaches. **Complete per plans.**
 - B. Storm drainage conveyance system that discharges on the south side of Oakes Avenue. **Complete per plans.**

LEEWARD LANDING LLC

- C. If the City Engineer finds that inconsistencies of the asphalt edge along Oakes Avenue would not allow for proper drainage into the new curb and stormwater facilities, the appropriate amount of asphalt will need to be removed and replaced by the applicant to correct the issue. **Complete.**
- D. These improvements would extend to the easterly and westerly boundaries fronting Oakes Avenue. **Improvements are complete.**
16. The proposed storm-water conveyance to the public outfall and easement shall be considered private and maintained by the property owners of which it serves. **Complete and noted under Easements.**
17. The proposed 10-foot storm drain easement and collector system near top of bank shall be private and maintained by the property owners of which it serves. **Complete and noted under Easements #6.**
18. The conveyance system proposed along Oakes Avenue will be considered Public. This system will discharge to a swale along the south side of Oakes Avenue. This crossing will need to be coordinated with the Washington State Department of Transportation Local Region for appropriate permits. **This work is complete, permits were approved by WSDOT and copies submitted to COA.**
19. Sewer will need to be extended across Oakes Avenue to service this project and will need to be coordinated with the Washington State Department of Transportation Local Region for appropriate permits. **This work is complete, permits were obtained.**
20. Proposed 15-foot sanitary sewer easement for pump lines and collector side service pipe on the north side of the proposed manhole will be a private easement and maintained by the property owners of which it serves. **Complete and noted under Easements on Final Map.**
21. The scope of the project shall not exceed that as set-out in the replat, PUD, shoreline substantial development permit, and shoreline variance applications (including attachments), and in accordance with the determinations made and conditions imposed. **Exhibit 12** shall be the approved site plan.
22. The project shall comply with all applicable Shoreline Master Program regulations, including but not limited to, Chapter 5, *Shoreline Environments & Associated Policies and Regulations*, Chapter 6, *Environmental Protection General Regulations*, and Chapter 8, *Specific Use Policies and Development Regulations*. **Project is complete and in compliance.**
23. The applicant shall be responsible for reimbursement to the City for the cost of third party review, posting/mailing and publication of the public hearing for this proposal. Payment in full shall be made before building permit issuance. **Leeward Landing LLC has reimbursed COA for 3rd party review.**
24. Development shall comply with the revised landscape plan (**See Exhibit 11**). Landscaping shall be in place and complete before building permit certificate of occupancy will be issued. **Landscape is complete per plans submitted for the development, individual homes will be landscaped at completion of construction.**

LEEWARD LANDING LLC

25. Preliminary subdivision and Planned Unit Development approval authorizes the applicant to proceed with application for necessary permits to construct required improvements and to prepare construction drawings in accordance with the determinations made and conditions imposed. **Complete**
26. A note on the final short plat shall denote the following minimum building setbacks from the respective property lines as follows: **Building setbacks are identified on the final plat map.**
 - A) Front: 20-feet
 - B) Rear: 20-Feet
 - C) Side: 5-feet
27. Both Tracts A & B shall be owned and maintained by the property owner, property owner's association, successors or assigns. A note to this effect shall be recorded on the final replat/ PUD map. **Tracts A & B will be maintained by property owner (s), this is noted on the final plat map Condition #8.**
28. Private utilities shall be owned and maintained by the property owner, property owner's association, successors or assigns in a manner to ensure their functioning consistent with applicable regulations. A note to this effect shall be recorded on the final plat map. **Noted as Condition #9 on final plat map, utilities will be owned and maintained by property owners and Leeward Landing Owners Association.**
29. Those trees designated for retention on the submitted tree preservation plan shall be protected before and during site development and construction through adherence to AMC § 16.50.100. Chain link fencing (or other sturdy construction fencing) shall be erected along the drip line (plus 6 feet) of each of the trees designated for retention on the plan. **Complete**
30. Before any site development or construction activities occur on the subject property the applicant shall contact the Department of Planning, Community, and Economic Development to arrange a tree fence inspection. **Complete**
31. The lots in this subdivision are subject to applicable water, sewer, and stormwater general facility and hookup fees and transportation, fire, and park impact fees. These fees are payable at levels in effect at the time of building permit issuance and may differ from those fee levels currently in effect; sewer and water latecomer charges may be payable. A note to this effect shall be recorded on the final plat map. **Noted as Condition #10 on final plat map.**
32. Before final replat /PUD approval is given, the applicant /landowner shall provide covenants, conditions, and restrictions (CC&Rs) to the city for review and approval. **Complete draft CCRs re-submitted to COA on April 1st, 2016. CCRs are noted on page 4 final plat map.**
33. Before final replat /PUD submittal or approval, the land surveyor shall place the respective property corners of the subject property. **Property corners were located and marked by Herrigstad Engineering & Surveying.**

LEEWARD LANDING LLC

34. Unless otherwise outlined within a vegetation management plan that has been approved by the City of Anacortes, within the NGPE, vegetation or tree removal, topping, or trimming is prohibited unless approved by the City. The applicant would need to submit an ISA certified report that states a tree is dead, diseased, or dying and hazardous to surrounding uses, along with a geological hazardous area critical area report to the City of Anacortes' Planning Department and Parks and Recreation Department for review and approval. Notwithstanding, vegetation /tree removal from an erosion or landslide hazard area and its associated buffer is prohibited per AMC § 17.70.260(4). **This is outlined in the Draft NGPE Agreement submitted to the COA on April 1st, 2016**
35. One twenty-eight (28) foot high, detached 2,000 square foot (maximum) accessory building is permitted on each lot provided it is in compliance with all other bulk and dimensional standards for the zone, except where modified through these conditions of approval. Where an accessory dwelling unit (ADU) is proposed within said building, the living space shall not exceed 1,200 square feet. Impact fees & GFC shall be payable at the time of building permit issuance for both the ADU and primary residence. The 2,000 square foot (maximum) permitted accessory building size and 28 foot high (maximum) height limit variance/deviance only applies to lots 3 through 9. Accessory structures on lots 1, 2, & 10 shall meet current zoning code standards including but not limited to maximum permitted building size and height. **This is noted as Condition #12 on final plat map and in the CCRs of Leeward Landing.**
36. Development shall comply with the issued SEPA Mitigated Determination of Non-Significance (MDNS) mitigation measures as follows:
 - A. Development shall comply with all of the recommendations of the Geotechnical Evaluation prepared by Geotest dated November 4, 2014, listed therein (MDNS Condition #1). **All work was constructed in accordance to Geo Test recommendations, required inspections complete, copies have been submitted to COA.**
 - B. All structures shall be setback a minimum of thirty (30) feet from the top of the bank of the geologically hazardous /steep slope as identified on the face of the replat /PUD (MDNS Condition #2). [See Condition of Approval #40 below. The stricter of the two conditions shall prevail] **Geological setback from slope is noted on the final plat map.**
 - C. A final tree preservation plan shall be submitted for review and approval prior to construction plan approval (MDNS Condition #3). **Tree Preservation Plan by Urban Forestry has been submitted to the COA.**
 - D. Erosion control, dust control, and best management practices shall be employed during construction /development activities as required by both the Building and Public Works Departments (MDNS Condition #4). **All BMPs will be applied and enforced during development and construction.**
 - E. The applicant shall submit a Large Parcel Stormwater & Water Quality Plan to minimize runoff, control erosion, and protect adjacent properties. Such measures may include replanting, reseeding, storm retention ponds, buffer areas or prompt development. This plan shall be prepared by a licensed civil engineer (MDNS

LEEWARD LANDING LLC

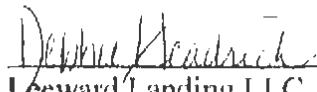
- Conditions #5). The Large Parcel Storm Water Plan completed by Herrigstad Engineering Dated January 8, 2015 has been submitted to the COA.
- F. Orange construction fencing shall be installed at the project boundary's clearing limits as required by the Planning Department (MDNS Condition #6). Fencing was installed.
 - G. All applicable permits shall be secured before any construction activities begin onsite. (MDNS Condition #7). Permits obtained and work is complete.
 - H. Before building permits for each of the proposed residences will be issued, the applicant shall contact the Department of Planning, Community, and Economic Development to arrange a tree fence inspection (MDNS Condition #8). Owners, Builders, Contractors will comply with to MDNS Condition #8.
 - I. The landowner /applicant shall obtain a National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharge as required by the State of Washington's Department of Ecology (MDNS Condition #9). The Storm Water Permit was obtained from DOE remains active, site is monitored, site inspection forms have been submitted to COA on April 1st, 2016
 - J. A legally enforceable agreement, which shall be recorded as a covenant and noted on the face of the deed or plat, and executed in a form satisfactory to the City of Anacortes' acknowledging that the site is located in a geologically hazard area; the risks associated with development of such site; and a waiver and release of any and all claims of the owner(s), their directors, employees, successors, or assigns against the City of Anacortes for any loss, damage or injury, whether direct or indirect, arising out of issuance of development permits for this proposal (MDNS Condition #10). The Geologically Hazardous Covenant is pending, a draft document was resubmitted to COA for review on April 1st, 2016.
 - K. Pursuant to City of Anacortes' Shoreline Master Program (SMP) Appendix A-3.9.4, unless otherwise provided or as part of an approved alteration, removal of vegetation from an erosion or landslide hazard area or related buffer shall be prohibited. The applicant however has submitted a geotechnical report, tree preservation plan, and landscape plan addressing proposed vegetation removal. Any vegetation removal shall be consistent with the submitted geotechnical report, tree preservation plan, and landscape plan (MDNS Condition #11). This is noted on page 3 of final plat map #13.
 - L. Pursuant to City of Anacortes' SMP A-3.9.5, clearing shall be allowed only from May 1st to October 1st of each year provided that the city may extend or shorten the dry season on a case-by-case basis depending on actual weather conditions. Clearing limits shall be consistent with the submitted geotechnical report, tree preservation plan, and landscape plan (MDNS Condition #12). Clearing was completed during the allowed time and consistent with reports and plans.
 - M. The project geotechnical engineer, shall review the final civil drawings for consistency with the geotechnical report and provide specific detail for anchoring of the storm line on the slope. Site work shall be monitored by the geotech as determined by the Planning Department (MDNS Condition #13). Complete

LEEWARD LANDING LLC

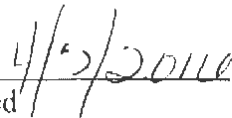
- N. Before final replat /PUD submittal or approval is given, the applicant shall provide a tree cutting and debris management plan for review and approval prior to any activity taking place onsite (MDNS Condition #14). **Draft management plan submitted to COA for review.**
 - O. Before final replat /PUD submittal or approval is given, the applicant shall submit a final report from their project biologist and geotechnical engineer prior to plan approval concerning the construction of the off-site public trail (MDNS Condition #15). **Final reports submitted to COA on April 1st, 2016 complete.**
 - P. Before final replat /PUD approval is given, the off-site public trail connecting to Kansas Street Park, improvements to Kansas Street Park, and connection to Guemes Channel Trail below shall be constructed to city standards (MDNS Condition #16). **Trail and Stairs to the Guemes Channel Trail are complete, inspections complete, all documents submitted to COA.**
 - Q. Before final replat /PUD submittal or approval is given, the applicant shall submit a detailed landscape plan addressing re-vegetation of both the steep slope and area of the project site that lies within the Conservancy Shoreline Designation /Environment. An as built shall be prepared after planting has been completed. Additionally, a 5-year maintenance and monitoring plan shall be prepared and submitted to the city for approval (MDNS Condition #17). **As Builts of re-vegetation and the 5-year maintenance and monitoring plan have been submitted to COA.**
 - R. Before final replat/ PUD submittal or approval is given, that portion of each lot that lies within the Conservancy Shoreline Designation /Environment shall be placed into a Native Growth Protection Easement with a long-term maintenance plan for the homeowners association. A split rail cedar fence shall be constructed at the edge of the Conservancy Environment as determined by the Planning Department with critical area signage placed on it as required by the Planning Department (MDNS Condition #18). **NGPE is noted on final plat, the NGPE Agreement has been submitted to COA for approval prior to recording of document. Split rail cedar fence is installed, critical areas signage posted.**
37. The applicant / landowner shall work with neighboring property owners east of the subject property that are adjacent to the private and public trail and provide a combination of a sight obscuring fencing and/or landscaping utilizing only native plants indigenous to Western Washington. **Applicant met with the neighboring property owner Ms. Joan Osborne several times during construction. Together they designed a cedar fence for privacy that has been built between the properties. Ms. Osborne is pleased with the privacy fence and prefers no further buffer plantings be installed.**
38. The Homeowner's Association shall be responsible for the maintenance of all landscaping provided along the sidewalk fronting the subject property that runs parallel to Oakes Avenue. The height of any trees planted therein shall be similar to the landscaping in the San Juan Passage development /PUD fronting Oakes Avenue. This shall also be reflected in the CC&Rs. Additionally, the maximum permitted height of the fence proposed located within the front yard setback shall be five (5) feet from grade. **Landscape maintenance, tree height and fence height restrictions are reflected in the CCRs and on the final plat map Condition #14.**

LEEWARD LANDING LLC

39. Before final PUD/ replat submittal or approval is given, the applicant/ landowner shall submit a 5-year maintenance and monitoring plan to the city for approval for all planting along the public trail, private trail, sidewalk located within the right-of-way, and plantings within the Native Growth Protection Easement (NGPE) located onsite. Once approved, the plan shall be noted on the final PUD /replat. **The 5-year maintenance and monitoring plan has been submitted to COA and noted on Final Plat Map Condition #15.**
40. As modified since the SEPA MDNS was issued, all structures shall be setback forty-five (45) feet from the top of the bank of the geologically hazardous /steep slope. This shall be identified and noted on the face of the final replat /PUD. **All Structures will be setback 45', this is identified on Final Plat Map and noted as Condition #16.**
41. The twenty-eight (28) foot high detached accessory structures (which may include ADUs) shall not exceed sixteen (16) feet in height (maximum) as measured above Oaks Avenue. **ADU height restrictions are identified in the CCRs and noted on the Final Plat Map Condition #17.**



Leeward Landing LLC
Nels Strandberg
By: Debbie Headrick


Dated

Leeward Landing

March 30th 2016

Don Measamer
Director of Planning and Community Development
City of Anacortes
PO Box 547
Anacortes WA 98221

Subject: Leeward Landing Public Stairs / ROW

Dear Don,

Leeward Landing per approved plans and the plat approval process has completed its obligation to construct the public stairs and trail, connecting Kansas Park to the GCT. The location of the trail was determined through several site visits with myself and city representatives. The construction of the stairs was monitored by Geo Test and City of Anacortes building officials and has now received a final sign off by both parties. The stairs and trail are operational and being used by the general public.

Per the "Finding of Fact" for Leeward Landing PUD line item #9, which states: *"The value of the vacated right of way shall only go toward the offsite public portion of the trail construction (Kansas Avenue Park north to the Guemes Channel Trail). Any remaining funds shall be paid to the City of Anacortes. The value of the proposed vacated right of way will be determined prior to construction plan approval."*

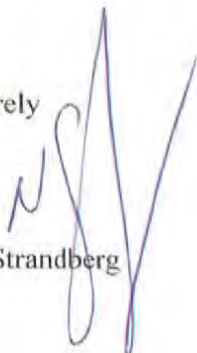
Before preliminary plat approval, an appraisal was submitted to the COA. The value of the Right of Way owned by the City of Anacortes was determined to be \$45,000. The actual cost to construct the stairs and public trail were \$64,889.65. Leeward Landing expects no compensation from the COA for added expenses above and beyond the value of \$45,000.

Although, Leeward Landing has met its obligation to the city, Leeward Landing still plans to participate in further improvements to the Kansas Park (at Leeward's expense), based on future meeting with the COA parks department.

See attached breakdown of actual costs, completed pictures, and valuation page of the appraisal.

Sincerely,

Nels Strandberg



Leeward Landing

Leeward Landing LLC





P O BOX 319 * ANACORTES, WA 98221

PHONE 360-293-7431 * FAX 360-299-8660

TO: CITY OF ANACORTES
LEEWARD STAIRS

INVOICE

DATE
3/18/2016

DATE		BALANCE
12/28/2015	FI	\$ 2,470.86
12/30/2015	FI	\$ 165.78
12/30/2015	FI	\$ 60.20
12/29/2015	SRS&R	\$ 526.18
1/12/2016	SRS&R	\$ 31.72
1/12/2016	FI	\$ 33.44
1/12/2016	FI	\$ 38.52
1/15/2016	FI	\$ 60.20
1/19/2016	FI	\$ 37.36
1/20/2016	FI	\$ 2,289.66
1/20/2016	FI	\$ 237.15
1/22/2016	FI	\$ 295.60
1/29/2016	FI	\$ 51.36
1/28/2016	FI	\$ 10.02
1/27/2016	FI	\$ 13.31
1/26/2016	FI	\$ (39.35)
1/26/2016	FI	\$ (165.40)
1/26/2016	FI	\$ 48.72
1/26/2016	FI	\$ 61.76
2/1/2016	FI	\$ 2.35
2/1/2016	FI	\$ 24.56
2/2/2016	SRS&R	\$ 783.59
2/11/2016	FI	\$ 82.86
2/4/2016	FI	\$ 147.72
2/4/2016	FI	\$ 16.78
2/8/2016	SRS&R	\$ 20.11
2/8/2016	FI	\$ 52.68
2/5/2016	FI	\$ 10.88
2/16/2016	SRS&R	\$ 1,044.79
2/18/2016	FI	\$ 189.13
2/17/2016	FI	\$ 27.80
2/17/2016	FI	\$ 57.56
2/16/2016	FI	\$ 29.82
2/12/2016	FI	\$ 7.81
2/17/2016	FI	\$ 47.21
2/29/2016	FI	\$ (3.49)
2/29/2016	FI	\$ 1,974.06
2/26/2016	FI	\$ 67.44
2/24/2016	FI	\$ 10.89

2/24/2016	FI	\$	97.72
2/23/2016	FI	\$	257.60
2/23/2016	FI	\$	(70.51)
2/19/2016	FI	\$	362.32
2/22/2016	FI	\$	10.64
2/22/2016	FI	\$	76.77
2/18/2016	FASTENAL	\$	13.16
2/17/2016	FASTENAL	\$	11.74
3/3/2016	SEBOS	\$	14.40
3/4/2016	SEBOS	\$	28.80
3/14/2016	FI	\$	98.60
3/14/2016	FI	\$	34.17
3/9/2016	FI	\$	1,653.04
3/10/2016	FI	\$	(50.64)
3/4/2016	FI	\$	(8.36)
3/4/2016	FI	\$	74.62
3/7/2016	FI	\$	37.52
3/1/2016	FI	\$	74.13
3/7/2016	FI	\$	(1,046.23)
3/2/2016	FI	\$	40.54
3/1/2016	FI	\$	124.30
3/1/2016	FI	\$	124.30
3/3/2016	FI	\$	26.21
3/3/2016	FI	\$	23.84
12/4/2015	FI	\$	92.32
12/29/2015	SOUND CEDAR	\$	2,098.25
3/9/2016	LAKESIDE INDUSTRIES	\$	27.17
3/15/2016	FI	\$	88.85
3/15/2016	FI	\$	106.04
3/15/2016	FI	\$	9.41
3/16/2016	FI	\$	76.44
3/17/2016	FI	\$	64.40
3/17/2016	FI	\$	40.95
3/18/2016	FI	\$	62.70
3/22/2016	FI	\$	(13.83)
3/23/2016	FI	\$	347.08
3/24/2016	FI	\$	121.35
3/24/2016	FI	\$	196.76
3/21/2016	FI	\$	578.46
3/21/2016	FI	\$	56.87
3/21/2016	FI	\$	98.98
3/24/2016	hb Jaeger Co	\$	47.86
	MATERIAL SUBTOTAL	\$	16,930.38
11/26 - 12/25/15	LABOR - 64.38 HRS @ 47.50	\$	3,058.05
12/26 - 1/25/16	LABOR - 127.49 HRS @ 47.50	\$	6,055.78
1/26 - 2/25	LABOR - 291.40 HRS @ 47.50	\$	13,841.50
2/26 - 3/25	LABOR - 255.15 HRS @ 47.50	\$	12,119.63
	LABOR SUBTOTAL	\$	35,074.95
	SUBTOTAL	\$	52,005.33
	Overhead	\$	7,800.80
	SALES TAX @ 8.5%	\$	5,083.52
		AMOUNT DUE	
		\$	64,889.65



Robert W. Suttles, MAI & Associates
Washington State Certified General Appraiser

360-848-7470

bob@nwrev.net • 360-848-7474 fax
2105 C Continental Place • Mount Vernon, WA 98273

Appraisers:

*Robert W. Suttles, MAI
Mark Salzer, MAI
Chris Ledebur
Laura Thib
Jim Albers*

**Appraisal Report
of
a Right-of-Way**



Subject Address:

**Minnesota Avenue Right-of-Way
North of Highway 20 (Oakes Avenue)
Anacortes, WA 98221**

Prepared for:

**Mr. Nels Strandberg
Strandberg Construction
2018 R Avenue
PO Box 319
Anacortes, WA 98221**

**Date of Valuation
March 19, 2015**

NWREV File No. 1503 960



Robert W. Suttles, MAI & Associates
Washington State Certified General Appraiser

360-848-7470

bob@nwrev.net • 360-848-7474 fax
2105 C Continental Place • Mount Vernon, WA 98273

April 8, 2015

Mr. Nels Strandberg
Strandberg Construction
2018 R Avenue
PO Box 319
Anacortes, WA 98221

Subject: Appraisal of the 0.33 acre Minnesota Avenue Right-of-Way located north of Highway 20 (Oakes Avenue), Anacortes; Washington; between Skagit County Tax Parcels P58285 and P58264.

Dear Mr. Strandberg,

In response to your request, we have performed an inspection and completed the market research and analyses necessary for the purpose of providing you with an opinion of market value for the above referenced property. The date of valuation is March 19, 2015.

The scope of work that directs the appraisal process for this assignment involves determining an opinion of market value for the property "as is". As the subject is vacant land, only the Sales Comparison approach to value is applied as the pertinent valuation method.

The property rights appraised are in fee simple estate, subject to easements, reservations, restrictions, and covenants of record, with real estate consisting of land and existing improvements as depicted in this report. No personal property, trade fixtures, or business value is appraised. This appraisal is completed subject to the general assumptions and limiting conditions that are presented on page 8 of this report.

Based on our investigation and analysis and in conformance with the definition of market value and subject to the assumptions and limiting conditions delineated in this report, the "as is" opinion of market value of the fee simple interest in the appraised property as of March 19, 2015, is:

Forty-Five Thousand Dollars - \$45,000

This opinion of value is based on the assumption that the properties are actively offered for sale with the services of competent brokerage on the open market for a time period of approximately three to six months and are sold for cash or terms equivalent to cash. Although the marketing period is believed to be reasonable, it is not to be regarded as a guarantee.

This letter of transmittal must remain attached to this report in order for the value opinion set forth to be considered valid.

Your attention is invited to the following report which contains a summary of the property description, data, analyses, and appraisal procedures applied.

Respectfully submitted,



Robert W. Suttles, MAI
Washington State Certified General Real Estate Appraiser
Certification #1100553



Mark Salzer, MAI
Washington State Certified General Real Estate Appraiser
Certification #1102081

Summary of Notable Facts & Conclusions

Addresses: Minnesota Avenue Right-of-Way
North of Highway 20 (Oakes Avenue)
Anacortes, WA 98221

Tax Identification Numbers: None, located between P58285 and P58264

Effective date of "as is" value: March 19, 2015

Date Report Completed: April 8, 2015

Property Owner: City of Anacortes

Zoning: City of Anacortes - Residential District (R2)
Anacortes Municipal Code – Chapter 17.36

General Property Description: The real property being appraised consists of an existing street right-of-way that the city is considering vacating with a total area of 14,561 SF, or 0.33 acres. The property is zoned for residential use and is wooded with utilities needing to be extended to the site.

Sales Comparison Approach

The opinion of value for the real estate is:

1 Developable Lot @ \$45,000 per Lot.....\$45,000

Based on our investigation and analysis and in conformance with the definition of market value and subject to the assumptions and limiting conditions delineated in this report, the "as is" opinion of market value of the fee simple interest in the appraised property as of March 19, 2015, is:

Forty-Five Thousand Dollars - \$45,000



ARBORIST NOTES

FOR: Strandberg Custom Homes and Design
Attn: Mr. Nels Strandberg
2018 R Avenue
Anacortes, WA 98221

REGARDING: Leeward Landing Project at Oakes Avenue, Anacortes, Washington

PURPOSE: Assess work completed, including mitigation, as a part of this projects tree preservation plan.

FROM: Urban Forestry Services, Inc.
Mr. Paul Hans Thompson
ISA Certified Arborist #PN-1838A
ISA Tree Risk Assessment Qualified
ASCA Registered Consulting Arborist #509

DATE: March 29, 2016

Attachments: Report - Level 1 Limited Visual Assessment and Tree Preservation Plan, Revised 11-5-14.
Habitat Pruning | Natural Canopy Reduction Illustration
Assumptions and Limiting Conditions

Introduction

As requested by Mr. Nels Strandberg of Strandberg Custom Homes and Design, on March 11, 2016 I reviewed work completed to remove, cut and prune trees on this site, plus review the mitigation planting completed. The objective of this review is to determine if the work complies with the recommendations of the attached report by UFS; Report - Level 1 Limited Visual Assessment and Tree Preservation Plan, Revised 11-5-14.

The following notes provide a record of my findings and further recommendations for additional work to comply with the enclosed tree preservation plan.

Findings

Strandberg Custom Homes and Design have retained additional trees in the conservation area above the slope. These trees appear to be suitable for retention at this time. Two trees failed in high winds during February / March, a third tree had a significant crown failure with the top falling onto the edge of the Guemes trail below.

15119 McLean Road
Mount Vernon, WA 98273

Office (360) 428-5810
Fax (360) 428-1822
Cell (360) 770-9821

A large volume of debris was removed in the process of removing trees and cutting the tops and pruning, however some areas in the central and east sections of the slope have large amounts of debris remaining in small localized areas, stacked in deep layers. Our concern is that natural regeneration of natives under the numerous branches layers will be prevented due to lack of light and growing space. As a result, these same areas will be devoid of vegetation and thereby subject to erosion. In addition, these debris piles prevent replanting.

Tree removal, habitat pruning and view enhancement pruning was largely completed as per the plan. Exceptions to this are as follows:

- The habitat pruning cut all trees to the same height, top of the slope. Our expectation was that the height of the final cuts made would be varied. Varying the height of the final cut would have been closer to mimicking a natural failure pattern for trees on this slope. No action is necessary to correct this.
- The final cut on the trunks should have copied the information provided in the Habitat Pruning | Natural Canopy Reduction Illustration, with cuts being deeper and a more splintered appearance. This will encourage localized decay and create habitat quickly. In the remaining trees still to cut this should be completed.
- Cut branches should have been cut to mimic a fracture or tear-out failure. No action is necessary to correct this.

The groundcover that existed prior to tree removal and other work has been retained as per the plan, and is largely intact. Based on checks made by Mr. John Lundsford of Anacortes Parks and Recreation six trees were removed from within the Guemes Channel Trail construction area. These trees were incorrectly included in my inventory of the Leeward Landing Project. Checks by Nels Strandberg of Strandberg Custom Homes and Design noted an additional four trees were removed to allow for the construction of the Guemes Channel Trail. A total of 10 trees were removed to construct the Guemes Channel Trail.

The following is a complete list of the 10 trees removed for the purposes of constructing the Guemes Channel Trail:

<u>Tree #</u>	<u>Species</u>	<u>Diameter (inches)</u>
145	Red alder	16.7
150	Red alder	11.9
155	Red alder	8.9
156	Red alder	10.2
167	Red alder	18.5
168	Red alder	14.5
169	Red alder	5.4
170	Red alder	12.7
171	Red alder	11.1
173	Red alder	10.1

Tree # 133, a 15.8-inch diameter red alder and two other smaller trees failed, failed in high winds. Debris from these tree failures have been removed. All other trees were retained or removed as approved by the City of Anacortes.

Erosion was observed in a few very small and localized areas, affecting installed plantings and also exposing soil in very small areas of the slope. Some of these areas are also too steep to plant and will therefore be left. I observed that some areas in the mid and upper slope were not planted with native groundcovers and shrubs. These areas were identified for replanting in the plan.

Recommendations

Erosion Control and Debris Management:

As per standard erosion control where surface erosion has been observed the following should be immediately completed.

- Immediately cover exposed and eroding soils with straw or mulch.
- Immediately replant through either the straw or mulch.



Photo 1: This is an example of 1.) Exposed soils (labelled) requiring erosion protection and planting; and 2.) Dense debris layers requiring cutting and dispersal across site, with follow-up planting required.

Note that existing native vegetation must be retained undamaged and uncovered and that bare areas should be visible under the debris and allow for an individual to plant into the slope beneath.

Planting Stock Access / Species Adjustment / Replanting Areas:

The species specified in the plan were reported to be not available. The following is a substitute list with suppliers listed. UFS completed a check of availability for these shrubs and groundcovers on March 18, 2016. The planting stock should be purchased and installed immediately as stock availability changes on a daily basis.

Supplier List:

FCN (Stock Supplier Abbreviation) Fourth Corner Nurseries
Contact Angie Ballard O'Hare, Nursery Sales – (360) 734 0079
5652 Sand Road, Bellingham WA 98226

WACD (Stock Supplier Abbreviation) WACD Plant Materials Center
Contact Jim Brown, Manager & Sales – (360) 757 6972 / (360) 757 1094
16564 Bradley Road, Bow, WA 98232

Planting Stock List:

Supplier | Species | Special Notes

Upper Slope –

- FCN | Tall Oregon-grape, *Mahonia aquifolium*
- FCN | Red huckleberry, *Vaccinium parvifolium*
- WACD, FCN | Red Osier-dogwood, *Cornus stolonifera*
- FCN | Red-flowering current, *Ribes sanguineum* | Low Stock Numbers
- FCN | Nootka rose, *Rosa nutkana*
- FCN | Snowberry, *Symphoricarpos albus*

Mid Slope-

- FCN | Red huckleberry, *Vaccinium parvifolium*
- FCN | Red-flowering current, *Ribes sanguineum* | Low Stock Numbers
- WACD, FCN | Pacific ninebark, *Physocarpus capitatus* | FCN Low Stock Numbers
- FCN | Swordfern, *Polystichum munitum*
- FCN | Beaked hazelnut, *Corylus conufa* var. *californica*
- WACD | Red elderberry, *Sambucus racemose*
- FCN | Black twinberry, *Lonicera involucrate*

As per the plan ""The density of planting should be sufficient to ensure no soil is exposed between plants after 3 to 5 years of establishment. In addition, as per "DR-6.5.7 f:"

"shrubs shall be planted such that within two years the shrubs will cover at least thirty percent (30%) of the area that would be covered when the shrubs have attained a mature size."



Pine damaged in localized erosion; conditions such as these must be immediately corrected.

Cover exposed soils with either straw or mulch, and plant through this into the slope.

Photo 2: Localized erosion has cause damage to installed trees and shrubs. Shown in this photo is the damage caused to two shore pine, *Pinus contorta* var. *contorta*. Areas of bare soil will need to be replanted and the trees condition addressed through replanting or replacement.

Let us know if you have any questions about these arborist notes.

Leeward Landing Planned Unit Development

Hillside/ NGPE Landscape Plan

The Hillside/ NGPE zone is a complex area with hundreds of trees and existing shrubs on steep slopes with limited access. Creating a detailed 2 dimension landscape plan graphically would be extremely difficult and likely would need significant changes as site conditions are highly variable, existing ground cover has not been located, and visualizing changes to tree canopies would be almost impossible. Leeward Landing proposes that the more detailed landscape plan be developed in the field under the supervision of Urban Forestry (Arborist) and the City of Anacortes Parks department. The actual locations of landscape materials will be located on site by staking the locations of landscape materials to be used, immediately after tree work has been completed. Careful attention will be paid to include all details of the Urban Forestry Arborist report, ATSI report, and Geo Tech's report. The intent is to replace 100% of all removed Red Alders with a far more diverse mix of trees. The added Shrubs will add significant bio diversity to the NGPE, increasing habitat value as well as aesthetics.

The following quantities of shrubs and trees, recommend by Urban Forestry, will be planted in location TBD within the NGPE area, and approved by Urban Forestry and the City of Anacortes.

- 30 - 1" Caliper Vine Maple
- 4 - 1" Caliper Big Leaf Maple
- 20 - 1" Caliper Douglas Maple
- 20 - Beaked Hazel Nut
- 20 - Black Hawthorne
- 100 - Salal
- 20 - Ocean Spray
- 20 - Oregon Grape
- 10 - Western Crabapple
- 4 - 4' Sitka Spruce
- 20 - 6' Shore pine
- 50 - Sword Fern
- 20 - Cascara
- 20 - Red Flowering Currant
- 30 - Nootka Rose
- 20 - Thimbleberry
- 50 - Native Willow (planted branches from on-site willow)
- 20 - Snowberry

**Leeward Landing Planned Unit Development
5 Year Maintenance and Monitoring Plan**

1. After initial install of plants the site will be inspected by the City of Anacortes and Urban Forestry, verifying the installation of all agreed plants and trees. Deficiencies will be noted and corrected.
2. An "as built" drawing will be created, and pictures of views and trees documented and recorded on the property's deed. (NGPE Agreement)
3. On April 1st of each subsequent year, a City of Anacortes representative will meet with a representative from Leeward Landing HOA representative to check for dead or dying trees and shrubs. Dead or dying plantings will be documented and replaced, within 60 calendars days.
4. 5 years from final plat approval the monitoring plan will end.
5. The NGPE will then be maintained by the language in the NGPE Agreement.
6. Leeward will only be required to replant trees or shrubs if survival rate drops below 80%.

Leeward Landing LLC
Nels Strandberg

Date

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that said person signed this instrument and acknowledged it to be free and voluntary act of said person for the uses and purposes mentioned in the instrument.

Dated this day _____ of _____, _____.

(Signature of Notary)

Print Name of Notary
Notary Public in and for the State of Washington,

Residing at _____

My Appointment expires _____

Native Growth Protection Area
Planting Requirements/Actual Inventory

NGPE Planting Requirement

Plant Type	Required	Actual
NGPE Planting Requirement		
Plant Type	Required	Actual
1' Caliper Vine Maple	30	30
1" Caliper Big Leaf Maple	4	4
1" Douglas Maple	20	
Douglas Hawthorne		20
Beaked Hazel Nut	20	20
Black Hawthorne	20	20
Salal	100	100
Ocean Spray	20	20
Oregon Grape	20	20
Western Crab Apple	10	10
4' Sitka Spruce	4	4
4'-5' Shore Pine	0	20
6' Shore Pine	20	20
Sword Fern	50	100
Cascara	20	20
Red Flowering Currant	20	20
Nootka Rose	30	30
Thimbleberry	20	20
Native Willow	50	200
Snowberry	20	20
	478	698

* 80% Required Survival Rate on 478 plants

E/m 10/1/15 to Georgia



Fourth Corner Nurseries

Fourth Corner Nurseries
5757 Sand Rd.
Bellingham, WA 98226

BARE-ROOT SALES: (360) 592-2250
CONTAINER SALES: (360) 734-0079
FAX: (888) 506-1236
EMAIL: sales@fourthcornernurseries.com
WEB: www.fourthcornernurseries.com

Acknowledgement

SI-9149

Date 10/1/2015

Page 1

SOLD TO

Strandberg Custom Homes & Design
Attn: Debbie Headrick
2018 R Avenue
Anacortes, WA 98221
Ph. (360) 293-7431

SHIP TO

cash

Leeward

Ph.

Ordered	Ship Date	Customer PO#	Salesperson	Terms	Ship Via	Job Name
9/11/2015	confirmed	Leeward Landing	bob	COD	Customer Pickup	

Qty. Ordered	Available	Description	Origin	Size	Unit Price	Extended Price
20	20	Pinus contorta v. contorta - Shore Pine	BC - Vanc	1 gallon	\$4.00	\$80.00
100	100	Polystichum munitum - Sword Fern		1 gallon	\$4.50	\$450.00
30	30	Acer circinatum - Vine Maple	02-PugetL	1 gallon	\$4.00	\$120.00
4	4	Acer macrophyllum - Big Leaf Maple	02-PugetL	1 gallon	\$4.00	\$16.00
20	20	Corylus cornuta v. californica - Beaked Hazelnut, Filbert	02-PugetL	1 gallon	\$4.50	\$90.00
20	20	Crataegus douglasii v douglasii - Douglas Hawthorn	02-PugetL	1 gallon	\$4.00	\$80.00
20	20	Frangula (Rhamnus) purshiana - Cascara	09-ECasca	1 gallon	\$4.00	\$80.00
20	20	Mahonia repens - Creeping Oregon Grape		1 gallon	\$5.00	\$100.00
30	30	Rosa nutkana - Nootka Rose	02-PugetL	1 gallon	\$4.00	\$120.00
20	20	Symphoricarpos albus - Common Snowberry	02-PugetL	1 gallon	\$4.00	\$80.00

THIS IS NOT A CONFIRMATION

To place a firm order, please sign and return within 10 days, with a 25% deposit.

X

I understand this is a non refundable deposit with the balance due before shipping.

This Acknowledgement total does not include shipping cost.

Substitution

If size ordered is unavailable, sent the next—

____ largest size available

____ smaller size available

____ no substitutions

Note: You will be charged for the size shipped.

\$329.34

\$989.52 Visa
329.34 Visa

Plant Total:	\$1,216.00
Packaging:	\$0.00
Shipping:	\$0.00
Subtotal:	\$1,216.00
8.5 % Sales Tax:	\$103.36
Total:	\$1,319.36
Amount Paid:	\$0.00
Total Due:	\$1,319.36

Date	10/2/15
Invoice No	1312

Arturo Lopez
Lopez Valley Nursery and Landscaping
10624 Collins Road
Sedro-Woolley, WA 98284
Office: (360) 854-0210
Cell: (360) 770-6221

Bid To
Strandberg (custom Homes & Design)
P.O. Box 319
Anacortes, WA 98221
Phone(360)293-7431 X1
Fax(360)299-8660

QT	Description	Unit Price	Amount
100	Salal 1gal.	\$4.00	\$400.00
20	Ocean Spray 2gal.	\$9.50	\$190.00
10	Western Crabapple 2gal.	\$10.50	\$105.00
4	Sitka Spruce 4'	\$18.50	\$74.00
20	Shore Pine 4'-5'ht.	\$35.00	\$700.00
20	Red Flowering Currant 2gal.	\$100.50	\$210.00
20	Thimbleberry 2gal.	\$9.50	\$190.00
1	Delivery	\$50.00	\$50.00
Leeward Landing			
Subtotal:			\$1,919.00
Tax:			\$158.86
Total Balance			\$2,077.86



Fourth Corner Nurseries

Fourth Corner Nurseries
5757 Sand Rd.
Bellingham, WA 98226

BARE-ROOT SALES: (360) 592-2250
CONTAINER SALES: (360) 734-0079
FAX: (888) 506-1236
EMAIL: sales@fourthcornernurseries.com
WEB: www.fourthcornernurseries.com

INVOICE

SI-9607

Date 2/2/2016

Page 1

SOLD TO

Strandberg Custom Homes & Design
c/o: Debbie Headrick
2018 R Ave.
Anacortes, WA 98221
Ph. (360) 293-7431

SHIP TO

Strandberg Construction
2018 R Avenue
Anacortes, WA 98221

Ph. (360) 293-7431

Ordered	Ship Date	Customer PO#	Salesperson	Terms	Ship Via	Job Name
1/4/2016	confirmed		angie	COD	UPS	

Qty. Ordered	Shipped	Description	Origin	Size	Unit Price	Extended Price
200	200	Salix lucida ssp lasiandra - Pacific Willow	02-PugetL	cuttings 4'	\$0.80	\$160.00
3	3	Boxes - extra large		each	\$12.00	\$36.00

Leeward Landing

Plant Total:	\$160.00
Packaging:	\$36.00
Shipping:	\$61.66
Subtotal:	\$257.66
8.5 % Sales Tax:	\$21.90
Total:	\$279.56
Amount Paid:	\$0.00
Total Due:	\$279.56

Signature

Debbie Headrick

Date

2/2/2016

We take great care to provide nursery stock of high quality, true to name and healthy at time of shipping. However, we can give no guarantee, expressed or implied, as to productiveness or life span. Any stock received in unsatisfactory condition must be reported immediately. Plant claims will be reviewed and credit will be issued where justified; at no time will we be responsible for more than the purchase price.

We do not guarantee plants to live after accepted.

Pd Visa 2/2/2016

Changes Pending
4.01.2016

When Recorded, Return To:

City of Anacortes
Planning, Community, & Economic Development Department
904 6th Street / P.O. Box 547
Anacortes, WA 98221

**GEOLOGICALLY HAZARDOUS AREA COVENANT,
CONDITIONS, AND RESTRICTIONS:**

PARCEL(S) #:

**PROJECT
FILE #**

**PROJECT
NAME:**

**PROPERTY
ADDRESS:**

**ZIP
CODE:**

**LANDOWNER
NAME:**

**MAILING
ADDRESS:**

**ZIP
CODE:**

LEGAL DESCRIPTION (attach additional pages if needed):

SECTION ONE: ACKNOWLEDGEMENT AND ACCEPTANCE OF RISK:

1.1 The undersigned (“Grantor”) is the owner of the real property described above (“Property”);

1.2 The City of Anacortes (“City”) has a substantial interest in the effective and safe use of lands within its borders, and in the health, safety, and welfare of its citizens;

1.3 Grantor acknowledges that the Property is located in an environmentally sensitive area more specifically defined as a “geologically hazardous area” in Article IV of [Chapter 17.70 of the Anacortes Municipal Code](#);

1.4 “Geologically hazardous areas” may be subject to landslides and other soils movement that may result in the damage or destruction, in whole or in part, of any building, structure, dwelling, or lands within or adjacent to such areas;

1.5 Grantor understands and acknowledges that there are unique risks associated with development of the Property, including but not limited to property damage, loss of use, personal injury, and death that may result from soil movement;

1.6 This Covenant is to be signed, acknowledged and recorded in the records of Skagit County as a restrictive covenant, restricting and limiting use of the Property before the City will issue any permit(s) to do any work on the portion of the Property that is located within a “geologically hazardous area”; and

1.7 This ~~Covenant~~[Covenant](#) concerns the Grantor’s use, occupation or enjoyment of the Property and is for the benefit of the City. This Covenant is intended to bind Grantor, its successors and assigns, any subsequent owner of the Property or any portion thereof, and any heir(s), successor(s), legal representative(s) and assign(s) of any of the foregoing parties (collectively, “Owner”) and to run with the land.

SECTION TWO: RESTRICTIONS ON OCCUPATION, USE, AND DEVELOPMENT OF THE PROPERTY:

2.1 The Property may not be occupied, used or developed, and no residential or commercial building, structure, or dwelling shall be erected or constructed on the Property, without first obtaining applicable permit(s) (“Permit(s)”) from the City.

2.2 Grantor and each Owner of any portion of the Property that is located within a geologically hazardous area hereby covenants and agrees as follows:

2.2.1 Owner shall provide, design, construct, erect, maintain, repair, rebuild, or improve such structure(s), building(s), barriers(s), or dwelling(s) as is reasonably necessary to prevent, control or avoid damage from the adverse impacts from soils movement within or adjacent to the Property;

2.2.2 It is the sole burden and responsibility of Owners to obtain, ensure, and fund any design, approval, authorization, material, supplies, labor, services, maintenance, repairs, structural alterations, insurance, taxes, or assessments necessary or required to prevent, control or avoid damage from the adverse impacts from soils movement within or adjacent to the Property;

2.2.3 In consideration of the issuance of the Permit(s), Owner on his/her/their own behalf and on behalf of his/her/their heirs, successors, legal representatives, and assigns hereby releases and waives any right to assert any claim or ~~course of~~ cause of action related to any loss or damage to people or property either on or off the Property resulting from soils movement by reason of or arising out of issuance of the Permit(s) by the City for development on the Property.

Owner on his/her/their own behalf and on behalf of his/her/their heirs, successors, legal representatives, and assigns further and agrees to indemnify (including reasonable attorney's fees) and hold the City, its officers, employees and agents harmless from any claim(s) or ~~courses-causes~~ of action resulting from soil movement by reason of or arising out of issuance of the Permit(s) by the City for development on the Property which are related to: any loss or damage to people or property either on or off the Property resulting from soil movement (including but not limited to lateral spreading and seismically induced total and differential settlement); loss of soil strength and bearing capacity; loss of axial, end-bearing and lateral resistance of deep foundations; flotations of underground tanks; damage to buried utilities; amplification of earthquake ground motions; water movement; flooding; and water collection.

Provided, nothing herein shall require Owner and his/her/their heirs, successors, legal representatives, and assigns to indemnify and hold harmless the City, its officers, agents and employees from claims or ~~courses-causes~~ of action caused solely by the negligence of the City, its officer, employees and agents.

2.2.3 ~~and p~~Provided further, that if the claims or ~~courses-causes~~ of action are caused by or result from the concurrent negligence of (1) Owner, his/her/their heirs, successors, assigns and agents, and (2) the City, its officer, agents and employees, then Owner, his/her/their heirs, successors, assigns and agents shall indemnify and hold harmless the City, its officers, agents and employees from claims or causes of action only to the extent of the negligence of the Owner, his/her/their heirs, successors, assigns and

agents. The indemnity provisions provided herein shall be valid and enforceable only to the extent provided by law; and

2.2.4 This Covenant shall be recorded in the records of Skagit County and run with the land in perpetuity for purposes of providing notice to Owner and/or his/her/their heir(s), successor(s), legal representative(s) and assign(s) that the Property is in a geologically hazardous area, that there may be actual or potential risks associated with development thereon, of any conditions or prohibitions on development, and of any features in this design which will require maintenance or modification to address anticipated soils changes.

SECTION THREE: RESERVATIONS, RESTRICTIONS, AND COVENANTS:

3.1 Grantor hereby declares that the Property is held and shall be conveyed subject to the reservations, restrictions, and covenants set forth in this Covenant.

SECTION FOUR: MISC. GENERAL PROVISIONS:

4.1 It is expressly understood and agreed that invalidation of any provision contained in this Covenant, or any portion of this Covenant, by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect.

SECTION FIVE: RUNNING COVENANT:

5.1 The covenants, agreements, and restrictions contained herein are intended to be restrictive covenants and not conditions, that shall run with the affected Property, that shall extend to and be binding upon the undersigned and any other Owner, and that shall be contained in any future title report applicable to the Property.

SECTION SIX: RECORDING:

6.1 This Covenant shall be recorded in the real estate records of the Auditor's Office of Skagit County, Washington.

SECTION SEVEN: INSURANCE:

7.1 Grantor and any subsequent Owner are hereby advised to obtain insurance in addition to standard homeowner's insurance to specifically cover the risks posed by proposed development in a geologically hazardous area, including without limitation those risks described above.

DATED THIS _____ DAY OF _____, 2016.

Grantor

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that said person signed this instrument and acknowledged it to be free and voluntary act of said person for the uses and purposes mentioned in the instrument.

Dated this _____ day of _____, _____.

(Signature of Notary)

(Legibly Print or Stamp Name of Notary)

Notary public in and for the State of

Washington, residing at _____

My appointment expires _____

**NATIVE GROWTH Protection Easement Agreement
Maintenance and View Protection
Leeward Landing
Anacortes WA, 98221**

THIS NATIVE GROWTH Protection Easement Agreement (this "Agreement" is hereby entered into by Leeward Landing LLC: Nels Strandberg _____, its successor and assigns ("Grantor") and the CITY OF ANACORTES ("City") as of the _____ day of _____, 201____.

Grantor is the owner of certain real property (the "Property") in Skagit County, Washington, Legally described herein:

Leeward Landing Planned Unit

Parcel:

The Property is subdivided as LEWARD LANDING A 10 LOT Planned Unit Development recorded _____ Under Auditor file NO. _____ Records of Skagit County, Washington, and any amendments, corrections or addenda thereto subsequently recorded from time to time.

The NGPE is intended to preserve the area located within the first 100' landward of the Ordinary High Water Mark of Guemes Channel in a substantially undisturbed condition in order to maintain and improve the overall health of the natural habitat and protect the stability of the steep slope, while allowing for maintenance of view corridors from the property to the Guemes Channel.

Grantor wishes to record the Agreement for the purpose of establishing and clarifying the terms and conditions of the NGPE.

Terms and Conditions:

1. Any proposed activity within the NGPE area shall be in conformance with Shoreline Master Program and the approved critical areas reports for the subject site, as determined by the City of Anacortes. These reports include:
 - a. "Assessment of ESA Compliance & SMP Shoreline Functions for Leeward Landing" by ATSI, dated February 27, 2015 (~~Attachment _____~~).
 - b. "Leeward Landing Project Level 1 Limited Visual Assessment and Tree Preservation Plan, Revised 11-5-14" by Urban Forestry Services, Inc., dated November 5, 2014 (~~Attachment _____~~).
 - c. "Geotechnical Evaluation" by Geotest, dated November 4, 2014 (~~Attachment _____~~).
2. Prior to Final Plat Approval, "Grantor" will submit "photographic" evidence of created "views" and significant trees (within NGPE) from individual lots within the Leeward Landing Plat. The vertical elevation of photo will be recorded as well as the location

on the lot. This will create a "baseline" allowing "Grantor" and their successors and future owners, the right to maintain the "View Window" as described above for perpetuity. As vegetation grows, the following guidelines along with the Tree Preservation Plan, Hillside/NGPE Landscape Plan and the Tree and shrub Pruning Techniques in the NGPE Zone "Exhibit B" will be used when maintaining the View Windows.

3. Prior to any view maintenance activities proposed to occur for trees approximately 10 years old or older Leeward Landing Homeowners Association shall submit a report, prepared by an ISA certified arborist, to the City of Anacortes, describing proposed view maintenance activities needed in order to maintain views established through the PUD approval process, as described above. Maintenance activities proposed for multiple lots shall be consolidated into one report and shall occur in a coordinated fashion, unless otherwise approved by the City of Anacortes. The plan shall be consistent with the approved Critical Areas report, Tree Preservation Plan, and Geotechnical report for the project and shall identify trees to be trimmed, including methods proposed, equipment to be used, and a tree cutting and debris management plan.
4. For "new vegetation" growth that exceeds a height of 4ft (in a horizontal plane) above the height of the top of bank, owners may maintain such height no more often than once per calendar year. As described in "Exhibit B", a plan for maintenance proposed to be completed shall be submitted to the City of Anacortes for review and approval prior to work occurring. New sprouts from a maple stump are not considered mature trees.
5. Hand removal of noxious weeds, as listed by the state in Chapter 16-750 WAC, is permitted, provided such activity shall be conducted in a manner consistent with best management practices and the City's engineering design standards and native vegetation is promptly reestablished in the disturbed area.
6. "Hazard trees" as identified by an ISA Certified Arborist, may be removed subject to concurrence of the City of Anacortes. Hazard trees that are removed or blown down shall be replaced by the landowner with like species, subject to approval of the City of Anacortes. Replacement vegetation shall be maintained by the land owner until able to survive on its own.
7. Tree and shrub pruning permitted under the circumstances above shall utilize the techniques, as appropriate, outlined in "Exhibit B" herein
8. Fallen trees in the NGPE shall only be removed from the site with the prior approval of the City of Anacortes.
9. Trails through the NGPE shall not be permitted without the prior approval of the City of Anacortes and shall comply with the ASMP
10. Fencing plans along the NGPE must be approved by the City of Anacortes. No fencing is permitted within the NGPE.
11. The use of pesticides or herbicides within or adjacent to the NGPE is prohibited.

12. All work within the NGPE will be performed by hand, or with a chainsaw. At no point will the roots of vegetation be disturbed.
13. Dumping of landscaping or any other debris into NGPE is prohibited.
14. Any disturbance of the NGPE that is inconsistent with this agreement and/or the Shoreline Master Program is a violation of the SMP and shall be subject to restoration and penalty provisions of the Anacortes Municipal Code and the SMP.

DATED this _____ day of _____, 201____.

GRANTOR:

By: _____

Its: _____

CITY:
CITY OF ANACORTES, WASHINGTON

By: _____

ATTEST:

Approved as to from:

By: _____

By: _____

Acknowledgement on Following Page

Acknowledgement

State of Washington

County of Skagit

The foregoing instrument was acknowledged before me on this ____ day of _____ 201____.

By _____, who was personally known to me or who provided sufficient proof of identity.

Witness my hand and official seal.

Notary Public

My Commission Expires: _____

State of Washington

County of Skagit

The foregoing instrument was acknowledged before me on this ____ day of _____ 201____.

By _____, who was personally known to me or who provided sufficient proof of identity.

Witness my hand and official seal.

Notary Public

My Commission Expires: _____

“Exhibit A”

Legal Description:

Leeward Landing Planned Unit Development

Parcel

P31716, P31717, P58364, P58285

COMMONLY KNOWN AS:

**Lot 1 - 3820 Leeward Lane Anacortes, Washington 98221
Lot 2 - 3816 Leeward Lane Anacortes, Washington 98221
Lot 3 - 3814 Leeward Lane Anacortes, Washington 98221
Lot 4 - 3810 Leeward Lane Anacortes, Washington 98221
Lot 5 - 3806 Leeward Lane Anacortes, Washington 98221
Lot 6 - 3802 Leeward Lane Anacortes, Washington 98221
Lot 7 - 3718 Leeward Lane Anacortes, Washington 98221
Lot 8 - 3716 Leeward Lane Anacortes, Washington 98221
Lot 9 - 3710 Leeward Lane Anacortes, Washington 98221
Lot 10 - 3708 Leeward Lane Anacortes, Washington 98221**

“Exhibit B”

Permitted Tree and Shrub Pruning Techniques in the NGPE Zone

Tree Trimming and Pruning

Retain a minimum of 70% of the original crown to maintain tree health and vigor. The removal of too much live foliage can reduce the tree's ability to supply food to the roots, thereby weakening them. A combination of the following trimming methods can be used:

1. **Windowing (vista pruning):** Remove groups of branches, creating openings to allow for view through sections of the crown.
2. **Interlimbing (thinning):** Remove branches to reduce their density throughout the crown, or sections of the crown. This allows for filtered view through the crown.
3. **Skirting Up (crown raise):** Remove branches to provide vertical clearance, allowing for a view under the canopy.
4. **Canopy Reduction:** Reduce length of branches to decrease height and or spread.
5. **Habitat Pruning:** Use coronet and natural fracture cutting techniques to reduce the height and or spread of the canopy. This creates additional long term habitat.

Shrub Trimming and Pruning

There are five basic techniques for pruning shrubs. A combination of the following trimming methods can be used:

1. **Pinching back:** Simply use your fingers to pinch off the terminal bud of the branch. This will encourage lateral branches to form and can be a great way to prevent more pruning later on.
2. **Heading back:** This method removes the terminal bud, resulting in more branches. Cut the branch at an angle, about 1/4" above a branch bud and sloping down and away from the bud. The bud nearest the cut determines the direction the branch grows. With the outward facing bud usually resulting in the best shape. If a heading cut is made in the middle of a branch with no bud, the result will be a flush of growth at the site of the cut.
3. **Thinning:** Thinning involves removing branches while leaving the terminal bud. Make the cut just outside the branch collar, which is the bulge where the branch meets the stem, but don't leave a stub. Thinning can produce a more open, shapely plant, without altering its overall size, shape, or growth habit.
4. **Renewal or rejuvenation pruning:** Renewal pruning involves removing the oldest stems and branches at the base, then thinning or heading back the younger stems to promote regrowth. With rejuvenation pruning, the entire shrub is cut to stubs less than 12". This drastic measure is usually done if a shrub has become an overgrown, tangled mass that is not blooming well.
5. **Shearing:** Shearing involves trimming off the tips of branches and is best used only for formal hedges. Shearing alters the shrub's natural shape and promotes thick growth only on the exterior of the plant, which results in dead foliage and lack of growth on the interior branches.

Lot #1

2 1/2



Lot #2

1/2

2/3



Lot #3

2/3

3/4



Lot #4

3/4

4/5



Lot #5

4/5

5/6



5+6

5/6

6/7



Lot #8

7/8

8/9



Lot #49

B/9

9/10



Lot #7

617

718

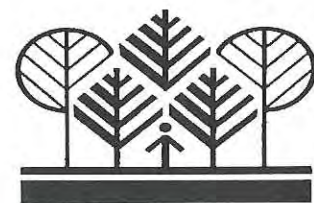
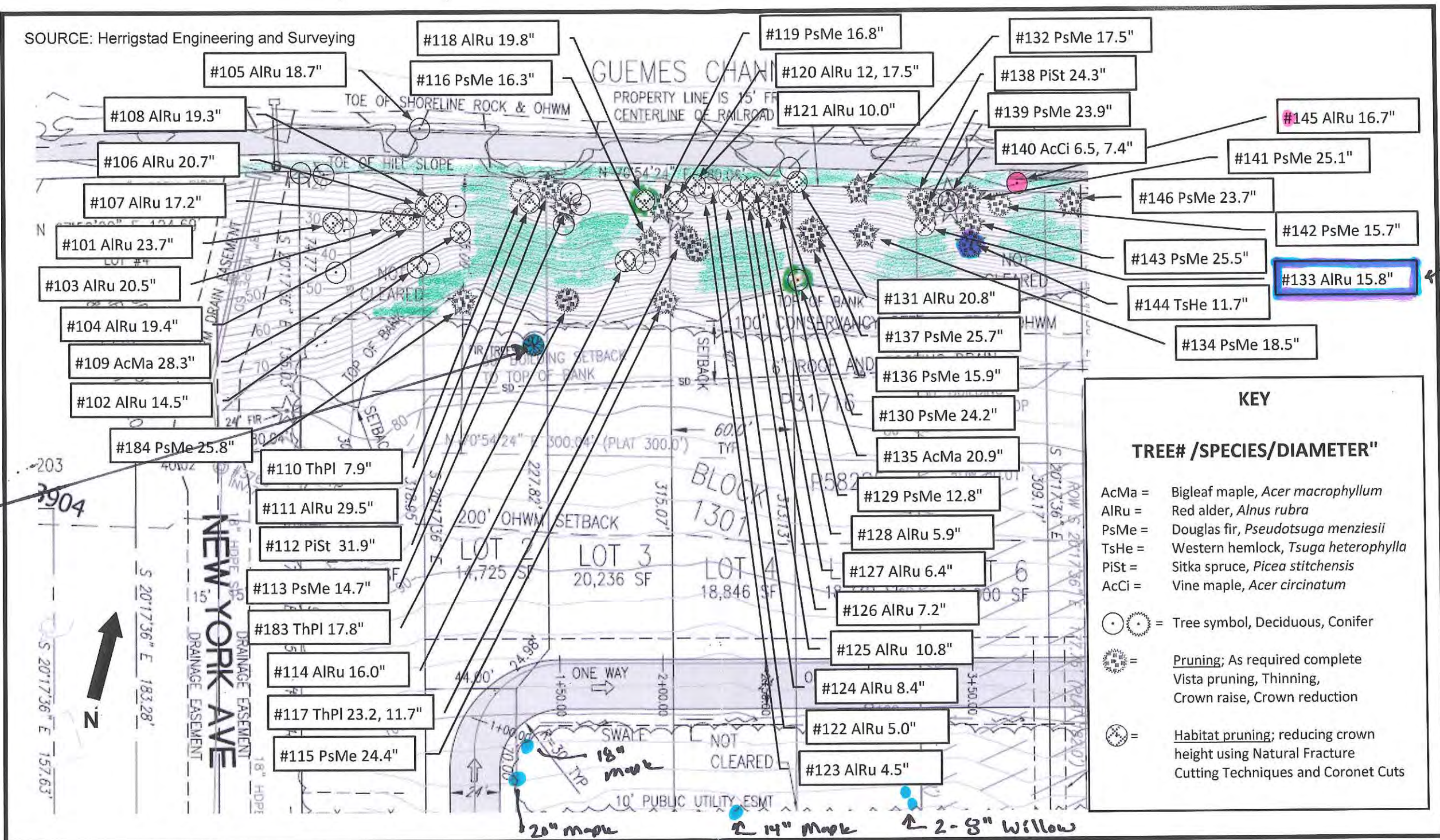


Lot # 10

9/16

10/1





Urban Forestry Services, Inc.
 15119 McLean Rd
 Mount Vernon, WA 98273

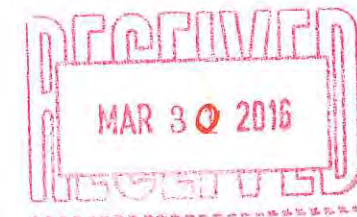
Title: Leeward Landing - Tree Preservation Plan, West Section

Prepared for: Strandberg Custom Homes and Design
 Mr. Nels Strandberg
 2018 R Ave, PO Box 319
 Anacortes, WA 98221

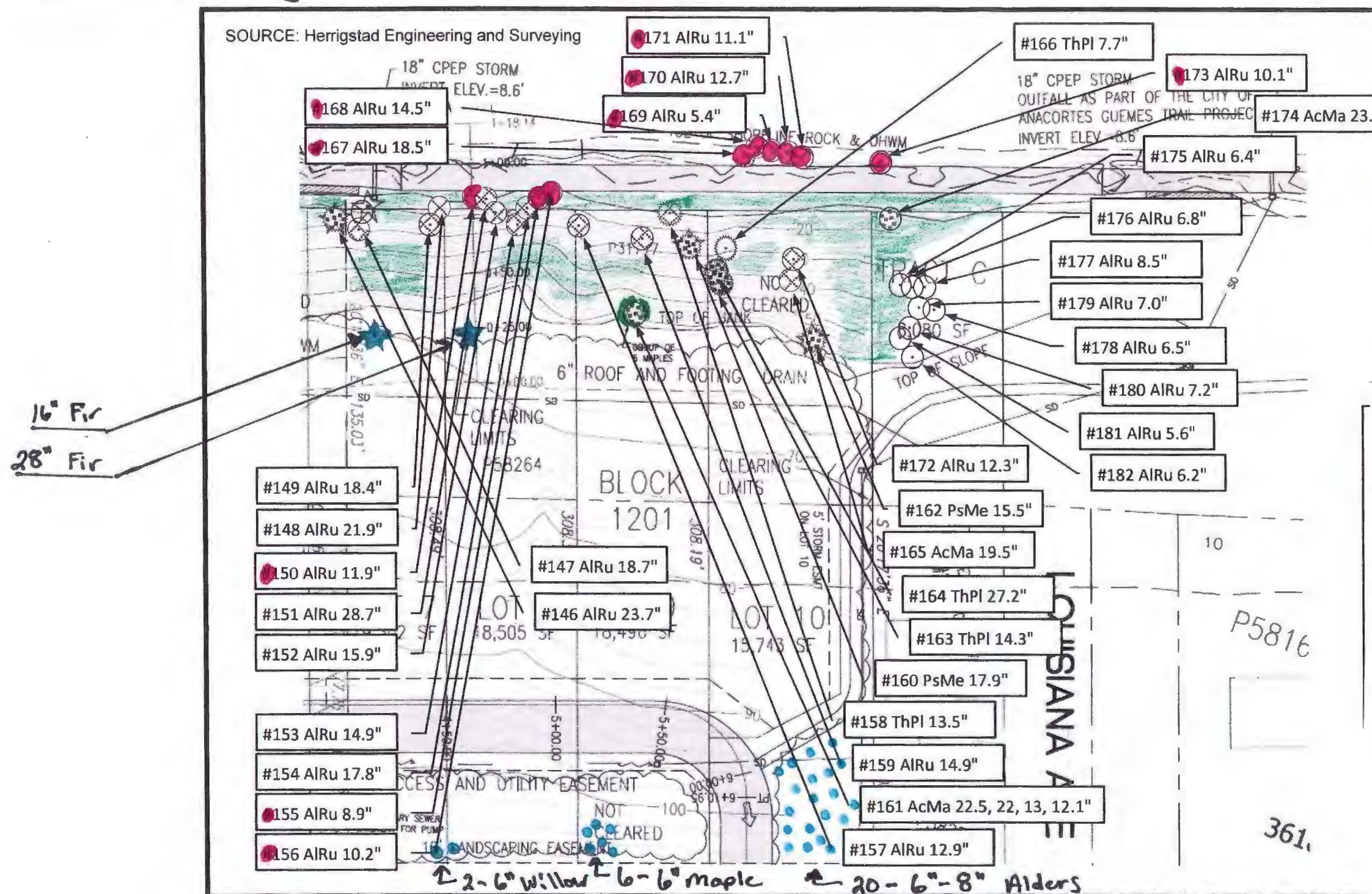
Approximate Location of Preserved Trees

Date: October, 2014

Not To Scale
Location of Trees is Approximate Only



Leeward Landing Tree Plan As Built



- Additional Trees Saved
Total Tree Credits (106)
- Lost due to wind
- Removed by contractor during construction of GCT.
Tree Credits (-49)

Planted Trees + Shrubs

= plantings per NGPE planting list Attached



Urban Forestry Services, Inc.
15119 McLean Rd
Mount Vernon, WA 98273

**Title: Leeward Landing - Tree Preservation Plan,
East Section**

**Prepared for: Strandberg Custom Homes and Design
Mr. Nels Strandberg
2018 R Ave, PO Box 319
Anacortes, WA 98221**

Approximate Location of Preserved Trees

Date: October, 2014

Not To Scale
Location of Trees is Approximate
Only

* Required Per Approval

Leeward Landing Planned Unit Development

Hillside/ NGPE Landscape Plan

The Hillside/ NGPE zone is a complex area with hundreds of trees and existing shrubs on steep slopes with limited access. Creating a detailed 2 dimension landscape plan graphically would be extremely difficult and likely would need significant changes as site conditions are highly variable, existing ground cover has not been located, and visualizing changes to tree canopies would be almost impossible. Leeward Landing proposes that the more detailed landscape plan be developed in the field under the supervision of Urban Forestry (Arborist) and the City of Anacortes Parks department. The actual locations of landscape materials will be located on site by staking the locations of landscape materials to be used, immediately after tree work has been completed. Careful attention will be paid to include all details of the Urban Forestry Arborist report, ATSI report, and Geo Tech's report. The intent is to replace 100% of all removed Red Alders with a far more diverse mix of trees. The added Shrubs will add significant bio diversity to the NGPE, increasing habitat value as well as aesthetics.

The following quantities of shrubs and trees, recommend by Urban Forestry, will be planted in location TBD within the NGPE area, and approved by Urban Forestry and the City of Anacortes.

- ✓ 30 - 1" Caliper Vine Maple
- ✓ 4 - 1" Caliper Big Leaf Maple
- ✓ 20 - 1" Caliper Douglas Maple
- ✓ 20 - Beaked Hazel Nut
- ✓ 20 - Black Hawthorne
- ✓ 100 - Salal
- ✓ 20 - Ocean Spray
- ✓ 20 - Oregon Grape
- ✓ 10 - Western Crabapple
- ✓ 4 - 4' Sitka Spruce
- ✓ 20 - 6' Shore pine + 4'-5' 20 planted extra
- ✓ 50 - Sword Fern plant 100 *
- ✓ 20 - Cascara
- ✓ 20 - Red Flowering Currant
- ✓ 30 - Nootka Rose
- ✓ 20 - Thimbleberry
- ✓ 50 - Native Willow (planted branches from on-site willow) planted 200
- ✓ 20 - Snowberry

Nels

em Jim W...
2/2/16

Leeward Landing NGPE

Planting Calculations

Oaks Avenue Landscape

NGPE Planting Requirement			Additional Plantings	# Tree	Tree Unit	Tree Credit
Plant Type	Required	Actual				
NGPE Planting Requirement						
Plant Type	Required	Actual				
✓ 1' Caliper Vine Maple	30	30	Vine Maple	16	1	16
✓ 1" Caliper Big Leaf Maple	4	4	Arbutus	31	1	31
✓ 1" Douglas Maple	20		White Birch	15	1	15
Douglas Hawthorne		20	Shore Pine	22	1	22
✓ Beaked Hazel Nut	20	20	Birch	7	1	7
✓ Black Hawthorne	20	20	Pine	15	1	15
✓ Salal	100	100		106		106
✓ Ocean Spray	20	20				
✓ Oregon Grape	20	20				
✓ Western Crab Apple	10	10				
✓ 4' Sitka Spruce	4	4				
✓ 4'-5' Shore Pine	0	20				
✓ 6' Shore Pine	20	20				
✓ Sword Fern	50	100				
✓ Cascara	20	20				
✓ Red Flowering Currant	20	20				
✓ Nootka Rose	30	30				
✓ Thimbleberry	20	20				
✓ Native Willow	50	200				
✓ Snowberry	20	20				
	478	698				

↑

80% survival rate

e/m 10/1/15 to Georgia



Fourth Corner Nurseries

Fourth Corner Nurseries
5757 Sand Rd.
Bellingham, WA 98226

BARE-ROOT SALES: (360) 592-2250
CONTAINER SALES: (360) 734-0079
FAX: (888) 506-1236
EMAIL: sales@fourthcornernurseries.com
WEB: www.fourthcornernurseries.com

Acknowledgement

SI-9149

Date 10/1/2015

Page 1

SOLD TO

Strandberg Custom Homes & Design
Attn: Debbie Headrick
2018 R Avenue
Anacortes, WA 98221
Ph. (360) 293-7431

SHIP TO

cash

Leeward

Ph.

Ordered	Ship Date	Customer PO#	Salesperson	Terms	Ship Via	Job Name
9/11/2015	confirmed	Leeward Landing	bob	COD	Customer Pickup	

Qty. Ordered	Available	Description	Origin	Size	Unit Price	Extended Price
20	20	Pinus contorta v. contorta - Shore Pine	BC - Vanc	1 gallon	\$4.00	\$80.00
100	100	Polystichum munitum - Sword Fern		1 gallon	\$4.50	\$450.00
30	30	Acer circinatum - Vine Maple	02-PugetL	1 gallon	\$4.00	\$120.00
4	4	Acer macrophyllum - Big Leaf Maple	02-PugetL	1 gallon	\$4.00	\$16.00
20	20	Corylus cornuta v. californica - Beaked Hazelnut, Filbert	02-PugetL	1 gallon	\$4.50	\$90.00
20	20	Crataegus douglasii v douglasii - Douglas Hawthorn	02-PugetL	1 gallon	\$4.00	\$80.00
20	20	Frangula (Rhamnus) purshiana - Cascara	09-ECasca	1 gallon	\$4.00	\$80.00
20	20	Mahonia repens - Creeping Oregon Grape		1 gallon	\$5.00	\$100.00
30	30	Rosa nutkana - Nootka Rose	02-PugetL	1 gallon	\$4.00	\$120.00
20	20	Symphoricarpos albus - Common Snowberry	02-PugetL	1 gallon	\$4.00	\$80.00

THIS IS NOT A CONFIRMATION

To place a firm order, please sign and return within 10 days, with a 25% deposit.

X

I understand this is a non refundable deposit with the balance due before shipping.
This Acknowledgement total does not include shipping cost.

Substitution

If size ordered is unavailable, sent the next—

_____ largest size available

_____ smaller size available

_____ no substitutions

Note: You will be charged for the size shipped.

\$329.84

\$989.52 Visa 10/1/15
329.84 Visa

Plant Total:	\$1,216.00
Packaging:	\$0.00
Shipping:	\$0.00
Subtotal:	\$1,216.00
8.5 % Sales Tax:	\$103.36
Total:	\$1,319.36
Amount Paid:	\$0.00
Total Due:	\$1,319.36



Fourth Corner Nurseries

Fourth Corner Nurseries
5757 Sand Rd.
Bellingham, WA 98226

BARE-ROOT SALES: (360) 592-2250
CONTAINER SALES: (360) 734-0079
FAX: (888) 506-1236
EMAIL: sales@fourthcornernurseries.com
WEB: www.fourthcornernurseries.com

INVOICE

SI-9607

Date 2/2/2016

Page 1

SOLD TO

Strandberg Custom Homes & Design
c/o: Debbie Headrick
2018 R Ave.
Anacortes, WA 98221
Ph. (360) 293-7431

SHIP TO

Strandberg Construction
2018 R Avenue
Anacortes, WA 98221

Ph. (360) 293-7431

Ordered	Ship Date	Customer PO#	Salesperson	Terms	Ship Via	Job Name
1/4/2016	confirmed		angie	COD	UPS	

Qty. Ordered	Shipped	Description	Origin	Size	Unit Price	Extended Price
200	200	Salix lucida ssp lasiandra - Pacific Willow	02-PugetL	cuttings 4'	\$0.80	\$160.00
3	3	Boxes - extra large		each	\$12.00	\$36.00

Leeward Landing

Signature

Debbie Headrick

Date

2/2/2016

Plant Total:	\$160.00
Packaging:	\$36.00
Shipping:	\$61.66
Subtotal:	\$257.66
8.5 % Sales Tax:	\$21.90
Total:	\$279.56
Amount Paid:	\$0.00
Total Due:	\$279.56

We take great care to provide nursery stock of high quality, true to name and healthy at time of shipping. However, we can give no guarantee, expressed or implied, as to productiveness or life span. Any stock received in unsatisfactory condition must be reported immediately. Plant claims will be reviewed and credit will be issued where justified; at no time will we be responsible for more than the purchase price.

We do not guarantee plants to live after accepted.

Pd Visa 2/2/2016

Date	10/2/15
Invoice No	1312

Arturo Lopez
Lopez Valley Nursery and Landscaping
10624 Collins Road
Sedro-Woolley, WA 98284
Office: (360) 854-0210
Cell: (360) 770-6221

Bid To
Strandberg (custom Homes & Design)
P.O. Box 319
Anacortes, WA 98221
Phone(360)293-7431 X1
Fax(360)299-8660

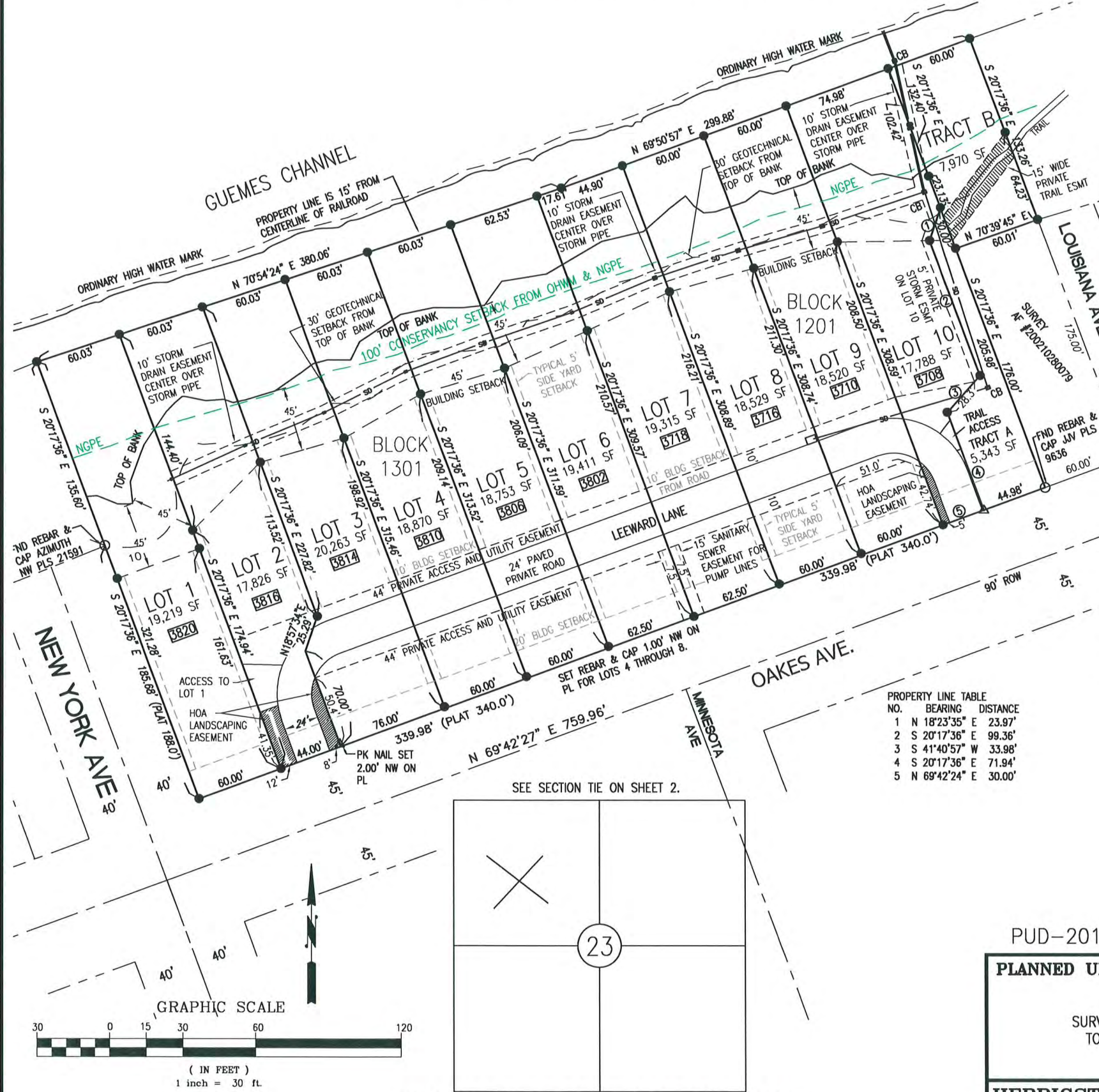
QT	Description	Unit Price	Amount
100	Salal 1gal.	\$4.00	\$400.00
20	Ocean Spray 2gal.	\$9.50	\$190.00
10	Western Crabapple 2gal.	\$10.50	\$105.00
4	Sitka Spruce 4'	\$18.50	\$74.00
20	Shore Pine 4'-5'ht.	\$35.00	\$700.00
20	Red Flowering Currant 2gal.	\$100.50	\$210.00
20	Thimbleberry 2gal.	\$9.50	\$190.00
1	Delivery	\$50.00	\$50.00
Leeward Landing			
Subtotal:			\$1,919.00
Tax:			\$158.86
Total Balance			\$2,077.86

Landscaping
AB✓

LEEWARD LANDING PUD
SURVEY IN SEC. 23, TWP. 35 N, RNG 1 E., W.M.
ANACORTES, WASHINGTON

AUDITORS CERTIFICATE

RECORD OF SURVEY AT THE REQUEST OF DALE K. HERRIGSTAD



AUDITOR
GENERAL INFORMATION

DEPUTY AUDITOR

1. Assessor's Account No.s 350123-0-004-0007, P31716; 350123-0-004-0106, P31717; 3809-201-010-0108, P58264; 3809-301-010-0106, P58285.
2. Description and exception information is from the Subdivision Guarantee Policy No: SGW-08002115, dated February 10, 2016.
3. This property is SUBJECT TO and TOGETHER WITH easements, reservations, restrictions, covenants and other instruments of record including but not limited to those instruments referred to in the Subdivision Guarantee referenced under Note 2 above. Said report lists document recorded under Auditors File Number AF #201510070026 (PSE easement over newly installed utilities).
4. Zoning: (R2) Residential Low Density District.
5. Water Supply: City of Anacortes.
6. Sewer Disposal: City of Anacortes.
7. Storm Sewer: City of Anacortes.
8. ● Set Rebar and Cap #27807.
9. ○ Found Rebar and Cap as noted 2-29-2016.

ADDRESSES

SHOWN IN BOX ON LOTS



SURVEYORS CERTIFICATE

I hereby certify that the LEEWARD LANDING PLANNED UNIT DEVELOPMENT is based upon an actual survey and subdivision performed by me or under my supervision of Section 23, Township 35 North, Range 1 East, W.M.; that the courses and distances are shown correctly on the ground; and that I have complied with the provisions of the statutes and platting regulations and that permanent control monuments have been established at each and every controlling corner of the parcel of land being subdivided.

DALE K. HERRIGSTAD, P.L.S.

Certificate No. 27807

Date

PUD-2014-0001, SDP-2014-0001

SHEET 1 OF 4

PLANNED UNIT DEVELOPMENT OWNER: LEEWARD LANDING, LLC
P.O. BOX 319
ANACORTES, WA 98221

SURVEY IN THE NW 1/4 OF SECTION 23,
TOWNSHIP 35 N., RNG. 1 EAST, W.M.
SKAGIT COUNTY, WASHINGTON

HERRIGSTAD ENGINEERING & SURVEYING
4320 Whistle Lake Road, Anacortes, WA 98221 (360) 299-8804

DWN BY: DKH

CHECK BY: DH

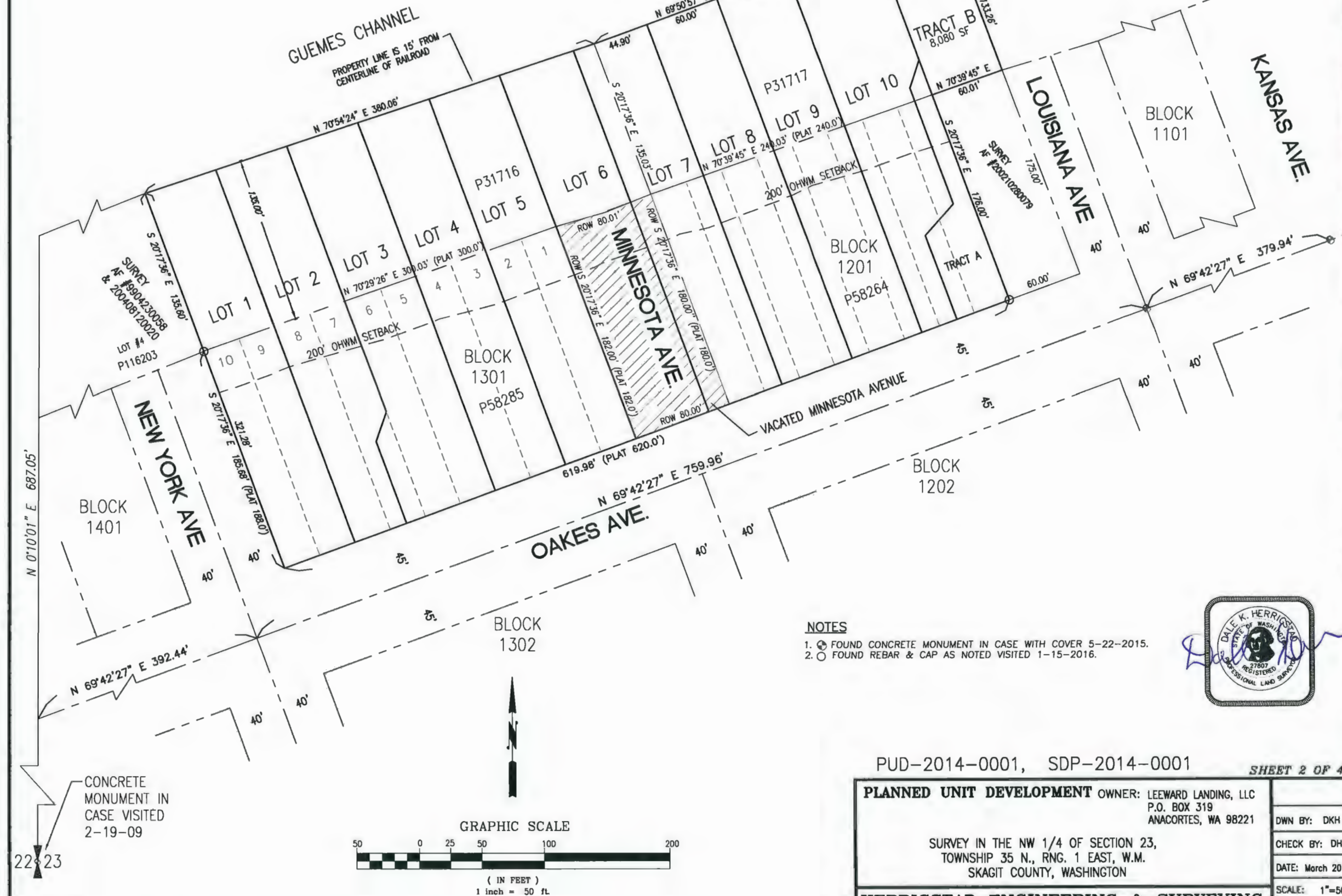
DATE: March 2016

SCALE: 1"=30'

Job2012-83

SECTION 23, TOWNSHIP 35 N, RNG 1 EAST

LEEWARD LANDING PUD
SURVEY IN SEC. 23, TWP. 35 N, RNG 1 E., W.M.
ANACORTES, WASHINGTON



**LEEWARD LANDING PUD
SURVEY IN SEC. 23, TWP. 35 N, RNG 1 E., W.M.
ANACORTES, WASHINGTON**

CONDITIONS OF APPROVAL SIGNED JULY 6, 2015.

1. Sanitation, recycling, and compost collection shall be picked-up from the internal private road serving the subject replat/PUD -not placed on Oakes Avenue.
2. There shall be no parking permitted on any portion of either Oakes Avenue or the one-way street located within the development. No parking signage shall be demarcated onsite.
3. The proposed storm-water conveyance to the public outfall and easement shall be considered private and maintained by the property owners of which it serves.
4. The proposed 10-foot storm drain easement and collector system near top of bank shall be private and maintained by the property owners of which it serves.
5. Proposed 15-foot sanitary sewer easement for pump lines and collector side service pipe on the north side of the proposed manhole will be in a private easement and maintained by the property owners of which it serves.
6. The project shall comply with all applicable Shoreline Master Program regulations, including but not limited to, Chapter 5, Shoreline Environments & Associated Policies and Regulations, Chapter 6, Environmental Protection General Regulations, and Chapter 8, Specific Use Policies and Development Regulations.
7. The following are the minimum building setbacks from the respective property lines:
A) Front: 20-feet
B) Rear: 20-Feet C) Side: 5-feet
8. Both Tracts A & B shall be owned and maintained by the property owner, property owner's association, successors or assigns.
9. Private utilities shall be owned and maintained by the property owner, property owner's association, successors or assigns in a manner to ensure their functioning consistent with applicable regulations.
10. The lots in this subdivision are subject to applicable water, sewer, and stormwater general facility and hookup fees and transportation, fire, and park impact fees. These fees are payable at levels in effect at the time of building permit issuance and may differ from those fee levels currently in effect; sewer and water latecomer charges may be payable.
11. Unless otherwise outlined within a vegetation management plan that has been approved by the City of Anacortes, within the NGPE, vegetation or tree removal, topping, or trimming is prohibited unless approved by the City. The applicant would need to submit an ISA certified report that states a tree is dead, diseased, or dying and hazardous to surrounding uses, along with a geological hazardous area critical area report to the City of Anacortes' Planning Department and Parks and Recreation Department for review and approval. Notwithstanding, vegetation tree removal from an erosion or landslide hazard area and its associated buffer is prohibited per AMC § 17.70.260(4).
12. One twenty-eight (28) foot high, detached 2,000 square foot (maximum) accessory building is permitted on each lot provided it is in compliance with all other bulk and dimensional standards for the zone, except where modified through these conditions of approval. Where an accessory dwelling unit (ADU) is proposed within said building, the living space shall not exceed 1,200 square feet. Impact fees & OFC shall be payable at the time of building permit issuance for both the ADU and primary residence. The 2,000 square foot (maximum) permitted accessory building size and 28 foot high (maximum) height limit variance/deviance only applies to lots 3 through 9. Accessory structures on lots 1, 2, & 10 shall meet current zoning code standards including but not limited to maximum permitted building size and height.

13. Development shall comply with the issued SEPA Mitigated Determination of NonSignificance (MDNS) mitigation measures as follows:
A. Development shall comply with all of the recommendations of the Geotechnical Evaluation prepared by Geotest dated November 4, 2014, listed therein (MDNS Condition #1).
B. Pursuant to City of Anacortes' Shoreline Master Program (SMP) Appendix A-3.9.4, unless otherwise provided or as part of an approved alteration, removal of vegetation from an erosion or landslide hazard area or related buffer shall be prohibited. The applicant however has submitted a geotechnical report, tree preservation plan, and landscape plan addressing proposed vegetation removal. Any vegetation removal shall be consistent with the submitted geotechnical report, tree preservation plan, and landscape plan (MDNS Condition #11).
14. The Homeowner's Association shall be responsible for the maintenance of all landscaping provided along the sidewalk fronting the subject property that runs parallel to Oakes Avenue. The height of any trees planted therein shall be similar to the landscaping in the San Juan Passage development PUD fronting Oakes Avenue. This shall also be reflected in the CC&Rs. Additionally, the maximum permitted height of the fence proposed located within the front yard setback shall be five (5) feet from grade.
15. Before final PUD/ replat submittal or approval is given, the applicant/ landowner shall submit a 5-year maintenance and monitoring plan to the city for approval for all planting along the public trail, private trail, sidewalk located within the right-of-way, and plantings within the Native Growth Protection Easement (NGPE) located onsite.
16. As modified since the SEPA MDNS was issued, all structures shall be setback forty-five (45) feet from the top of the bank of the geologically hazardous/ steep slope.
17. The twenty-eight (28) foot high detached accessory structures (which may include ADUs) shall not exceed sixteen (16) feet in height (maximum) as measured above Oakes.

LEGAL DESCRIPTION

PARCEL "A":

Lots 3 through 10, inclusive, Block 1201, "NORTHERN PACIFIC ADDITION TO ANACORTES," as per plat recorded in Volume 2 of Plats, pages 9 through 11, inclusive, records of Skagit County, Washington.

Situate in the City of Anacortes, County of Skagit, State of Washington.

PARCEL "B":

All that portion of the right-of-way of the former railway of the Great Northern Railway Company in Section 23, Township 35 North, Range 1 East, W.M., described as follows:

Beginning at the Northeast corner of Block 1201 in Northern Pacific Addition to Anacortes, as per plat recorded in Volume 2 of Plats, pages 9 through 11, inclusive, records of Skagit County, Washington; thence Northwestly along the Northeastly line of said Block 1201 extended, to a point 15 feet distant Southeastly, measured at right angles, from the center line of the former railway of said Great Northern Railway Company, as located and constructed on March 6, 1940; thence Southwestly parallel with said center line and 15 feet distant there from, to the Southwestly line of said Block 1201 extended Northeastly; thence Southeastly along said extended line to the Northwest corner of Block 1201 in said Northern Pacific Addition to Anacortes; thence Northeastly along the Southerly boundary of said Northern Pacific Addition to Anacortes, to the point of beginning.

Situate in the City of Anacortes, County of Skagit, State of Washington.

PARCEL "C":

Lots 1 to 10, inclusive, Block 1301, "NORTHERN PACIFIC ADDITION TO ANACORTES," as per plat recorded in Volume 2 of Plats, page 9, records of Skagit County, Washington.

Situate in the City of Anacortes, County of Skagit, State of Washington.

PARCEL "D":

That portion of Government Lot 4, in Section 23, Township 35 North, Range 1 East, W.M., described as follows:

Beginning at the Northwest corner of Block 1201, "NORTHERN PACIFIC ADDITION TO ANACORTES," as per plat recorded in Volume 2 of Plats, page 9, records of Skagit County, Washington; thence Northwestly along the Southwestly line of said Block 1201 extended, to a point 15 feet distant Southeastly, measured at right angles, from the centerline of the railway of said Great Northern Railway Company, as located and constructed on March 6, 1940; thence Southwestly parallel with said centerline and 15 feet distant therefrom, to the Southwestly line of Block 1301 in said Plat extended Northwestly; thence Southeastly along said extended line to the Northwest corner of said Block 1301; thence Northeastly along the Northerly boundary of said "NORTHERN PACIFIC ADDITION TO ANACORTES", to the point of beginning.

Situate in the City of Anacortes, County of Skagit, State of Washington.

PUD-2014-0001, SDP-2014-0001

SHEET 3 OF 4

PLANNED UNIT DEVELOPMENT OWNER: LEEWARD LANDING, LLC
P.O. BOX 319
ANACORTES, WA 98221

SURVEY IN THE NW 1/4 OF SECTION 23,
TOWNSHIP 35 N., RNG. 1 EAST, W.M.
SKAGIT COUNTY, WASHINGTON

HERRIGSTAD ENGINEERING & SURVEYING
4320 Whistle Lake Road, Anacortes, WA 98221 (360) 299-8804

DWN BY: DKH
CHECK BY: DH
DATE: March 2016
SCALE: noted
Job2012-83



LEEWARD LANDING PUD
SURVEY IN SEC. 23, TWP. 35 N, RNG 1 E., W.M.
ANACORTES, WASHINGTON

EASEMENTS

1. An easement is hereby reserved for and conveyed to the PUGET SOUND ENERGY INC.(A.F. NO. 200807140094), FRONTIER COMMUNICATIONS TELEPHONE COMPANY, CASCADE NATURAL GAS COMPANY, AND COMCAST CABLE TELEVISION COMPANY and their respective successors and assigns under and upon a 44 foot wide private access and utility easement across lots 2 through 10 as shown on the face of the plat and extended to the Oakes Avenue right-of-way through a 30 foot wide easement on Lot 10 and 44 foot wide easement on Lot 2 being the full width of the lots at Oakes Avenue, as shown on the plat, in which to construct, operate, maintain, repair, replace and enlarge underground pipes, conduits, cables and wires all necessary or convenient underground or ground mounted appurtenances thereto for the purpose of serving this subdivision and other property with electric, gas, telephone and other utility service, together with the right to enter upon the streets, lots, tracts and spaces at all times for the purposes herein stated.
2. The private road within the 44 foot wide access and utility easement will be the responsibility of the Leeward Landing Homeowners Association for the purposes of a access road with maintenance being the responsibility of the Leeward Landing Homeowners Association.
3. A Native Growth Protection Easement (NGPE) is hereby reserved over the area on the subject property located within 100 foot landward of the Ordinary High Water Mark. The NGPE shall remain undisturbed except as authorized by the City of Anacortes after review and approval of a plan for the activities as described in the NGPE agreement recorded under AFN _____.
4. A 15 foot wide sanitary sewer easement, 7.5 feet either side of the property line between lots 6 and 7 is hereby granted to the Leeward Landing Homeowners Association for the purposes of sanitary sewer force lines to each individual lot. The maintenance of each line is the responsibility of the lots for which they serve.
5. A private landscaping easement adjacent to the private access road across Lots 2 and 10 as shown on the plat is hereby granted to the Leeward Landing Homeowners Association for the purposes of landscaping and maintenance.
6. A 10 foot wide storm drainage easement on and across the northern portions of Lots 2 through 10 as well as Tracts A & B, centered over the storm drainage system as constructed is hereby granted to the Leeward Landing Homeowners Association for the purposes of storm drainage and maintenance.
7. A 5 foot wide storm drainage easement on and across the eastern portion of Lot 10 adjacent to Tract A, as shown on the face of the plat, is hereby granted to the Leeward Landing Homeowners Association for the purposes of storm drainage and maintenance.

NOTES

1. Subject to Declaration of Covenants, Conditions, Restrictions, (CC&R's), Geohazard Covenant and NGPE Maintenance Agreement, recorded together under;
AFN _____.
2. The PUD reference number PUD-2014-0001 and date of approval shall be included in all deeds and contracts.

PROPERTY NOTES:

1. Tract A is to be granted to the Leeward Landing Homeowners Association for the purposes of a pedestrian trail, storm drainage and landscaping with the construction and maintenance being the responsibility of the Leeward Landing Homeowners Association.
2. Tract B is to be granted to the Leeward Landing, LLC. The 15 foot wide trail easement shown across Tract B is granted to the Leeward Landing Homeowners Association for the purposes of a pedestrian trail with the construction and maintenance being the responsibility of the Leeward Landing Homeowners Association.

DEDICATION

Know All Men by these Present that SKAGIT BANK, Mortgage Holders and LEEWARD LANDING LLC, owner of the land hereby platted, declare this plat and dedicate to the use of the public forever, streets and avenues shown hereon and the use thereof for all public purposes consistent with the use thereof for public highway purposes together with the right to make all necessary slope for cuts and fills upon the lots and blocks shown hereon in the original reasonable grading of all such streets and avenue shown hereon. The Owners and their assigns hereby waive all claims for damages against which may be occasioned to the adjacent properties by the construction, drainage and maintenance of said road and or area.

LEEWARD LANDING LLC

SKAGIT BANK

State of Washington
County of Skagit
I certify that I know of have satisfactory evidence that _____ signed this instrument, on oath stated that (he/she/) (was/are) authorized to execute the instrument and acknowledged it as the _____ of LEEWARD LANDING LLC to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.
Given under my hand and official seal this _____ day of _____, 20_____.
Notary Public in and for the State of Washington
Name printed _____
Residing at _____
My commissions expires _____

State of Washington
County of _____
I certify that I know of have satisfactory evidence that _____ signed this instrument, on oath stated that (he/she/) (was/are) authorized to execute the instrument and acknowledged it as the _____ of SKAGIT BANK to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.
Given under my hand and official seal this _____ day of _____, 20_____.
Notary Public in and for the State of Washington
Name printed _____
Residing at _____
My commissions expires _____

SKAGIT COUNTY TREASURERS CERTIFICATE

I certify that all taxes heretofore levied and which have become a lien upon the lands herein described have been fully paid and discharged according to the records of my office, up to and including the year of 20_____.

Certified this _____ day of _____, 20 _____.

Skagit County Treasurer

PUD-2014-0001, SDP-2014-0001

SHEET 4 OF 4

PLANNED UNIT DEVELOPMENT OWNER: LEEWARD LANDING, LLC
P.O. BOX 319
ANACORTES, WA 98221

SURVEY IN THE NW 1/4 OF SECTION 23,
TOWNSHIP 35 N., RNG. 1 EAST, W.M.
SKAGIT COUNTY, WASHINGTON

HERRIGSTAD ENGINEERING & SURVEYING
4320 Whistle Lake Road, Anacortes, WA 98221 (360) 299-8804

DWN BY: DKH
CHECK BY: DH
DATE: March 2016
SCALE: None
Job2012-83

