- *Meetings may be viewed on the City of Anacortes website, on the City of Anacortes YouTube Channel, or on TV Channel 10.*
- *To watch, listen to, or participate in the meeting live, visit https://us02web.zoom.us/j/84685300609 or telephone 1-253-215-8782 and enter Meeting ID 846 8530 0609.*
- *The public is encouraged to comment via email to pced@anacorteswa.gov, via written comment addressed to PCED, P.O. Box 547, Anacortes, WA 98221. Public comments received prior to 3:00 p.m. the day of the meeting will become part of the record for the meeting, just as if presented in person.*
- *Complete guidelines for virtual participation in Anacortes Planning Commission meetings are available here. View the quick video example for connecting to the meeting here.*

Anacortes Planning Commission

Municipal Building - Council Chambers
904 6th Street

September 15, 2026
6:00 PM

PRELIMINARY AGENDA
Packet Materials / Watch Meeting

1. **Roll Call**
2. **Pledge of Allegiance**
3. **Minutes**
   a. Minutes of 08/11/2026 were submitted for approval
4. **Public Comment**
5. **Public Hearings**
   a. LEG-26-07: AMC Title 19 Permit Process Streamlining Amendments
6. **Other Business**
7. **Planning Department Update**
8. **Adjournment**

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

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

Anacortes Planning Commission Minutes - August 11, 2026

Roll Call

Chairperson Frank Jeretzky called to order the Anacortes Planning Commission meeting of August 11, 2026, at 6:00 p.m. Commissioners Jill Underwood, William McCombs, Linda Martin, Tarn Ohana, Chad Sage and Mike Mills were present.

Pledge of Allegiance

The assembly joined in the Pledge of Allegiance.

Minutes

Minutes of 07/14/2026 were submitted for approval

July 14th, 2026 minutes submitted for approval.
Linda Martin motioned to approve the minutes. Mike Mills seconded the motion.
All Ayes.

Public Comment

Chairperson Frank Jeretzky opened it up to the public to make comments at 6:01pm.
No public comments.
Closed the public comments at 6:02pm.

Public Hearings

No public hearing.

Other Business

Critical Areas Regulations Periodic Update - Best Available Science Review

Planning Manager, Libby Grage, presented to the Planning Commission the Critical Areas Regulations Periodic Update — Best Available Science Review in a slide presentation. Libby went over the Growth Management Act (GMA) requirements for cities and counties that are planning to be under the Act to review and revise their Critical Areas Regulations to ensure they continue to protect critical areas using the Best Available Science (RCW 36.70A.172).

Discussion Topics:

- Clarification on the wetland buffer reduction.
- Wanting more clarification or a definition on the 'Landslide Hazard' section for the exposed bedrock stability.
- Keeping and refining the 'Mining & Volcano' Hazards sections
- Would like more information in the 'Cliffs and Bluffs' sections, not wanting to leave out the critical areas: "rock balls."
- Clarification of the steps for this report and when asking the public for comments.

Shoreline Master Program Periodic Update - Updated Gap Analysis and Consistency Review

Planning Manager, Libby Grage, presented to the Planning Commission the Shoreline Master Program Periodic Update Gap Analysis in a slide presentation. Libby also presented the Updated Gap Analysis and Consistency Review completed for the ongoing Shoreline Master Program periodic update in a slide presentation.

Discussion Topics:

No topics discussed.

Chairperson Frank Jeretzky asked the audience if they had any comments or concerns:
Mary Joe, Anacortes resident — Asked for clarification on the due date for the SMP. Also commented on wanting the city to consider the trees on the slopes and previous landslides.
Mark Nihart, Anacortes resident & vice-president of Smart Growth of Anacortes board — Thanked the city for the work already completed and commented on the timeline for the SMP, Critical Areas Regulations and permitting streamlining.
Ron Johnson, Anacortes resident — Showed concerns about hazardous trees along the Guemes trail.

Planning Department Update

Planning, Community, and Economic Development Director John Coleman updated the Planning Commission on last month's meeting on July 14th, about the executive order, sections 4b, 4c, 4d, and 4e and the remaining process for it, along with the public hearing. He also advised on some upcoming meetings on the agenda:
September 15th meeting — To go over the remaining portion of the executive order.
September 29th meeting — They are planning to have the draft amendments for the Critical Areas Regulations update ready for the Planning Commission.
October 13th meeting — Will be the public hearing to comment on the Critical Areas Regulations update for the end of the year.
He also advised that the City wants to release the SMP draft amendments by September 27th and have a public hearing at a later date.

Linda Martin advised that Director John Coleman presented an award to Libby Grage at the City Council meeting the night before.

Director John Coleman then went over the final order for the appeals on the Comprehensive Plans and advised that all were denied.

Adjournment

Meeting adjourned at 7:15pm.

Planning Commission Agenda Bill

Meeting Date: September 15, 2026 **Agenda Item:** 5.a.

Subject: LEG-26-07: AMC Title 19 Permit Process Streamlining Amendments
Staff Contact: Libby Grage

Approved for Submittal to Commission by	**Action Type**
Libby Grage John Coleman	Public Hearing

Summary Statement: The Planning Commission will hold a public hearing on proposed amendments to Anacortes Municipal Code (AMC) Title 19 related to development permit review and processing. The amendments are intended to improve the clarity, efficiency, and predictability of the City's permitting process and to clarify the purpose, scope, sequencing, and coordination of development permits.

The proposed amendments include revisions to general permit procedures, Site Plan Review, permit coordination and sequencing, permit expiration, lot status and development eligibility, and administrative flexibility, as well as new provisions addressing Site Construction Permits and Building Permits.

Background: See the attached Staff Report dated September 4, 2026.

Previous Action: Previous Planning Commission meetings:

- May 12, 2026 Planning Commission Meeting
- July 14, 2026 Planning Commission Meeting

Competing Viewpoints Considered:

Recommended Motion: Following the public hearing and deliberation, the Planning Commission may consider a motion to recommend approval, approval with modifications, or denial of the proposed amendments to the City Council.

Alternative Actions:

Attachments (listed in order presented):

1. 1. Staff Report (9/4/26)
2. 2. Draft AMC Title 19 Permit Process Amendments – August 17, 2026
3. 3. Comment Summary & Response Matrix
4. 4. Written Public Comments Received As of 9/4/26
5. 5. Notice of Availability
6. 6. SEPA DNS & Checklist
7. 7. Mayor's Executive Order 2026-02
8. Public Comments received 9/5/26-9/15/26
9. Staff Presentation Slides

Staff Report

Date: September 4, 2026
Re: LEG-26-07: AMC Title 19 Permit Process Streamlining Amendments

Note: This staff report reflects the record and proposed amendments as of the date of publication. Staff may update or supplement the report before the public hearing to address additional written public comments, technical or legal review, or other information received before the hearing. Any updates will be provided to the Planning Commission and made available with the hearing materials.

Proposal Description and Background

The subject proposal includes amendments to Title 19 of the Anacortes Municipal Code (AMC), the City's Unified Development Code, intended to improve the efficiency, predictability, and administration of the City's development permit process. The amendments have two related purposes: (1) implement the development code changes directed by Mayor Walters' Executive Order 2026-02 and (2) address gaps identified in the City's existing permit framework concerning permit types, sequencing, scope of review, and the relationship between project permit approvals and construction / building permits.

The amendments are primarily procedural and administrative. They are intended to clarify and streamline permit requirements and review procedures, improve coordination among related permits, and provide limited flexibility where expressly authorized by the code. The amendments do not broadly reduce or eliminate substantive development standards; any flexibility from an otherwise applicable standard is limited to the specific circumstances, criteria, and limitations established by the proposed amendments.

Mayor's Executive Order 2026-02

Executive Order 2026-02 directs several specific development code amendments intended to improve permitting efficiency and outcomes, including reducing unnecessary process, hand-offs, and duplication. The proposed amendments implement each of the five directives while retaining the substantive development standards applicable to individual projects.

Lot of record rules. The Executive Order directs revisions to recognize qualifying preexisting lots that meet applicable lot-size and dimensional standards without unnecessarily requiring a boundary line adjustment or land division. The proposed amendments more clearly distinguish between lawful lot status and eligibility for development. This allows qualifying historic lots to

proceed without unnecessary land division procedures while preserving applicable subdivision requirements where coordinated access, utilities, infrastructure, or other improvements are necessary to serve development.

Site Plan Review. The Executive Order directs revisions allowing Site Plan Review to occur before a Building Permit application and allowing an approved Site Plan Review to support subsequent permits without repetitive review. This allows fundamental questions concerning use, site layout, access, infrastructure feasibility, and environmental requirements to be resolved before an applicant prepares detailed construction documents. Subsequent permits address the detailed engineering and building code requirements necessary to implement the approved project and confirm consistency with the earlier approval.

Administrative flexibility. The Executive Order directs limited flexibility where application of a regulation would conflict with City policy objectives or where the code does not anticipate particular circumstances on the ground. The amendments provide a limited administrative mechanism for addressing those circumstances where strict application of an eligible standard would produce an unintended or impractical result. The authority is limited by defined eligibility requirements, approval criteria, exclusions, and written findings and does not authorize prohibited uses or relief from environmental, engineering, building, life-safety, or other excluded requirements.

Limited numerical adjustments. The Executive Order directs authority for slight reductions in eligible numerical standards where those standards cannot reasonably be achieved. Establishing a defined maximum provides flexibility for relatively minor site-specific circumstances while preventing the provision from becoming an alternative to a variance or a means of materially changing the development standards established by the code.

Staff recommends establishing the maximum adjustment at 10 percent. A 10 percent maximum provides greater ability to address minor site-specific constraints while retaining a relatively narrow range of administrative flexibility. For example, a 10 percent adjustment to a 10-foot dimensional standard would allow a reduction of up to one foot, compared with six inches under a 5 percent maximum; for a 20-foot standard, the maximum reductions would be two feet and one foot, respectively.

The adjustment is not automatic, and 10 percent is a maximum rather than an entitlement. The applicant must demonstrate that the applicable approval criteria are satisfied, and only the amount of adjustment necessary to address the circumstances may be approved. Standards expressly excluded from administrative flexibility remain ineligible.

Fence permit exemption. The Executive Order directs alignment with the model building codes by exempting qualifying fences not over seven feet high from the Building Permit requirement. The amendment removes a permit process where building code review is not required; it does not exempt a fence from applicable zoning, critical area, shoreline, visibility, or other development standards.

Taken together, these amendments implement the Executive Order by translating its direction into specific procedures, approval criteria, and limitations. They are intended to improve permitting efficiency while maintaining the substantive standards and technical review requirements applicable to individual projects.

Development Permit Framework Updates

In implementing the Executive Order, staff also identified a broader issue in Title 19: the code does not consistently explain how the City's different land use, site/civil and building reviews fit together.

The proposed amendments more clearly distinguish among types of development permits administered by the City:

- Project Permits, which address land use, site planning, environmental review, and other approvals required before development may proceed;
- Site Construction Permits, a new permit category that formalizes and consolidates the City's existing review and approval of detailed site and civil engineering plans and construction; and
- Building Permits, which address building design and construction under the adopted technical codes.

The permits required depend on the type and scope of development proposed. A project may require one or more of these permits; the amendments do not establish a mandatory three-step process.

The proposed framework is intended to better align the level of permit review with the decision being made. It allows land use and site planning issues to be resolved without requiring final construction-level plans at the outset, while reducing the potential for matters already decided through an approved Project Permit to be reconsidered during later technical review.

Related permits may be reviewed sequentially or concurrently, as appropriate to the project, while maintaining the required sequence of approvals. Applicants may therefore resolve land use and site planning issues before investing in detailed engineering or, where plans are sufficiently developed, proceed through coordinated review.

Updates to the Site Plan Review provisions support this framework. An approved Site Plan Review establishes the approved use, density or intensity, site layout, general infrastructure configuration, applicable environmental requirements, and conditions of approval. It does not authorize construction or approve final engineering plans. Subsequent Site Construction Permit and Building Permit review focuses on consistency with the approved Site Plan and compliance with applicable engineering, building, and other technical requirements.

The amendments identify circumstances in which an earlier approval may be revisited, including material inconsistency with the approved site plan, material changes in applicable regulations,

inaccurate or incomplete information material to the original approval, an approved modification, or expiration of the approval.

The amendments also consolidate and clarify permit expiration and extension provisions, providing more consistent rules for how long different approvals remain valid and when extensions may be granted. This complements the proposed permit framework by providing greater clarity from initial approval through permit expiration.

Public Comments

Public notice and opportunities for comment have been provided in accordance with AMC Chapter 19.16. Written comments received on the proposal and testimony presented at the Planning Commission public hearing are part of the record for the commission's consideration.

Written comments received to date include both support for the proposed permit process improvements and concerns or recommendations regarding specific provisions. Recurring comments address public participation and neighborhood meetings; review classifications and decision-making authority; Site Plan Review finality and material new information; off-site impacts; administrative flexibility and numerical reductions; critical area and environmental protections; permit terminology; construction stage inspection and documentation; lot status; and the relationship of these amendments to other City planning efforts.

Staff has prepared a separate Public Comment Response Matrix that groups comments by issue, provides staff's response, and identifies whether staff recommends a change to the draft amendments or other follow-up action. The matrix should be reviewed together with the written comments and proposed amendments.

One recurring issue warrants clarification. Several comments appear to reflect concern that the proposed amendments would shift permit decisions from the Hearing Examiner or City Council to administrative staff or otherwise reduce existing public hearing or notice requirements. The proposed amendments do not make these changes.

The proposed amendments retain the existing Type 1 through Type 4 review structure, including Type 3 Hearing Examiner and Type 4 City Council decisions. They do not change the decision-maker for any existing permit or convert a permit that currently requires a Hearing Examiner or City Council decision to an administrative decision. They also do not eliminate neighborhood meetings or public hearings currently required by the code.

The amendments do add the new Site Construction Permit to the review process table as a Type 1 permit. The new permit category formalizes and consolidates the City's existing technical review and approval of civil construction plans that authorize construction.

Comprehensive Plan Consistency

The proposal is consistent with the Comprehensive Plan's emphasis on a clear and predictable development review process and efficient administration of development regulations. By more clearly defining the scope of individual permits, the issues addressed at each stage of review, and the relationship among approvals, the amendments improve the predictability and administration of the City's development review process.

The amendments continue to apply the development standards and environmental, transportation, infrastructure, housing, and other requirements that implement the Comprehensive Plan. The administrative flexibility provisions are intended to address limited circumstances where strict applicable of an eligible standard would produce a result inconsistent with the purposes of Title 19 or applicable Comprehensive Plan goals and policies. The authority is subject to defined eligibility requirements, approval criteria, and limitations to ensure that flexibility supports, rather than circumvents, the City's adopted development regulations.

Staff therefore finds the amendments are consistent with the Comprehensive Plan and support its implementation through the City's development regulations.

Conclusion and Recommendation

The proposed amendments implement the development code changes directed by Executive Order 2026-02 while addressing broader gaps in the City's existing permit framework. Taken together, the amendments are intended to make the development review process clearer, more predictable, and more efficient while maintaining applicable development standards and review requirements.

Staff recommends that the Planning Commission consider the proposal, the public comments and response matrix, and any refinements identified through the public hearing, and recommend approval of the amendments [with any recommended changes] to the City Council.

LEG-26-07

Proposed Code Amendment:

Executive Order 2026-02 – Permit Process Streamlining

Draft – August 17, 2026

Reader's Note: This draft includes only those provisions of AMC Title 19 proposed for amendment and other provisions included as necessary to show the proposed changes in context. Provisions not shown remain unchanged. This draft is not intended to reproduce AMC Title 19 in its entirety and should be read together with the current AMC Title 19 to understand the full regulatory context.

Proposed amendments are shown as follows:
New/Added text – Blue underline
Deleted text – ~~Red strikethrough~~

AMC Title 19, *Unified Development Code*

Division 1. General and Legislative Provisions

19.10 General Provisions
19.12 Definitions and Interpretation
19.14 International Codes
19.16 Legislative Actions

Chapter 19.10 General Provisions

19.10.010 Purpose.

[No changes]

19.10.020 Applicability.

[No changes]

19.10.030 Administration.

ℹ Removes reference to repealed Title 17.

The director has the duty to administer and enforce AMC Titles 16, ~~17,~~ 18, and 19.

.....

[*no changes to rest of chapter*]

Chapter 19.12 Definitions and Interpretation

19.12.020 Definitions

.....

Adds and revises definitions to clearly distinguish the roles and scope of different development permits.

.....

"*Building permit*" means a permit that authorizes work regulated by the codes adopted under AMC 19.14, *International Codes*, and associated site work when a separate site construction permit is not required.

.....

"*Development*" means any land use, activity, or project regulated by Titles ~~13 and~~ 16 through 20. ~~, including but not limited to building permits, subdivisions, binding site plans, rezones, conditional use permits, shoreline permits, short plats, or variances.~~

"*Development permit*" means a permit or approval required for ~~a~~ development, and includes project permits, site construction permits, and building permits. ~~clear & grade permits, per RCW 36.70B.020 and permits issued pursuant to AMC Chapter 19.14.~~

.....

"*Project permit*" ~~or "*project permit application*"~~ means any land use or environmental permit or license required from the city for a project action, including but not limited to ~~building permits,~~ subdivisions, binding site plans, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this definition, and excluding building permits and site construction permits. ~~.~~

.....

"*Site construction permit*" means a permit that authorizes construction of site improvements and civil infrastructure, including grading, drainage, stormwater facilities, utilities, streets, sidewalks, private streets, landscaping, and other site improvements and work regulated by this Title or other provisions of the Anacortes Municipal Code.

.....

"*Site plan review*" means a type of project permit that determines compliance of proposed development with applicable development regulations, design standards, and other approval criteria governing the use, location, layout, configuration, and design of development before issuance of a site construction permit or building permit.

.....

19.12.040 Rules of interpretation.

[No changes]

19.12.060 Supremacy.

[No changes]

19.12.080 Administrative interpretation.

[No changes]

Chapter 19.14 International Codes

19.14.010 Short title.

[No changes]

19.14.020 Purpose.

[No changes]

19.14.025 Adoption.

[No changes]

19.14.030 Adoption of International Building Code.

[No changes]

19.14.035 Adoption of the International Residential Code.

[no change to prior text]

Section 105.2 is amended to read as follows:

105.2 Work exempt from permit. Permits shall not be required for the following. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

Building:

1. Other than storm shelters, one-story detached accessory structures, provided the floor area does not exceed 144 square feet.

Exempts fences up to seven feet from building permits, reducing permitting for minor improvements.

2. Fences not over 7 feet high.
3. 2. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.

[no changes to remaining chapter]

19.04.040 Adoption of International Mechanical Code.

[No changes]

19.04.050 Adoption of International Property Maintenance Code.

[No changes]

19.04.060 Adoption of the International Fire Code.

[No changes]

19.14.065 Adoption of International Wildland Urban Interface Code.

[No changes]

19.14.070 Adoption of Uniform Plumbing Code and Uniform Plumbing Code Standards.

[No changes]

19.14.085 Adoption of standards for manufactured home installation.

[No changes]

19.14.090 International Energy Conservation Code.

[No changes]

19.14.110 Administrative authority.

[No changes]

19.14.120 Unlawful acts.

[No changes]

19.14.130 Violation – Penalty.

[No changes]

19.14.150 Permit fee schedule.

[No changes]

19.14.160 Grading fees.

[No changes]

19.14.170 Mechanical permit fees.

[No changes]

19.14.180 Plumbing permit fees.

19.16 Legislative Actions

[no changes]

Division 2. Procedures

19.20 Application Procedures
NEW CHAPTER 19.21 Administrative Flexibility
19.22 Concurrency
19.24 Essential Public Facilities
19.28 Permit Revision and Expiration

Chapter 19.20 Application Procedures

19.20.010 Policy
19.20.020 Applicability
(New) 19.20.025 Overview of development review process
19.20.030 Types of review.
19.20.040 Consolidated review.
19.20.050 Eligibility for permits.
19.20.060 Lots of record.
19.20.070 Vesting.
19.20.080 Requirement for public notices.
19.20.090 Pre-application conference.
19.20.100 Pre-application neighborhood meeting.
19.20.110 Application – Contents and completeness – Revisions – Expiration.
19.20.120 Application – Notice.
19.20.130 Application – Department review.
19.20.140 Public hearings and meetings.
19.20.150 Public hearing – Notice.
19.20.160 Decision – Timing.
19.20.170 Decision – Notice.
19.20.180 Appeals.
19.20.190 Remand.
19.20.200 Reconsideration.
19.20.210 Exhaustion of administrative remedies.
~~19.20.220 Departures~~ [*relocated to New 19.21.100*]
19.20.230 Framework development plans.

19.20.010 Policy.

[no change]

19.20.020 Applicability.

A. This chapter applies to all applications and all development permits issued per this title.

B. *Exemptions.* Consistent with RCW 36.70B.140, the following permits and actions are exempt from the procedural requirements of this chapter:

1. Sidewalk use permits;~~.~~
2. Development agreements;~~.~~
3. Final approval of short subdivisions and subdivisions;~~.~~
4. Landmark designations;

5. ~~and s~~Street vacations.

6. Administrative interpretations (AMC 19.12.080).

C. This chapter does not apply to a procedural determination made by the city related to a nonproject action.

(New) 19.20.025 Overview of development permits and review process.

Adds an overview of permit functions and sequencing to make the development review process clearer and more predictable.

A. *Purpose*. This section provides a general overview of the City's development review process and the respective roles of applicants and the city. It does not establish substantive requirements by itself. Applicable code sections establish the procedural requirements and standards governing each development proposal.

B. *General process*. Development proposals generally follow the steps below. Depending on the development, some steps may not apply, may occur concurrently, may be subject to different procedures, or may involve multiple permits.

1. *Preapplication*. Before submitting a development permit application, an applicant may meet with City staff to identify applicable permit requirements, review procedures, and submittal requirements. Preapplication requirements are provided in AMC 19.20.090 and 19.20.100.

2. *Project permit review*. When a project permit is required, the applicant submits a project permit application, plans, studies, and other information required for review under the applicable approval criteria. The City reviews the application in accordance with the applicable review procedures and approval criteria. Project permit approval determines whether and under what conditions the proposed development may proceed but does not authorize construction.

3. *State Environmental Policy Act (SEPA) Review*. When SEPA review is required, the applicant submits the information required for environmental review. The City conducts SEPA review in accordance with Chapter 43.21C RCW and AMC 18.04 and integrates environmental review with project permit review as applicable.

4. *Site construction permit review*. When a site construction permit is required, the applicant submits a site construction permit application, detailed construction and engineering plans, calculations, specifications, and other information required for review of the proposed site improvements and civil infrastructure. The City reviews the application for consistency with applicable project permit approvals and compliance with applicable engineering standards and other requirements. Site construction permit approval authorizes construction of the approved site improvements and civil infrastructure. See AMC 19.38, *Site construction permit*.

5. *Building permit review*. When a building permit is required, the applicant submits a building permit application, detailed building plans, specification, calculations, and other information required for review under the codes adopted under AMC 19.14, *International codes*. The City reviews the application for consistency with applicable project permit approvals and compliance with adopted codes and other applicable requirements. Building permit approval authorizes construction of the approved building and associated site work when a separate site construction permit is not required.

6. *Construction and inspections*. The applicant performs authorized construction in accordance with approved plans and permit conditions and requests required inspections. The City conducts required inspections and identifies corrections necessary to comply with the approved plans and applicable requirements. Successful completion of required inspections allows construction to proceed to completion and final approval.

7. *Project completion and ongoing compliance*. The applicant completes required improvements, obtains required final inspections and approvals, and satisfies applicable permit conditions. The City verifies completion of applicable requirements before final approval, occupancy, and acceptance, as applicable. Following project completion, the property owner remains responsible for ongoing requirements established by permit conditions or applicable regulations.

19.20.030 Types of review.

A. Decisions on applications and other development-related actions are governed by several types of review processes, described and distinguished in this section. The types of review are generally organized in ascending order of significance, amount of public process, and level of discretion exercised by the decision-maker.

B. The Director must determine the proper review type for all permit applications. If there is a question as to the required type of process, the Director must resolve it in favor of the higher type number.

C. Table 19.20.030-1 identifies the types of review for ~~all~~development permit applications and other development-related actions, and describes the process for each type of review. Unless otherwise provided by the specific code section governing the application or action, the procedures in Table 19.20.030 apply.

1. The ~~types of~~ applications and actions ~~that are~~ subject to each type of review are listed in the column immediately beneath the heading for each type.
2. The processes required for each type of review are further described by the remainder of the column beneath the heading for each type.
3. The remainder of this chapter describes the required processes for each type of review.

ℹ Updates review classifications and the process matrix to reflect clarified permit types and review procedures.

Table 19.20.030-1
Review classification and process matrix

Types of Review	Type 1 Administrative Ministerial Actions	Type 2 Administrative Decisions	Type 3 Hearing Examiner Decisions	Type 4 City Council Decisions
~~Types of~~ Applications and Actions	• Assessment of impact fees (AMC ~~Chapter~~ 3.93) • Boundary line adjustments (AMC 19.34) • Building, mechanical, and plumbing permits (AMC 19.14) • Clearing and grading permits (AMC 19.76; 19.14) • Critical area letter of exemption (AMC 19.70)	• Administrative conditional use permits, including home occupation permits (AMC 19.47) • Binding site plans, less than 10 lots (AMC 19.32) • Critical area permit – Permitted alteration (AMC 19.70) • Level 1 variances (AMC 19.38)	• Binding site plans, 10 or more lots (AMC 19.32) • Conditional use permits, except administrative CUPs (AMC 19.36) • Critical area variance – Reasonable use exception (AMC 19.70) • Essential Public Facilities, Type 2 (AMC 19.24)	• Essential public facilities, Type 1 (AMC 19.24) • Framework development plans (AMC 19.61, 19.20) • Site-specific rezones authorized by the Comprehensive Plan

Types of Review	Type 1 Administrative Ministerial Actions	Type 2 Administrative Decisions	Type 3 Hearing Examiner Decisions	Type 4 City Council Decisions
	• Expiration of application (AMC 19.28) • Extension of time for approval (AMC 19.28) • ~~Fence permits~~ • Lot status determination (AMC 19.20) • Minor permit revisions (AMC 19.28) • Shoreline exemptions (AMC 18.16) • Site construction permit (AMC 19.35) • Sign permits (AMC 19.14 & 19.67) • Site plan review – Level 1 (AMC 19.30) , less than 10 dwelling units, less than 12,000 sq. ft. of nonresidential gross floor area, or less than 20,000 sq. ft. of nonresidential site improvements (AMC 19.30)	• Preliminary short subdivisions • SEPA threshold determinations (AMC 18.04) • Shoreline substantial development permits (SSDPs) (AMC 18.16) • Site plan review – Level 2 (AMC 19.3X), ~~–~~10 or more dwelling units, 12,000 sq. ft. or more of nonresidential gross floor area, or 20,000 sq/ ft. or more of nonresidential site improvements (AMC 19.30) • Stormwater Management Manual exceptions (AMC 19.76)	• Level 2 variances (AMC 19.38) • Preliminary long subdivisions (AMC 19.32) • Shoreline conditional use and variance permits (AMC 18.16) • Zone boundary determination (AMC 19.40)	
Pre-Application Conference (AMC 19.20.090)	Optional, unless required by the Director~~At discretion of Director~~	Optional, unless required by the Director ~~At discretion of~~t ~~Director~~	Optional, unless required by the Director ~~At discretion of Director~~	Yes
Pre-Application Neighborhood Meeting (AMC 19.20.100)	~~No~~ Optional	Optional, unless required by the Director ~~At discretion of director~~	Optional, unless required by the Director ~~At discretion of director~~	Yes
Notice of Application (AMC 19.20.120)	No	Yes	Yes	Yes
Comment Period	None	14 days (30 days for shoreline permits)	21 days (30 days for shoreline permits)	21 days

Types of Review	Type 1 Administrative Ministerial Actions	Type 2 Administrative Decisions	Type 3 Hearing Examiner Decisions	Type 4 City Council Decisions
Recommendation By	None	None	Director	Director
Pre-Decision Open Record Public Hearing (AMC 19.20.140 & .150)	No	No	Yes, before Hearing Examiner	Yes, before City Council
~~Closed Record Decision Hearing~~	~~No~~	~~No~~	~~No~~	~~No~~
Decision By (AMC 19.20.130, .160)	Director	Director	Hearing Examiner	City Council
Notice of Decision (AMC 19.20.170)	No	Yes	Yes	Yes
Local Appeal Available To (AMC 19.20.180)	Hearing Examiner	Hearing Examiner *For shoreline permits, there is no local appeal. See AMC Chapter 18.16)	City Council *For Shoreline Permits, there is no local appeal. See AMC Chapter 18.16.	None
Appeal Hearing Type	Open record	Open record	Closed record	N/A
Review Time Period (AMC 19.20.160)	65 days	100 days	170 days	170 days

19.20.040 Coordination and sequencing of development review. ~~Consolidated review~~.

ℹ Clarifies sequential and consolidated review options and establishes clear sequencing between project and construction permits.

A. *Multiple applications*. When a development requires more than one application, the applicant may submit the applications for sequential or consolidated review as provided below.

1. *Sequential review.* The applicant may submit and obtain decisions on related applications separately. Each application is processed under the review procedures applicable to that application.

2. *Consolidated review.* The applicant may request consolidated review of some or all related applications. Applications accepted for consolidated review are processed together under the review procedures applicable to the highest-numbered review type among the consolidated applications. Consolidated review does not alter the approval criteria or other substantive requirements applicable to each application.

B. *Permit sequencing*. In general, required project permits must be approved before issuance of a site construction permit or building permit that implements the approved development. Changes or

conditions resulting from project permit review must be incorporated into the applicable site construction permit and building permit plans before permit issuance.

C. *Integration of environmental review*. When a development is subject to the State Environmental Policy Act (SEPA), the City conducts environmental review in accordance with AMC Ch. 18.04 concurrently with the initial development permit application, except as otherwise provided by that chapter.

D. *Consolidated hearings and appeals*. Consistent with RCW 36.70B.060, project review, including any administrative appeal of a SEPA procedural determination, is limited to one open record hearing and one closed record appeal. An appeal of a SEPA determination of significance is not subject to this subsection.

~~*Optional* Consolidated Application Processing. All projects that involves two or more application processes may, at the applicant's written request, be processed collectively under the highest-numbered type procedure required for any part of the application or may be processed individually under each of the review procedures. If the application is processed under the individual procedures option, the highest numbered type procedure must be processed prior to the subsequent lower numbered procedure.~~

~~A. *Integration of Environmental Review*. An aApplications for a development permit that is subject to the State Environmental Policy Act (SEPA) must be reviewed per AMC Chapter 18.04, State Environmental Policy Act, concurrently with review of the project's initial development permit application, except where exempted by that chapter.~~

~~B. Per RCW 36.70B.050, review of an application is allowed only one open record hearing and one closed record appeal hearing.~~

~~C. The appeal of a SEPA procedural determination is not subject to this section.~~

19.20.050 Lot Status and Development Eligibility ~~for Permits~~.

Clarifies legal lot and development eligibility standards to resolve lot status issues earlier and more consistently during permit review.

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

~~B. The Department may not issue any development permit for a lot created through a division, conveyance, or segregation that was illegal or contrary to city subdivision laws or Chapter 58.17 RCW.~~

A. *Purpose*. The purpose of this section is to establish standards for determining whether a given area of land is a legal lot and eligible for development, and to ensure that:

1. Land is divided in a manner consistent with the City's unified development code and with the requirements of RCW Chapter 58.17 governing the subdivision of land;
2. Land resulting from an unlawful division is not eligible for development, except as authorized by RCW 58.17.210;
3. A person who unlawfully divides land is not unjustly enriched;
4. A person is not denied reasonable use of their property; and
5. Development of multiple lots created before modern land division requirements provides for coordinated access, utilities, streets, stormwater facilities, and other required infrastructure.

B. *Applicability*. A lot proposed for development must be determined eligible for development under this section before issuance of a development permit.

C. *Development Eligibility.* A lot is a legal lot and eligible for development if one of the following applies:

1. **Lots created on or after June 9, 1937.** The lot was created on or after June 9, 1937 in accordance with state and local land division requirements applicable at the time of its creation, and no plat restriction, condition of approval, or other applicable restriction prohibits the lot from being developed independently.

2. **Lots created before June 9, 1937**. The lot was created before June 9, 1937, in accordance with territorial or state platting laws applicable at the time of its creation, and either of the following applies:

   a. the lot meets the minimum lot size for the applicable zone, and the lot either:

      (I) is in separate ownership from all adjoining lots; or

      (II) is in common ownership with one or more adjoining lot, and all of the following apply: (A) no existing structure or development occupies more than one of the commonly owned lots; (B) separate recognition of the lots would not create or increase a nonconformity on any lot; and (C) separate development of the lots would not require coordinated planning, extension, or construction of access, utilities, streets, stormwater facilities, or other required infrastructure.

   b. the lot does not meet the minimum lot size for the applicable zone, and the lot has been in separate ownership from adjoining lots continuously since April 19, 1978.

D. *Lots Not Eligible for Development*.

1. If a lot does not qualify under Subsection C but could qualify after a boundary line adjustment, lot combination, or other procedure authorized by this Title that does not create an additional lot, the procedure may be utilized to make the lot qualify.

2. If a lot cannot be made eligible for development under Subsection C or paragraph D.1., the applicant must use a land division to qualify the lots.

3. A lot resulting from an unlawful division of land is not eligible for development unless:

   a. the unlawful division has been corrected in accordance with this section; or

   b. issuance of a requested permit is otherwise authorized by RCW 58.17.210.

E. *Determination.*

1. The Department may determine lot status and development eligibility as part of the review of a development permit application. Issuance of the development permit constitutes a determination that the lot is eligible for the development authorized by the permit. A separate written determination of lot status is not required.

2. Upon request by a property owner, the Department may issue a written determination of lot status independent of a development permit application.

3. The applicant bears the burden of providing sufficient information to establish compliance with this section. The Department may require deeds, plats, surveys, title records, or other documentation necessary to determine the creation, ownership, development history, and development eligibility of the lot.

4. The existence of a tax parcel number, mailing address, utility account, or other administrative record does not, by itself, establish a lot is a legal lot or eligible for development.

~~**19.20.060 Lots of record.**~~

~~A. In any zone in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this title, a single-family dwelling and customary accessory buildings may be erected on~~

~~any single substandard lot of record at the effective date of adoption of the 1978 zoning ordinance. Such lot must have been in separate ownership and not of continuous frontage with other lots in the same ownership continuously since April 19, 1978. This provision applies even when such lot fails to meet the requirements for area or width, or both, that are generally applicable in the zone; provided, that setback dimensions and other requirements not involving area or width, or both, of the lot conform to the current regulations for the zone in which such lot is located.~~

~~B.~~F. ~~If two or more contiguous substandard lots, or combination of contiguous substandard lots and portions of lots, were in single ownership of record as of April 19, 1978, or at any time since that date, they must be aggregated and considered a single parcel for purposes of meeting current area and dimensional standards for lots in the zone in which they are located. If all such contiguous land under single ownership still constitutes a substandard lot once aggregated, a single-family dwelling and customary accessory buildings may be erected thereon (or other uses generally permitted in the zone), provided setback, lot coverage, and other requirements are met. No portion of land or lots thus aggregated may be used or sold in a manner which creates or leaves remaining a substandard lot.~~

[19.20.060(G) is recodified as 19.49.030(D).]

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

19.20.070 Vesting.

[No changes]

19.20.080 Requirement for public notices.

[No changes]

19.20.090 Pre-application conference.

A. [no change]

Makes preapplication conferences generally optional while allowing the Director to require them when early coordination would improve review of a particular proposal.

B. *When Required.* A pre-application conference is required when shown in AMC 19.20.030. The Director may require a preapplication conference when the complexity, scale, site conditions, permit requirements, or other characteristics of the proposal warrant early coordination to facilitate efficient review of the development proposal.

~~1. *Generally.* A pre-application conference is required when shown in AMC 19.20.030.~~

~~2.~~1. ~~*Exception.* The Director may waive the pre-application conference if the proposal has few development-related issues, involves subsequent phases of an approved development, or is substantially similar to a prior proposal affecting substantially the same property.~~

[No other changes]

19.20.100 Pre-application neighborhood meeting.

A. [no change]

B. *When required.*

Limits required neighborhood meetings to proposals where early communication would provide value beyond standard notice and review procedures.

1. A pre-application neighborhood meeting is required when shown in AMC 19.20.030. The Director may require a preapplication neighborhood meeting when the scale, location, nature, or other characteristics of the proposal warrant early neighborhood communication beyond the public notice and comment opportunities otherwise provided by this code.
2. The applicant must hold a neighborhood meeting before submitting an application and after any required pre-application conference.
3. The Director may require the applicant to hold another neighborhood meeting if the applicant's plans change significantly from those described at the neighborhood meeting.

~~4. *Exception.* The Director may waive the pre-application neighborhood meeting if the proposal has few development-related issues, involves subsequent phases of an approved development, or is substantially similar to a prior proposal affecting substantially the same property.~~

19.20.110 Application – Contents and completeness – Revisions – Expiration.

[No changes]

19.20.120 Application – Notice.

[No changes]

19.20.130 Application – Department review.

[No changes]

19.20.140 Public hearings and meetings.

A. All hearings and meetings conducted as part of processing a permit application must be conducted consistent with this section.

Table 19.20.140
Types of hearings and meetings.

	Open Record Pre-Decision	~~Closed Record Decision~~	Open Record Appeal	Closed Record Appeal
Participation	Any interested party	~~Applicant and any party of record~~	The applicant, any appellant, and any party of record	The applicant, any appellant
Facts allowed outside the record	Yes	~~No~~	Yes	No
Standard of review	Compliance with AMC Titles 16, 17, 18, 19	~~De novo~~	Clearly erroneous	Clearly erroneous
Burden of proof	Applicant	~~Applicant~~	Appellant	Appellant

[No changes to remaining section]

19.20.150 Public hearing – Notice.

[No changes]

19.20.160 Decision – Timing.

[No changes]

19.20.170 Decision – Notice.

[No changes]

19.20.180 Appeals.

[No changes]

19.20.190 Remand.

[No changes]

19.20.200 Reconsideration.

[No changes]

19.20.210 Exhaustion of administrative remedies.

[No changes]

19.20.220 Departures [Relocate to NEW AMC 19.21.100]

NEW CHAPTER 19.21 Administrative Flexibility

Establishes a coordinated process for limited administrative flexibility, allowing minor issues to be resolved without unnecessary variance procedures.

19.21.010 Purpose.

The purpose of this chapter is to establish a consistent framework for providing limited administrative flexibility in the application of development regulations while:

A. Preserving the purposes and intent of this Title;

B. Implementing the goals and policies of the Comprehensive Plan;

C. Accommodating site-specific conditions and circumstances not reasonably anticipated by generally applicable regulations; and

D. Promoting predictable and efficient permit review.

19.21.020 Authority.

A. A request for administrative flexibility may be approved by the Director only as expressly authorized by this chapter and other applicable provisions of this Title.

B. *Limitations*. Nothing in this chapter authorizes:

1. A prohibited land use;

2. Relief from regulations governing critical areas, shorelines, or flood hazards;

3. Relief from other regulations with separate approval procedures, including but not limited to stormwater exceptions, adjustments, and variances per AMC 19.76.040 and public street improvement modifications, deferments, waivers, and in-lieu options, per AMC 19.51.060.

4. Waiver of applicable building, fire, health, engineering, life-safety, or public infrastructure requirements.

5. Relief that would conflict with any applicable local, state, or federal law.

19.21.040 Review Procedures

A. *Application*. A request for a departure or administrative exception must be submitted on forms provided by the Department and must include sufficient information to identify the applicable development regulation, the modification requested, and how the request satisfies the applicable approval criteria.

B. *Timing*. A request must be submitted with, or during review of, the development permit application to which the request relates and before approval or issuance of that permit.

C. *Concurrent review*. A request must be reviewed concurrently with the development permit application to which it relates under the review procedures applicable to that application.

D. *Decision*. The decision-maker must approve, approve with conditions, or deny the request based on the applicable approval criteria of this chapter and any additional criteria established for the specific departure or exception.

E. *Effect of Approval*. Approval of a departure or administrative exception applies only to the development permit to which it relates and does not independently authorize development or construction.

F. *Documentation.* The decision must include written findings demonstrating how the request does or does not satisfy the applicable approval criteria and must be maintained as part of the project record. The Department must provide a report on departures, which include departure applications and decisions, at a minimum interval of every two years.

19.21.100 Departures.

Relocated from AMC 19.21.220. Consolidates existing administrative departure provisions into this new chapter with other forms of administrative flexibility.

A. *Overview and Purpose*. This title provides for a number of specific departure opportunities to development standards. The purpose is to provide applicants with the option of proposing alternative design treatments, provided such departures meet the purpose of the particular standard and any additional departure criteria established for the particular departure opportunity.

B. *Departures Are Voluntary*. This provision allows the flexibility for applicants to propose alternative designs on a voluntary basis, provided they meet the purpose of the standard and applicable departure criteria as noted above.

C. *Applicability*. Departure opportunities are available only where noted for specific standards.

~~*Procedures.* Permit applications that include departure requests go through the standard review procedures in this chapter, depending on the application type.~~

D. *Approval Criteria*. Project applicants must successfully demonstrate to the decision-maker how the proposed departure meets the purpose(s) of the standard and other applicable departure criteria that apply to the specific standard.

~~E. *Documentation.* The decision-maker must document the reasons for approving all departures (to be maintained with project application records) for the purpose of providing consistency in decision-making by the city. The Department must provide a report on departures, which include departure applications and decisions, at a minimum interval of every two years.~~

19.21.200 Administrative Exceptions.

Allows limited administrative adjustments to eligible standards when approval criteria are met.

A. *Purpose*. Administrative exceptions provide limited administrative flexibility to implement the purposes of this Title and the Comprehensive Plan where strict application of eligible development regulations would not reasonably advance those purposes.

B. *Applicability*. Administrative exceptions may be approved for development regulations administered under this Title that govern:

1. Form and intensity standards (AMC 19.42);
2. Use standards (AMC 19.43-19.49);
3. Private driveways and access (AMC 19.53);
4. Subdivision design and block structure (AMC 19.54); and
5. Project design (AMC 19.60-19.67 and 19.69).

C. Authorized Administrative Exceptions. Administrative exceptions may authorize the following:

1. Reductions in objective dimensional or numeric standards not exceeding (5%-10%) percent where the modification is warranted by site-specific conditions or circumstances; and

2. Limited modifications to other eligible development standards where strict application of the regulation would not further the purpose and intent of the regulation because of site-specific conditions, existing development patterns, infrastructure constraints, unusual physical characteristics, or other circumstances not reasonably anticipated when the regulation was adopted.

Establishes clear limits and criteria to promote predicable and consistent administrative decisions.

D. *Approval Criteria*. A request for an administrative exception may be approved upon finding that the applicant has demonstrated that all the following criteria are met:

1. If the requested administrative exception involves an objective dimensional or numeric development standard, the modification does not exceed the maximum adjustment authorized by this section:

2. The requested administrative exception is the minimum necessary to address the identified circumstance;

3. If the requested administrative exception is granted, the proposal will remain consistent with the overall purpose and intent of this Title and will further the applicable goals and policies of the Comprehensive Plan; and

4. The requested administrative exception will not create material adverse impacts to public health, safety, environmental resources, public infrastructure, or adjacent properties.

E. *Departures*. Where this title expressly authorizes a departure from a particular development standard, an administrative exception may not be used to modify that standard.

F. *Conditions*. Reasonable conditions may be imposed as necessary to ensure compliance with the approval criteria and purposes of this section.

19.28 Permit Revision and Expiration

19.28.010 Permit revision.

[no changes]

19.28.020 Permit expiration.

Clarifies permit revision, expiration, and extension procedures to improve predictability and reducec unnecessary permit reprocessing.

A. *Expiration schedule*. Permits and approvals have the ~~following~~ initial terms established in Table 19.28.020 and may be extended as provided in this section. ~~until expiration, and may be extended the number of times indicated for the length of extension indicated~~:

Table 19.28.020
Permit Terms and Extensions

Type of Permit or Approval	Initial Term	Number of Allowed Extensions	Length of Each Extension
Project Permits	See below.		
• Boundary line adjustment	1 year to record	0	n/a
• Conditional use permit	5 years to establish use	1	1 year
• Critical area permit or letter of exemption per AMC 19.70	2 years	1	1 year
• Floodplain development permit	2 years	1	1 year
• Site plan review	2 years	1	1 year
• Variance	2 years	1	1 year
• Framework development plan	No expiration, unless set forth in the approved plan	n/a	n/a
• Preliminary land division	See RCW 58.17.140	See RCW 58.17.140	See RCW 58.17.140
• Shoreline permits	2 years to commence construction; 5 years maximum. See WAC 173-27-090(4) and AMC 18.16.130.	See applicable provisions	See applicable provisions
Site Construction Permit	2 years to commence authorized work	1	6 months
Building Permits	See AMC 19.14	See AMC 19.14	See AMC 19.14
Clearing, grading permit	2 years	1	6 months

~~Table 19.28.020~~
~~Permit terms and extensions.~~

~~Type of Permit or Approval~~	~~Initial Term~~	~~Number of Allowed Extensions~~	~~Length of Each Extension~~
~~Boundary line adjustment~~	~~1 year to record~~	~~0~~	~~n/a~~
~~Building permits~~	~~18 months~~	~~1~~	~~18 months~~
~~Clearing, grading, grubbing~~	~~1 year to complete work~~	~~1~~	~~6 months~~
~~Conditional use permit~~	~~5 years to establish use~~	~~1~~	~~1 year~~
~~Fence permit~~	~~18 months~~	~~1~~	~~18 months~~
~~Framework development plan~~	~~No expiration, unless set forth in approved plan~~	~~n/a~~	~~n/a~~
~~Preliminary plat, short plat, binding site plan~~	~~Time to submit final plat is as set forth in RCW 58.17.140~~	~~0~~	~~n/a~~

Reasonable use exception	5 years to establish use	1	1 year
Shoreline exemption	1 year per SMP	0	n/a
Shoreline permits	2 years to commence construction; 5 years maximum. See WAC 173-27-090(4)	1	1 year
Sign permit	18 months	1	18 months
Site plan review	18 months to apply for building permit	1	18 months
Special use permit	See applicable code section		
Variance	5 years to establish use	1	1 year
Wetland delineation verification	5 years from city approval	0	n/a

B. *Shortening Modification of Initial Permit Term.*

1. *Shorter term*. The decision-maker may establish a shorter initial permit term than provided in Table 19.28.020 when the nature or circumstances of the development make the standard permit term unreasonable or when a shorter term is necessary to protect public health, safety or welfare. The city may, when issuing a decision, require a shorter expiration period than that indicated in subsection A of this section when the nature of the specific development is such that the normal expiration period is unreasonable or would adversely affect the health, safety, or general welfare of people working or residing in the area of the proposal.

2. *Longer term*. The decision-maker may establish a longer initial permit term than provided in Table 19.28.020 when the size, complexity, phasing, anticipated construction schedule, requirements of other governmental approvals, or other circumstances specific to the development make the standard permit term impactable.

3. *Decision*. A decision establishing a shorter or longer initial permit term must identify the expiration date and the basis for the modified term.

4. *Limitations*. A permit term may not be modified under this subsection where the term is established by state or federal law or another applicable provision of this code. Time limits for shoreline permits may be modified only as authorized by WAC 173-27-090 and the Shoreline Master Program.

B. The decision-maker may adopt time limits as a part of action on shoreline permits, in accordance with WAC 173-27-090.

C. *Commencement of Permit Term.*

1. *Generally.* The term for a permit will commence on the date of the final decision.

2. *Appeals*. ; If the decision except that in the event the decision is appealed, the effective datepermit term begins on will be the date of decision on appeal.

C.3. *Shoreline permits.* The term for a shoreline permit will commence on the effective date of the permit as defined in WAC 173-27-090.

D. *When Permit Expires.*

1. *Generally*. A permit or approval expires at the end of the applicable permit term unless the permit holder has completed the action specified in Table 19.28.020 or otherwise satisfied the requirements for maintaining the permit or approval in effect.

2. *Project permits implemented by construction permits*. A project permit with a two-year initial term remains valid if, before expiration, the permit holder submits a complete application for a building permit or site construction permit required to implement the approved development. The project permit remains valid while the approved development is being implemented under a valid building permit or site construction permit. When implementation requires multiple building permits or site construction permits, the project permit remains valid while development proceeds under such permits, provided there is no period of more than one year during which no implementing building permit or site construction permit is valid.

3. *Project permits not requiring construction permits*. If no building permit or site construction permit is required to implement a project permit with a two-year initial term, the project permit expires at the end of the applicable permit term unless the use or development authorized by the project permit has been established.

4. *Site construction permits*. A site construction permit expires if authorized work has not commenced within the term established in Table 19.28.020. Once work has commenced, the permit remains valid while work is diligently pursued and required inspections are obtained. The Department may expire the permit if authorized work is suspended or abandoned for more than 180 days,

~~1. A permit issued under this title will expire if, on the date the permit expires, the project sponsor has not performed the work indicated in Table 19.28.020 or fulfilled the requirements of the applicable permit.~~

5. ~~*Exception*~~*Excluded time*. The initial permit term does not include the time during which the approved development ~~a permit was not actually pursued by construction~~ could not proceed because of:

a. ~~p~~Pending litigation related to the permit; ~~-~~or

~~2.~~b. ~~-~~The permit holder's ~~because the applicant was~~ diligent~~ly~~ pursuit of ~~pursuing~~ permits or approvals from other governmental agencies necessary to proceed with the development. ~~for construction.~~

E. Permit Extensions.

1. *Eligibility*. A permit or approval may be extended only when an extension is authorized by Table 19.28.020 or another applicable provision of this code.

2. *Timing*. A request for an extension must be submitted before expiration of the permit or approval.

3. *Approval criteria*. An extension may be approved upon a finding that:

a. The permit holder has made a good-faith effort to proceed with the approved development.

b. Additional time is reasonably necessary to complete the action required to prevent expiration; and

c. The extension is consistent with applicable requirements governing the permit or approval.

4. *Effect of extension*. An extension extends the expiration date for the period authorized by Table 19.28.020 and does not authorize modification of the approved development or conditions of approval.

~~*Extension of Land Use Applications.* An extension may be granted by the Director for one year if the applicant has attempted in good faith to complete the proposed development activity necessary to meet the conditions of approval.~~

~~*Extension of Shoreline Permits.* In accordance with AMC 18.16.130.~~

Division 3. Permits & Approvals.

19.30 Site Plan & Design Review
19.32 Land Divisions
19.34 Boundary Line Adjustments
19.36 Conditional Uses
19.~~38~~ 37 Variances
NEW CHAPTER 19.38 Site Construction Permits
NEW CHAPTER 19.39 Building Permits

19.30 Site Plan & Design Review

19.30.010 Purpose.

~~To ensure that site plans are reviewed to achieve the following purposes~~

Refocuses site plan review on establishing compliance with development requirements before detailed construction review.

The purpose of this chapter is to establish a coordinated process for reviewing development proposals for compliance with applicable development regulations and design standards before issuance of applicable construction permits, thereby reducing duplicative review and improving the efficiency and predictability of permit review.

~~Compliance with the provisions of the AMC and all other applicable laws.~~

- ~~Coordination, as is reasonable and appropriate, with other known or anticipated development on private properties in the area and with known and anticipated right-of-way and other public projects in the area.~~
- ~~The encouragement of proposals that embody good design principles that will result in high-quality development on the subject property.~~
- ~~The adequacy of streets and utilities in the area of the subject property to serve the anticipated demand from the proposal.~~
- ~~Determination that the proposed street access to the subject property is the suitable location and configuration for access.~~
- ~~To ensure that low impact development (LID) principles and best management practices (BMPs) are integrated into site design~~

19.30.020 Applicability.

Clarifies when site plan review is required and exempts routine work that does not warrant separate project-level review.

A. Generally. Site plan review is required for all proposed development involving new construction, exterior expansion or alteration of a structure, land disturbing activity, construction or alteration of site improvements, redevelopment, or change of use, unless this Title expressly exempts the development or provides an alternative review process. Site plan review includes design review when required by this Title.

~~All nonsubdivision development proposals will be subject to site plan review and approval except repair, maintenance, and interior remodeling.~~

~~A.~~B. Site Plan Review is **not** required for the following:

Exempts qualifying interior alterations from site plan review consistent with state permit-streamlining requirements.

1. Interior alterations, consistent with RCW 36.70B.140(3), when the construction activities do not modify the existing site layout or approved use of the site, do not involve exterior work that increases the building footprint, and do not:
   a. Add sleeping quarters or bedrooms when the additional sleeping quarters or bedrooms would trigger additional development requirements under this Title;
   b. Trigger compliance with applicable Federal Emergency Management Agency (FEMA) floodplain substantial improvement requirements; or
   c. Increase the total valuation of the structure to thereby require upgraded fire access or fire suppression systems.
2. Ordinary maintenance and repair that does not materially alter the approved site, a structure, circulation system, landscaped areas, drainage facilities, utilities, or the approved use of a property.
3. In-kind replacement of paving, landscaping, fencing, lighting, utilities, or other site improvements that do not increase capacity or intensity of use, increase a nonconformity, or otherwise require site plan review under this Title.
4. Emergency repairs necessary to protect public health, safety, or property, so long as all required permits are subsequently obtained.
5. Preliminary and final land divisions, boundary line adjustments, and lot consolidations reviewed under other applicable provisions of this Title.

~~B.~~C. *Timing of Application.* An application for site plan review may be submitted:

Allows site plan review to occur before or concurrently with detailed construction permits.

1. Independently, once the proposed use, scale, intensity, and site layout are sufficiently defined to allow review under this Chapter, and before an application for applicable site construction or building permits; or
2. Concurrently with an application for another project permit, site construction permit, or building permit.

19.30.030 Application requirements.

Limits site plan submittals to information necessary for project-level decisions rather than requiring premature construction details.

A. An application must be submitted to the Department on forms provided by the Department and include applicable fees and all required information in the application submittal checklist.

B. An application must include sufficient information to demonstrate compliance with the approval criteria of this chapter and to support environmental review under SEPA, when applicable.

C. Final engineering design and construction details are not required unless necessary to determine compliance with an approval criterion.

~~Site plan review applications are reviewed per AMC Chapter 19.20, Application Procedures.~~

~~B. The Department may optionally request a three-dimensional visualization of proposed development that will exceed a building height of 40 feet to help determine compliance with applicable building design standards (AMC Chapter 19.63).~~

19.30.040 Review process.

Site plan review applications are processed in accordance with AMC Chapter 19.20.

19.30.050 Approval criteria & decision.

Clarifies the matters decided during site plan review, including development compliance, site design, infrastructure feasibility, and environmental requirements.

A. *Criteria*. Site Plan Review may be approved only if the application demonstrates that the proposed development and site plan:

1. Comply with the applicable zoning and development regulations governing the use, density, intensity and development of the property;
2. Comply with applicable development regulations and design standards governing site design, including the location and design of buildings, access, circulation, parking, loading, landscaping, open space, drainage, and other site improvements;
3. Demonstrate that public and private infrastructure necessary to serve the development is available or can be provided, and that the required public right-of-way, access and circulation, utility, drainage, stormwater, emergency access, and other site improvements can feasibly be provided in accordance with applicable development regulations, adopted plans, and engineering standards; and

~~1.~~4. Comply with applicable environmental regulations, including critical areas, shoreline, floodplain, stormwater, and other natural resource protection requirements.

Allows infrastructure feasibility to be established during site plan review without requiring final engineering design.

B. *Level of Detail*. The application must contain sufficient information to demonstrate compliance with the approval criteria and the feasibility of required site improvements. Final engineering design and construction details are not required for Site Plan Review unless necessary to determine compliance with an applicable approval criterion and may be reviewed through a subsequent site construction permit or building permit, as applicable.

C. *Decision*. The site plan review decision must identify the approved development, site plan and conditions upon which the approval is based. The approved site plan and decision must establish, as applicable:

1. The approved use or uses and density or intensity of development;
2. The location, general dimensions, and configuration of proposed buildings and other principal site improvements;
3. The approved site layout, including access, circulation, parking, loading, landscaping, open space, and other applicable site features;

4. The location and general configuration of required public and private infrastructure and site improvements, including public right-of-way, access and circulation, utilities, drainage, stormwater, and emergency access improvements;

5. Applicable environmental constraints, protected areas, buffers, and mitigation requirements;

6. Conditions of approval and requirements to be satisfied before or through subsequent construction permits and building permits; and

7. Other information necessary to establish the scope of the approval and provide for review of subsequent permits for consistency with the approved Site Plan.

Final engineering design and construction details are not approved through Site Plan Review except where expressly included in the approval.

~~19.30.040 Review criteria.Conformance with all other applicable laws, ordinances and regulations.~~

~~Conformance with AMC Chapter 19.59, Underground Utilities.~~

~~Conformance with AMC Chapter 19.22, Concurrency.~~

~~Conformance with the applicable zoning provisions of Division 4 of this title, including:~~

~~AMC Chapter 19.41, Allowed Uses.~~

~~AMC Chapter 19.42, Form and Intensity Standards.~~

~~The applicable use standards of AMC Chapters 19.43 through 19.48.~~

~~Conformance with the applicable community design provisions of Division 5 of this title, including:~~

~~AMC Chapter 19.51, Public Street Improvements Required.~~

~~AMC Chapter 19.52, Public Street Design.~~

~~AMC Chapter 19.53, Private Driveways and Access.~~

~~AMC Chapter 19.54, Subdivision Design and Block Structure.~~

~~Conformance with the applicable project design provisions of Division 6 of this title, including:~~

~~AMC Chapter 19.61, Block Frontage Standards.~~

~~AMC Chapter 19.62, Site Planning.~~

~~AMC Chapter 19.63, Building Design.~~

~~AMC Chapter 19.64, Parking.~~

~~AMC Chapter 19.65, Landscaping.~~

~~AMC Chapter 19.66, Fences, Walls and Hedges.~~

~~AMC Chapter 19.67, Signs.~~

~~AMC Chapter 19.69, Standards, Generally.~~

~~Conformance with other applicable environmental provisions, including:~~

~~AMC Chapter 19.70, Critical Area Regulations.~~

~~AMC Chapter 18.04, State Environmental Policy Act.~~

~~AMC Chapter 18.16, Shoreline Master Plan.~~

~~AMC Chapter 19.76, Stormwater.AMC Chapter 19.78, Clearing and Grading.~~

19.30.060 Scope and Effect of Approval

Clarifies which development decisions are established through site plan review and avoids duplicative reconsideration during subsequent permit review.

A. *Scope of Approval.* Approval of a site plan establishes compliance with the approval criteria of this chapter and establishes the approved use, density or intensity, site design and layout, general location and configuration of required infrastructure and site improvements, appliable environmental requirements, and conditions of approval.

Clarifies that site plan approval establishes development compliance but does not authorize construction or approve final engineering plans.

B. *Construction Authorization.* Site Plan Review approval does not authorize construction or constitute approval of final engineering design or construction plans. Final engineering design, construction plans, and related technical documents must be reviewed and approved through applicable Construction Permits.

Limits subsequent review to consistency with the approved development and applicable construction requirements, reducing duplicative review.

C. *Subsequent Construction Permit Review.* An approved site plan governs review of subsequent Construction Permit applications implementing the approved development until the Site Plan Review approval expires, is modified, or is revoked pursuant to this Title. Subsequent permit review is limited to determining consistency with the approved site plan and compliance with applicable construction codes, engineering standards, and requirements reserved for review though the applicable Construction Permit. Compliance with the approved site plan constitutes compliance with the approval criteria of this chapter, and the Department must not reconsider those criteria except when:

1. The development proposed in a subsequent permit application is materially inconsistent with the approved site plan;
2. Applicable regulations or conditions affecting the property have materially changed since site plan review approval and apply to the subsequent permit;
3. Information material to the site plan review approval was inaccurate or incomplete;
4. The applicant requests and receives approval of a modification to the approved site plan pursuant to AMC 19.28.010, *Permit revision*; or

~~1.~~5. The site plan review approval has expired pursuant to AMC Ch. 19.28.

Chapter 19.32 Land Divisions

[no changes]

Chapter 19.34 Boundary Line Adjustments

[no changes]

Chapter 19.36 Conditional Uses

[no changes]

Chapter 19.378 Variances

ℹ Renumbers the existing variance chapter to accommodate the Site Construction Permit chapter.

[renumber sections; otherwise, no changes]

NEW CHAPTER 19.38 Site Construction Permit

ℹ Formalizes coordinated permit process for detailed engineering, construction, and inspection of site improvements and civil infrastructure.

19.38.010 Purpose.

ℹ Clarifies the role of site construction permit review in implementing approved development through detailed engineering and construction plans.

A. The purpose of this chapter is to establish a Site Construction Permit process for detailed engineering review, approval, construction, and inspection of site improvements and civil infrastructure necessary to implement approved development.

B. Site construction permit review determines compliance with applicable engineering standards, construction requirements, approved project permits, and associated conditions of approval.

C. Site construction permit review implements approved development and does not reconsider the project's land use decisions, site layout, environmental determinations, infrastructure feasibility, or other matters previously established through an approved project permit except expressly authorized by this title.

19.38.020 Applicability.

ℹ Establishes when a separate site construction permit is warranted based on the need for detailed or coordinated engineering and construction plans.

A. *Generally.* A site construction permit is required when proposed site improvements, civil infrastructure, grading, drainage, stormwater facilities, utilities, access, circulation improvements, or other site work require detailed or coordinated engineering review under this title.

B. *Site construction permit required*. A separate site construction permit is required for any of the following:

1. *Land division*. Construction of site improvements or civil infrastructure required to implement an approved preliminary subdivision, short subdivision, binding site plan, or other land division when engineered improvements are required before final approval or recording.

2. *Public infrastructure*. Construction, extension, replacement, or modification of public streets, sidewalks, water, sewer, stormwater, or other public infrastructure required to serve a development.

3. *Shared infrastructure*. Construction or modification of private streets, access, utilities, stormwater facilities, or other civil infrastructure designed to serve more than one lot, building, or development site.

4. *Stormwater facilities*. Construction of a stormwater facility or system requiring engineered design under applicable City stormwater requirements, except when the system is associated with a development for which the City determines that the stormwater system can be adequately reviewed through another development permit.

5. *Grading and land disturbance*. Grading, excavation, fill, retaining structures, or other land disturbing activity requiring engineered plans under this Title or other applicable City requirements, except when the work is associated with a development for with the City determines the work can be adequate reviewed through another development permit.

~~1.~~6. *Other engineered site work*. Site or civil construction for which engineered plans prepared by a licensed professional engineer are required and the Department determines that separate review, construction, authorization or inspection through a site construction permit is necessary to ensure compliance with applicable requirements.

Clarifies the applicable site standards still apply without automatically triggering a separate site construction permit.

C. *Compliance with applicable standards*. Site improvements and other site work must comply with applicable development regulations, engineering standards, and other requirements regardless of whether a separate site construction permit is required. The application of such requirements does not, by itself, require a site construction permit. When a separate site construction permit is not required, associated site work may be reviewed and approved through a building permit or other applicable development permit.

D. *Site construction permit not required*. A separate site construction permit is not required for:

1. Site work that does not meet a threshold in subsection B;

2. Site work associated with a building permit that can be adequately reviewed, approved, constructed, and inspected through the building permit application;

3. Ordinary maintenance, repair, or in-kind replacement of existing site improvements that does not materially alter the capacity, location, or function of the improvement;

4. Emergency repair work necessary to protect life, property, or public infrastructure, provided the City is notified as soon as practicable and all other required permits are obtained;

~~2.~~5. Site work reviewed through another development permit that provides review, construction authorization, and inspection sufficient to determine compliance with applicable requirements.

Clarifies that site construction permit approval does not replace required right-of-way authorization.

E. *Work within public right-of-way*. Approval of site improvements or civil infrastructure through a site construction permit does not authorize construction within public right-of-way. Work within public right-of-way is also subject to applicable right-of-way permits and requirements.

19.38.030 Application requirements.

Establishes application requirements focused on detailed engineering and consistency with applicable project approval.

A. An application must be submitted on forms provided by the Department on forms provided by the Department, together with applicable fees and information required by the applicable application and submittal requirements.

B. An application must contain sufficient information to demonstrate consistency with applicable approved project permits and compliance with the approval criteria of this chapter.

19.38.035 Review process.

Site construction permit applications are processed in accordance with AMC Chapter 19.20.

19.38.040 Approval criteria & decision

Establishes criteria focused on engineering standards, construction requirements, and consistency with approved development.

A. *Approval criteria*. A site construction permit may be approved only if the application demonstrates that:

1. The proposed site improvements and civil infrastructure are consistent with applicable approved project permits and associated conditions of approval;

2. Engineering plans comply with applicable engineering standards, construction requirements, public works specifications and other applicable regulations.

3. The proposed improvements are consistent with the approved site plan review, applicable land use approvals, and associated conditions of approval.

4. Required utilities, transportation improvements, grading, drainage, stormwater facilities, erosion and sediment control measures, and other infrastructure improvements comply with applicable regulations and engineering standards.

5. Applicable environmental mitigation measures and permit conditions are incorporated into the engineering plans.

B. *Decision*. A site construction permit decision must identify the approved engineering plans, specifications, conditions and other information necessary to establish the scope of the approval and authorize construction.

19.38.050 Scope and effect of approval.

Defines the construction authority provided by a site construction permit and its relationship to other project approvals.

A. *Scope of approval*. Approval of a site construction permit establishes that the approved engineering plans comply with the approval criteria of this chapter.

B. *Construction authorization*. Site construction permit approval authorizes construction of the approved site improvements and civil infrastructure in accordance with the approved plans and applicable conditions. Approval does not authorize work requiring a separate permit, including work within public right-of-way when a separate right-of-way permit is required.

~~A.~~C. *Relationship to project permits*. A site construction permit implements applicable approved project permits and does not modify or reconsider those approvals except as expressly authorized by this title.

Allows minor engineering adjustments during construction without review unnecessarily reopening the underlying project approval.

D. *Engineering adjustments*. Engineering plans submitted for a site construction permit must be substantially consistent with the approved project permits. Minor engineering adjustments necessary to comply with engineering standards, address field conditions, or implement approved infrastructure improvements may be approved through the site construction permit if the adjustment:

a. Does not increase the approved density or intensity of development;

b. Does not result in additional environmental impacts requiring modification of an applicable environmental determination or mitigation requirement;

c. Does not materially alter approved access, circulation, drainage concepts, or utility service, or other principal site features;

d. Does not conflict with applicable conditions of approval; and

e. Remains substantially consistent with the applicable approved project permits.

An adjustment that does not satisfy these criteria requires modification of the applicable project permit before approval of the stie construction permit.

19.38.060 Performance and warranty security

Consolidates security requirements with the permit responsible for construction of required site improvements.

A. *Performance security*. Before permit issuance or as otherwise required by this Title, the City may require performance security to guarantee completion of required improvements. The amount and form of security must be established in accordance with applicable City requirements and must be sufficient to rover the required secured improvements.

B. *Warranty or maintenance security*. Then required by this Title or applicable City standards, warranty or maintenance security must be provided before release of applicable performance security or final acceptance of improvements.

19.38.070 Preconstruction requirements

Establishes clear requirements that must be satisfied before authorized site construction beings.

Before commencing work authorized by a site construction permit, the permittee must, as applicable:

A. Obtain all other permits required for the work.

B. Provide required performance security.

C. Attend a preconstruction meeting when required.

D. Install required erosion and sediment control measures.

E. Identify critical areas, buffers, easements, and other protected features and areas, as required.

F. Satisfy applicable conditions required before construction.

19.38.080 Inspections

Establishes a coordinated inspection and correction process for permitted site and infrastructure construction.

A. Work authorized by a site construction permit is subject to inspection by the City.

B. Work may not proceed beyond inspection points designated by the City until required inspections have been completed and the work is approved to proceed.

C. The City may require correction of work that does not comply with approved plans, permit conditions, or applicable requirements.

19.38.100 Completion and acceptance

Clarifies requirements for completing permitted work and obtaining City acceptance of public improvements.

A. Upon completion of the work, the permittee must submit required record drawings and other applicable completion documentation.

B. The City must conduct a final inspection to ensure compliance with approved plans, permit conditions, and applicable requirements.

C. Public improvements may not be accepted by the City until all applicable completion documentation, inspection, security, and other acceptance requirements have been satisfied.

NEW CHAPTER 19.39 Building Permits

Clarifies the role of building permits within the development process and their relationship to project and site construction permits.

19.39.010 Purpose

Clarifies that building permit review focuses on detailed building design, construction-code compliance, and implementation of approved development.

A. The purpose of this chapter is to establish a building permit process for review, approval, construction and inspection of work regulated by the codes adopted under AMC Ch. 19.14, *International codes*.

B. Building permit review determines compliance with applicable codes and implements approved development through detailed review of building design and construction.

C. Building permit review implements approved development and does not reconsider land use decisions, site layout, environmental determinations, infrastructure feasibility, or other matters previously established through an approved project permit except as expressly authorized by this title.

19.39.020 Applicability

Clarifies that building permit requirements and exemptions are governed by the adopted construction codes and local amendments.

A. A building permit is required when required by the codes adopted under AMC Ch. 19.14 and local amendments.

B. Work exempt from building permit requirements is governed by the codes adopted under AMC Ch. 19.14 and other applicable provisions of this Title.

19.39.030 Relationship to Other Permits

Clarifies how building permits coordinate with project permits and site construction permits and preserves required permit sequencing. Allows building permit review to proceed concurrently with other permits while preserving prerequisite project approvals. Allows simpler site work to be reviewed through the building permit when separate engineering review is unnecessary.

A. A building permit does not constitute approval of a project permit, site construction permit, or other development permit required by this title.

B. A building permit may be submitted and reviewed concurrently with other development permit applications in accordance with AMC 19.20.040 but may not be issued until required project permits have been approved.

C. A building permit must be consistent with applicable approved project permits and associated conditions of approval.

D. Associated site work may be reviewed and approved through a building permit when a separate site construction permit is not required under AMC Ch. 19.38.

E. When a development requires both a building permit and site construction permit the applications and approved plans must be coordinated with respect to shared or overlapping improvements and requirements. Neither permit constitutes approval of the other unless expressly provided by this Title.

19.39.040 Application Requirements

Tailors building permit submittals to construction-code compliance, approved development, and any associated site work.

A. An application must be submitted to the Department on forms provided by the Department, together with applicable fees and information required by the applicable application and submittal requirements.

B. The application must contain sufficient information to demonstrate consistency with applicable approved project permits and compliance with the approval criteria of this chapter.

C. When associated site work is reviewed through the building permit, the application must include information necessary to determine compliance with applicable development requirements, engineering standards, and other requirements.

19.39.050 Review process.

Building permit applications are processed in accordance with AMC Chapter 19.20 and the codes adopted under AMC Ch. 19.14.

19.39.060 Approval criteria and decision.

Focuses building permit decisions on construction-code compliance and consistency with applicable development approvals.

A. *Approval criteria*. A building permit application may be approved only if the application demonstrates that:

1. The proposed construction complies with the codes adopted in AMC Ch. 19.14,
2. The proposed work is consistent with applicable approved project permits and associated conditions of approval.
3. Associated site work reviewed through the building permit complies with applicable development regulations, engineering standards, and other requirements; and
4. Other permits or approvals required before building permit issuance have been obtained.

B. *Decision*. The building permit decision must identify the approved plans, specifications, conditions, and other information necessary to establish the scope of the approval and authorization of construction.

19.39.070 Scope and effect of approval.

Clarifies construction authority provided by a building permit and avoids reconsideration of previously approved project-level decisions.

A. *Scope of approval*. Approval of a building permit establishes that the approved plans comply with the approval criteria of this chapter based on the information submitted and reviewed.

B. *Construction authorization*. Building permit approval authorizes work shown on the approved plans in accordance with applicable conditions and code adopted under AMC Ch. 19.14. When a separate site construction permit is not required, building permit approval may also authorize associated site work shown on the approved plans.

C. *Relationship to project permits*. A building permit implements applicable approved project permits and does not modify or reconsider those approvals except as expressly authorized by this Title.

D. *Relationship to site construction permit*. When a separate site construction permit is required, site improvements and civil infrastructure subject to that permit are reviewed and authorized under AMC Ch. 19.38 and are not approved through the building permit.

19.39.080 Inspections.

Clarifies inspection responsibilities and correction requirements for work authorized by a building permit.

A. Work authorized by a building permit is subject to inspection in accordance with the codes adopted under AMC Ch. 19.14.

B. The permit holder must request required inspections and may not conceal or proceed beyond work requiring inspection until authorized under the applicable adopted code.

C. The city may require correction of work that does not comply with approved plans, permit conditions, or applicable requirements.

19.39.090 Completion and final approval.

Clarifies final building approval while preserving separate requirements for site improvements and project permits.

A. Upon completion of the work, the permit holder must obtain required final inspections and satisfy applicable permit conditions.

B. The City provides final approval, a certificate of occupancy, or other applicable authorization when the requirements of the building permit and applicable codes have been satisfied.

C. Final approval of a building permit does not constitute acceptance of public improvements or completion of requirements governed by separate construction permits or project permits.

Public Comment Response Matrix

September 4, 2026

The following matrix summarizes the principal issues and recommendations raised in public comments received to date regarding the proposed amendments. Similar or overlapping comments have been consolidated by topic. The matrix is intended to identify the substance of the comments, provide staff's response, and indicate whether staff recommends a change to the draft amendments or other follow-up action.

The matrix may be updated prior to the public hearing to reflect additional comments received.

#	Topic / Summary of Comment	Staff Response	Staff Recommendation
1	**Lot status / lot of record.** Clarify what constitutes a lot of record, whether lawful creation is required, and how the lot of record and permit eligibility provisions work together.	Staff agree that the existing provisions are difficult to apply consistently. The amendments revise the lot status and development eligibility provisions to distinguish lawful creation from development eligibility and to address older lots and unlawful divisions more clearly.	Retain proposed revisions.
2	**Overall support for streamlining.** The commenter strongly supports the amendments and recommends additional reductions in permit time, cost, and unnecessary regulation.	Staff agree that permit procedures should be no more complicated than necessary to implement applicable regulations and policies. The proposal is intended to improve efficiency primarily though clearer sequencing, defined permit responsibilities, limited administrative flexibility, and reduced duplication, rather than elimination of substantive development standards.	Support noted. No change recommended
3	**Timing / relationship to CAO, SMP and other planning work.** Delay the amendments until the CAO/SMP updates and other process analyses are complete.	The referenced projects have related but different purposes. The CAO and SMP updates primarily address substantive environmental and shoreline regulations; this package principally addresses permit administration, sequencing, and implementation. Cross-references should remain coordinated, but completion of updates to the SMP/CAO is not necessary before procedural improvements are considered.	No delay recommended. Continue coordinating related code provisions.

#	Topic / Summary of Comment	Staff Response	Staff Recommendation
4	**Claim that permit decisions are being shifted from hearings/Council to staff.** Comments state that permits previously receiving neighborhood meetings, hearings, Planning Commission review, or Council oversight would become administrative decisions.	The proposed amendments **do not** change existing decision-making authority or eliminate existing public participation requirements. They retain the existing Type 1 through Type 4 review structure, including Type 3 Hearing Examiner and Type 4 City Council decisions. No existing permit that currently requires a Hearing Examiner or City Council decision would be converted to an administrative decision. The amendments also do not eliminate any neighborhood meetings or public hearings currently required by the code.	Clarify in staff report and hearing presentation. No change recommended.
5	**Broader neighborhood meetings and hearings**. Require neighborhood meetings for all R1, Type 2 and Type 3 applications and open-record hearings for R1 and Type 2 applications.	The requests would expand existing public process requirements rather than preserve a process being eliminated by the amendments. The draft amendments retain review classifications while allowing early coordination to be required where warranted by project circumstances.	Policy choice for Planning Commission. Staff does not recommend a blanket hearing or meeting requirement based solely on review type or R1 zoning.
6	**R1-specific review process.** Establish enhanced public participation or a separate process for development in the R1 zone.	The proposal does not establish procedural classifications based solely on zoning district. Applicable review is determined by the permit required and the characteristics and impacts of the development. R1 properties remain subject to applicable critical area, shoreline, stormwater, SEPA, zoning, and other requirements.	Policy choice. Staff does not recommend a separate R1 zone permitting track.
7	**Type 1 criteria.** Establish criteria explaining when staff may make a Type 1 administrative decision.	Type 1 identifies the procedure and decision type; it does not replace the substantive approval criteria applicable to the underlying permit. The proposal expressly identifies Type 1 as an Administrative Ministerial Action and separately identifies Type 2 administrative decisions. Permit-specific criteria for approval of Site Construction Permits and Building Permits (both Type 1 permits) is within each new chapter addressing those permits.	No additional Type 1 criteria recommended; retain the distinction between review procedure and permit-specific approval criteria.

#	Topic / Summary of Comment	Staff Response	Staff Recommendation
8	**Site Plan Review "lock-in" / material new information.** Concern that limiting subsequent review to consistency with Site Plan Review eliminates substantive engineering or infrastructure review.	The proposal does establish finality for matters decided through Site Plan Review, which is intentional to reduce repetitive review and to enhance certainty. It does not, however, make the approval absolute. Reconsideration is expressly allowed when a later proposal is materially inconsistent, applicable regulations materially change, material information was inaccurate or incomplete, an approved site plan modification occurs, or the approval expires.	Revision recommended. Clarify that matters resolved through Site Plan Review may be revisited when material new information becomes available that was not reasonably available during the earlier review and could materially affect the approval or applicable conditions.
9	**Later engineering review.** Concern that limiting subsequent review to consistency with Site Plan Review eliminates substantive engineering or infrastructure review.	The proposal separates Project Permit-level decisions, including site plan review, from detailed engineering review; it does not eliminate the latter. Site Plan Review does not authorize construction or approve final engineering plans. Site Construction Permit review expressly determines compliance with engineering standards, construction requirements, project approvals, and conditions.	Factual clarification. No change recommended.
10	**Off-site and cumulative impacts.** Require review of traffic, stormwater, lighting, noise, trees, utilities, environmental impacts and cumulative effects throughout the process.	Applicable off-site effects continue to be reviewed where relevant under the applicable development regulations, infrastructure standards and environmental review. The amendments do not exempt projects from those requirements.	No change recommended; applicable impacts remain subject to existing development and environmental review requirements.
11	**Administrative flexibility and numerical reductions.** Concern about excessive discretion, inconsistent decisions, and blanket 5-10% reductions.	The proposal substantially limits the authority. It cannot authorize prohibited uses or relief from critical area, shoreline, flood hazard, stormwater, public streets, building, fire, engineering, life-safety, or other legal requirements. Eligible exceptions must be the minimum necessary, remain consistent with Title 19 and	Retain the proposed administrative flexibility provisions and limitations. Set the maximum reduction allowed at 10%.

#	Topic / Summary of Comment	Staff Response	Staff Recommendation
		Comprehensive Plan purposes, and avoid material adverse impacts to environmental resources, infrastructure, and adjacent properties.	
12	**Documentation of administrative flexibility.** Publish findings and maintain accessible records of exceptions, departures and similar decisions.	Staff agrees with the need for documented decisions. The proposal requires written findings demonstrating whether the criteria are met and retention of those findings in the project record.	Retain written findings requirement. No additional change is recommended.
13	**Permit terminology and definitions.** Use more familiar terms such as "Land Use" and "Infrastructure/Site Preparation" and add numerous definitions.	Staff agrees the process must be understandable but recommends retaining the functional distinction among Project Permit, Site Construction Permit and Building Permit. The distinctions are important to explain the scope and sequence of review and to maintain consistency with RCW 36.70B, which regulates local government's project permit review processes.	Retain code framework; improve applicant guides and diagrams. Add definitions only where a specialized regulatory meaning requires one.
14	**Site Plan Review applicability and information.** Require Site Plan Review more broadly and clarify what applicants submit at each stage.	Staff agrees with the second concern but not with requiring a separate Site Plan Review for every development. Requiring an additional Project Permit where it adds no value would reduce efficiency. The framework should instead clearly identify the level of information necessary for Site Plan Review versus subsequent engineering and building review.	Retain applicability framework. Develop permit-specific submittal checklists.
15	**Site Construction Permit scope / engineering responsibilities.** Clarify when the permit is required and what type of engineering it addresses.	The proposal intentionally bases applicability on whether detailed or coordinated engineering review is required rather than automatically requiring a separate Site Construction Permit for every development. This prevents the new chapter from creating an unnecessary additional permit for simple projects.	Retain proposed applicability provisions. Clarify review responsibilities through applicant guidance and internal procedures.
16	**Protected areas, preconstruction requirements, inspections and security.** Require fencing/signage, erosion control inspection, documentation, performance security and long-term monitoring.	The proposal already requires applicable erosion and sediment controls, identification of critical areas, buffers, easements and protected features before construction. Related standards are also included in the critical areas regulations. The proposal establishes inspection hold	No additional code requirements are recommended. Address project-specific inspection and security requirements

#	Topic / Summary of Comment	Staff Response	Staff Recommendation
		points, correction authority, and final inspection and completion documentation.	through permit conditions, engineering standards, and inspection procedures.
17	**Public comment tracking / project dashboard.** Require a real-time issue-and-response matrix showing how every comment was considered.	The objective of understandable and traceable decision records is appropriate. The proposed system laid out in this comment, however, would establish a substantial new administrative program extending beyond the permit streamlining amendments.	Operational improvement for separate consideration. Not recommended as a mandatory code requirement.
18	**Demonstration program / permit performance measures.** Make the amendments temporary as a one-year demonstration program and evaluate them after a year; publish performance statistics.	Evaluation of permit performance is desirable, but a temporary development code creates uncertainty regarding which regulations apply to projects submitted before, during, and after a pilot period.	Do not sunset the code. Develop performance measures administratively.
19	**Alternative three-stage adaptive review.** Replace or supplement the proposed framework with Early, Middle and Latter review checkpoints and reopen issues upon defined triggers.	The proposed amendments share several objectives with the alternative provided in this comment: early resolution of major issues, staged review, documented decisions, later technical review, and reopening where material circumstances justify it. The principal difference is that the City's proposal establishes defined permit decisions and relies on modification/review triggers rather than creating three additional procedural checkpoints.	Retain the proposed permit framework rather than establish separate Early, Middle, and Latter review checkpoints. Revise the draft to clarify that matters resolved through an earlier permit decision may be revisited when material new information becomes available that was not reasonably available during the earlier review. Address improved public-facing project information through

#	Topic / Summary of Comment	Staff Response	Staff Recommendation
			administrative implementation rather than additional code requirements.

May 6, 2026

John Coleman
Director of Planning, Community & Development
City of Anacortes
904 6th Street
Anacortes, WA 98221

Subject: Executive Order 2026-02. "Permit Streamlining" and more specifically the following:

4. a. "revise the lot of record rules (AMC 19.20.060) to recognize preexisting lots that meet or exceed the minimum lot size and other dimension standards for zone without the requirement for a boundary line adjustment or land divisions."

Current City Code:

i)

19.20.050Eligibility for permits.

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

B. The Department may not issue any development permit for a lot created through a division, conveyance, or segregation that was illegal or contrary to city subdivisionlaws or Chapter 58.17 RCW. (Ord. 3040 § 2 (Att. A), 2019; Ord. 2992 § 1 (Att. A), 2016)

ii) *19.20.060.*

Lots of record.

A. In any zone in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this title, a single-family dwelling and customary accessory buildings may be erected on any single substandard lot of record at the effective date of adoption of the 1978 zoning ordinance. Such lot must have been in separate ownership and not of continuous frontage with other lots in the same ownership continuously since April 19, 1978. This provision applies even when such lot fails to meet the requirements for area or width, or both, that are generally applicable in the zone; provided, that setback dimensions and other requirements not involving area or width, or both, of the lot conform to the current regulations for the zone in which such lot is located.

B. If two or more contiguous substandard lots, or combination of contiguous substandard lots and portions of lots, were in single ownership of record as of April

19, 1978, or at any time since that date, they must be aggregated and considered a single parcel for purposes of meeting current area and dimensional standards for lots in the zone in which they are located. If all such contiguous land under single ownership still constitutes a substandard lot once aggregated, a single-family dwelling and customary accessory buildings may be erected thereon (or other uses generally permitted in the zone), provided setback, lot coverage, and other requirements are met. No portion of land or lots thus aggregated may be used or sold in a manner which creates or leaves remaining a substandard lot.

C. Any residential lot or lots, which were used as residential prior to April 19, 1978, and have been in continual residential use since April 19, 1978, in a zone that is now zoned light manufacturing must be considered a conforming, permitted residential use within the nonresidential designation. Other requirements of the nonresidential designation, such as lot size, setbacks, density, land coverage, building height, and parking, apply to such residential lots. (Ord. 3040 § 2 (Att. A), 2019; Ord. 2992 § 1 (Att. A), 2016)

My primary request is that the City clearly define what constitutes a "lot of record" and most importantly, if a "lot of record" should include any requirement for whether it was created legally or not. The current code is not specific, and as written leaves room for interpretation.

In my opinion, under the current language in code 19.20.060, a parcel may qualify as a "legal lot" and then be disqualified under code 19.20.050 as the code is currently written. It also appears to me there may be interest from the Mayor in refining the definition of a legal lot more broadly. I am open to this idea and appreciate the City taking a closer look at the topic.

We are hopeful that resolving this section helps us move forward with the Padilla BLA which is currently held up pending a "lot of record certification" due to the inconsistencies between these two sections of code.

Sincerely,

Nels Strandberg
Strandberg Construction, Inc.

Libby Grage

From: Mark Nihart <marknihart@gmail.com>
Sent: Monday, July 13, 2026 2:53 PM
To: Mike Mills; William McCombs; Chad Sage; Jill Underwood; Tarn Ohana; Frank Jeretzky; Linda Martin
Cc: Libby Grage; John Coleman; Mark Nihart
Subject: SGA Comments Continued - AMC Title 19, Unified Development Code
Attachments: SGA 2 New Permit Process.docx

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

Smart Growth Anacortes

Date: July 13th, 2026
Subject: SGA AMC Title 19, Unified Development Code – Comments Continued.

Hello Again Planning Commission Members:

SGA has taken more input on the AMC Title 19, Unified Development Code and has done more analysis. This has led to a more defined and directed set of comments. It is SGA's hope that these comments are not seen as divisive rather the comments are seen as a start of a "positive conflicted dialogue" in which at the end of the dialogue a solution is discovered that is acceptable to all.

In public policy there is the best possible solution and the best solution possible: The latter always wins. Public Policy after all should be determined by the public who have different agendas. Thus, compromises are required.

SGA is now asking Planning Commission members NOT to approve this draft of proposed AMC Title 19 Permit Streamlining Amendments. As written, they reduce public involvement and potentially compromise the quality of project results. There is time to do this right. SGA would like a respectful forum with the City and the Planning Commission members to provide ideas to address our concerns, streamline the permitting process, and improve project results.

Here are our key concerns:

- The draft still says it is intended to "promote timely and informed public participation" but it reduces early public involvement while preserving a few participation points for certain projects through (one-way, limited)SEPA review. There is a shift towards more Type 1 and Type 2 administrative actions, where many permits are handled without Council process for small projects, shoreline exemptions, and

certain permit revisions. The public input aspects of the 19.20.030 Types of Review are unimproved as the Type 2 and Type 3 Pre-Application Neighborhood Meetings remain discretionary and there is no Type 2 Pre-Decision Open Record Public Hearing.

- The R1 Zone is not addressed. SGA believes there must be clear criteria to allow administrative decisions for Type 1 reviews. Also, Table 19.20.030 (page 2) needs to be amended so that all R1 Zone reviews, as well as Type 2 and Type 3reviews REQUIRE pre-application meetings with neighbors and separately with the broader public. Similarly, REQUIRE all R1 Zone and Type 2 reviews to have a pre-Decision Open Record Public Hearing. These requirements allow for early identification of issues, saving time and money on overall permitting. We have experience that Type 2 short plat projects can set precedent with unintended, negative consequences.

- The draft proposes that the Site Plan review becomes the main place where land-use, environmental, infrastructure, and design issues are evaluated before later permit stages. Once the Site Plan is approved, the draft expressly limits later site construction and building permit review to consistency with already-approved site plans. SGA see this as a red flag. Never revisiting the Site Plan as it moves to Construction and then Building review removes the learning element to improve the project as more information becomes available. It creates a "lock-in" effect before the public has had a full opportunity to respond to the final project shape, conditions, and mitigation package. This flawed approach favors administrative closure over innovation and best practice outcomes. This will not streamline the process - it will sub-optimize outcomes and/or lead to legal battles.

- The draft allows optional consolidated review which can compress the review window and make the public's meaningful participation depend heavily on the earlier project-permit phase. SGA would like to better understand how a consolidated review could still include adequate public input?

- The amendments fail to address the need to assess offsite impacts for the construction and build-out. SGA believes short-term and long-term offsite impacts for construction and build-out should be assessed for stormwater, traffic, lighting, noise, etc. This should be done early in the Site Review and throughout the permitting process to ensure offsite impacts are identified and mitigated to avoid unintended consequences. The draft leaves this portion of the Table unchanged, which is not acceptable. R1 Zone Projects, and Type 2 and 3 Reviews should require pre-application meetings with neighbors and separately with the broader public.

- R1 Zone Projects and Type 2 Reviews should have a Pre-Decision Open Record Public Hearing

Thank you for your time and obviously your patience. Much appreciated.

Respectfully,

Mark Nihart
President of Smart Growth Anacortes
https://smartgrowthanacortes.com/

Vision Statement

To have Anacortes as a premier example of a city in which assertive, knowledgeable and actively engaged residents – the owners and financiers of Anacortes - are working with City Staff, the Mayor, the City Council in a transparent, respectful, collaborative environment for the benefit of all who live, work and serve in Anacortes.

Libby Grage

From: Mark Nihart <marknihart@gmail.com>
Sent: Monday, July 13, 2026 8:38 AM
To: Mike Mills; William McCombs; Chad Sage; Jill Underwood; Tarn Ohana; Frank Jeretzky; Linda Martin
Cc: Libby Grage; John Coleman
Subject: SGA Comment on AMC Title 19, Unified Development Code
Attachments: SGA New Permit Process.docx

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

Smart Growth Anacortes

Date: July 13th, 2026
Subject: AMC Title 19, Unified Development Code

Hello Planning Commission:

SGA understands the desire for the City to have a better process for permits; However, The AMC Title 19, Unified Development Code proposal is designed for streamlining the permit process not for improving the process. Improving the process not only means a faster process but also a more complete, repeatable process that includes improved quality and less arbitrary human intervention.

In the interest of government transparency, SGA would like to see the process improvement data and the goals of that process improvement project that created the AMC Title 19, Unified Development Code proposal.

In addition, areas of interest and concern for SGA are as follows:

- The proposal doesn't adequately address the fact Neighbors have property rights too, are entitled to rely on the current code standards, are entitled to notice and an opportunity to comment if there are any changes to what the community has agreed to/reflected in current code.
- In the interest of communication and transparency there should be a city webpage where each variance request is posted as they are received and each variance/Finding of Fact is published all together with the decision
- As process improvement is rarely perfect on first implementation the proposal should be a one-year demonstration program only, followed by analysis/decision to extend and expand or reduce discretion.

- Although the proposal recognizes these variances will not apply to critical areas, no one apparently knows where they all are. Thus, at the very least there should be a condition that "the Administrator shall determine that there will be no impacts from the variance to critical area protections."

These are just a few of SGA concerns and issues: SGA will be submitting more comments. As SGA is about residents – the owners and financiers of Anacortes - partnering in a cooperative environment to make Anacortes City Government more efficient but also of the highest quality and transparency by including residents' comments and inclusion in decisions.

Before taking action on the AMC Title 19, Unified Development Code proposal SGA asks the Planning Commission to take the time to study and do a complete analysis (including public involvement and comment) of the proposal. Thank you.

Respectfully,

Mark Nihart
President of Smart Growth Anacortes
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Libby Grage

From: Mark Nihart <marknihart@gmail.com>
Sent: Monday, July 13, 2026 12:19 PM
To: Linda Martin; Frank Jeretzky; Tarn Ohana; William McCombs; Mike Mills; Chad Sage; Jill Underwood
Cc: Libby Grage; John Coleman
Subject: Nihart comment on AMC Title 19, Unified Development Code
Attachments: MBN PC AMC Title 19, Unified Development Code.docx

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Date: July 13th, 2026

Subject: Nihart comment on AMC Title 19, Unified Development Code

Hello Planning Commission:

I have some concerns regarding the AMC Title 19, Unified Development Code proposal. I am hoping the Planning Commission members can help me understand better.

- How does doing a substantial process change at the same time as a huge time-consuming, complex process provide for "better" outcomes than completing the SMP/CAO updates and approval first than doing a process improvement project complete with Public Involvement? (Not to mention not only does this put a huge burden on City Staff, the Planning Commission and Council it is being done during the summer vacation time.)
- What part of the AMC Title 19, Unified Development Code proposal addresses the issues brought up by the FACET Report commissioned by the City? How can a process improvement happen without addressing the issues brought up in that report?

SGA has some suggested edits/additions to the proposal, a proposal that should happen after the SMP/CAO update and FACET Report Analysis:

- It is important to communicate early to neighbors and get their input on major projects. Thus, adding language such as requiring a neighborhood meeting or equivalent early outreach for Type 2, shoreline, critical area, and multifamily projects before SEPA threshold determinations or site plan approval. In addition, require notice plus a comment period before the City issues DNS or MDNS on major projects.
- Environmental issues should be kept open until the project is fully defined. This would require the site plan finality language so that later permits may still revisit environmental mitigation where the engineering package changes materially. Thus, the process should allow reconsideration if revised grading, drainage, access, drainage outfalls, lighting, or utility design could affect shoreline, wetland, steep slope, fish and wildlife habitat, or buffer functions.
- It is important to narrow administrative flexibility in sensitive areas to ensure a repeatable process by all planners and over future years. So, the process should be clarified that no administrative exception or departure may be used to reduce standards in a manner that undermines SMP, CAO, stormwater,

floodplain, or comprehensive plan policies. And as important administrative flexibility is not allowed if the result would reduce buffer function, habitat protection, public views, shoreline ecology, or mitigation effectiveness.

- The SEPA/permit sequencing should be much more transparent. The City should publish a single consolidated project summary when SEPA, site plan review, and administrative exceptions are being considered together. To ensure transparency a public-facing decision memo should identify all departures, exceptions, mitigation measures, and unresolved issues before final project approval.

I am all about public involvement as we (including PC members) are the residents - the owners and financiers - of the City of Anacortes: The process should not only preserve public appeal relevance but enhance it. To do this if later engineering plans materially change impacts to critical areas, shorelines, drainage, or access, a supplemental review notice and comment opportunity is required before issuance of site construction or building permits.

The Planning Commission is authorized and mandated to maintain a transparent, accessible public process. They hold regular public hearings to gather citizen testimony and stakeholder input before moving a recommendation forward. I am looking forward to that process.

To close I am very excited that the City is thinking about process improvement. I spent lots of my time at Boeing involved in process improvement projects. I also have a Master of Science in System Management, so it is a passion of mine – systems and improving them.

Thank you for your attention. Much appreciated.

Respectfully,

Mark B. Nihart

Ward 2

Libby Grage

From: Mark Nihart <marknihart@gmail.com>
Sent: Wednesday, July 15, 2026 11:40 AM
To: Mike Mills; William McCombs; Linda Martin; Frank Jeretzky; Tarn Ohana; Jill Underwood; Chad Sage
Cc: Libby Grage; John Coleman; Janet2busy@gmail.com
Subject: Comments Corrected - SGA AMC Title 19, Unified Development Code
Attachments: SGA 3 New Permit Process 7-15-2026.docx

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Smart Growth Anacortes

Date: July 15th, 2026
Subject: SGA AMC Title 19, Unified Development Code – Comments Corrected.
To: Planning Commission

Hello Again Planning Commission Members:

SGA has taken more input on the AMC Title 19, Unified Development Code and has done more analysis. This has led to a more defined and directed set of comments. It is SGA's hope that these comments are not seen as divisive but rather as a start of a "positive conflicted dialogue" in which at the end of the dialogue a solution is discovered that is acceptable to all.

SGA asks Planning Commission members and Planning Staff to incorporate these comments into the proposed AMC Title 19 Permit Streamlining Amendments. As written, they reduce public involvement and potentially compromise the quality of project results. SGA would like a respectful forum with the Planning Commission members and Planning Staff to provide ideas to address our concerns, streamline the permitting process, and improve project results.
There is time to do this right.

1. *Concerns:* The draft still says it is intended to "promote timely and informed public participation" but it reduces early public involvement while preserving a few participation points for certain projects through (one-way, limited) SEPA review. There is a shift towards more Type 1 and Type 2 administrative actions, where many permits are handled without Council process for small projects, shoreline exemptions, and certain permit revisions. The public input aspects of the 19.20.030 Types of Review are unimproved (see

table on page 2). The Type 2 and Type 3 Pre-Application Neighborhood Meetings remain discretionary and there is no Type 2 Pre-Decision Open Record Public Hearing. The R1 Zone is not addressed.

SGA Position: We have experience that even Type 2 short plat projects can set precedents with unintended, negative consequences. In particular, the R1 Zone deserves early notification and discussion. We believe there are ways to make this part of the process more efficient and effective for staff but cutting out early engagement generally leads to more time/cost/burden/litigation. With this in mind we recommend the following.

- Provide clear criteria for allowing administrative decisions for Type 1 reviews.
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- Amend Table 19.20.030 (page 2) to REQUIRE a pre-Decision Open Record Public Hearing for all R1 Zone and Type 2 reviews.

2. *Concerns:* The draft proposes that Site Plan review becomes the main place where land-use, environmental, infrastructure, and design issues are evaluated before later permit stages. Once the Site Plan is approved, the draft expressly limits later Site Construction and Building permit review to consistency with already-approved Site Plans.

SGA Position: This is a red flag. Never revisiting the Site Plan as it moves to Construction and Building review removes the learning element to improve the project as more information becomes available. It creates a "lock-in" effect before the public has had a full opportunity to respond to the final project shape, conditions, and mitigation package. This flawed approach favors administrative closure over innovation and best practice outcomes. It will not streamline the process - it will sub-optimize outcomes and/or lead to legal battles.

3. *Concerns:* The amendments fail to address offsite impacts for construction and build-out.

SGA Position: Short-term and long-term offsite impacts for construction and build-out should be assessed for stormwater, traffic, lighting, noise, etc. This should be done early in the Site Review and throughout the permitting process to ensure offsite impacts are identified and mitigated to avoid unintended consequences.

19.20.030 Types of review.

Types of Review	Type 1 Administrative Ministerial Actions	Type 2 Administrative Decisions	Type 3 Hearing Examiner Decisions	Type 4 City Council Decisions
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Recommendation By	None	None	Director	Director
Pre-Decision Open Record Public Hearing	No	No	Yes, before Hearing Examiner	Yes, before City Council

Thank you for your time, patience, and openness to new ideas. Much appreciated.

Respectfully,

Mark Nihart
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Date: July 13th, 2026

Subject: Nihart comment on AMC Title 19, Unified Development Code

Hello Planning Commission:

I have some concerns regarding the AMC Title 19, Unified Development Code proposal I am hoping the Planning Commission members can help me understand better.

- How does doing a substantial process change at the same time as a huge time-consuming, complex process provide for "better" outcomes than completing the SMP/CAO updates and approval first than doing a process improvement project complete with Public Involvement? (Not to mention not only does this put a huge burden on City Staff, the Planning Commission and Council it is being done during the summer vacation time.)
- What part so the AMC Title 19, Unified Development Code proposal addresses the issues brought up by the FACET Report commissioned by the City? How can a process improvement happen without addressing the issues brought up that report?

SGA has some suggested edits/additions to the proposal, a proposal that should happen after the SMP/CAO update and FACET Report Analysis:

- It is important to communicate early to neighbors and get their input on major projects. Thus, adding language such as requiring a neighborhood meeting or equivalent early outreach for Type 2, shoreline, critical area, and multifamily projects before SEPA threshold determinations or site plan approval. In addition, require notice plus a comment period before the City issues DNS or MDNS on major projects.
- Environmental issues should be kept open until the project is fully defined. This would require the site plan finality language so that later permits may still revisit environmental mitigation where the engineering package changes materially. Thus, the process should allow reconsideration if revised grading, drainage, access, drainage outfalls, lighting, or utility design could affect shoreline, wetland, steep slope, fish and wildlife habitat, or buffer functions.
- It is important to narrow administrative flexibility in sensitive areas to ensure a repeatable process by all planners and over future years. So, the process should be clarified that no administrative exception or departure may be used to reduce standards in a manner that undermines SMP, CAO, stormwater, floodplain, or comprehensive plan policies. And as important administrative flexibility is not allowed if the result would reduce buffer function, habitat protection, public views, shoreline ecology, or mitigation effectiveness.
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I am all about public involvement as we (including PC members) are the residents - the owners and financiers - of the City of Anacortes: The process should not only preserve public appeal relevance but enhance it. To do this if later engineering plans materially change impacts to critical areas, shorelines, drainage, or access, a supplemental review notice and comment opportunity is required before issuance of site construction or building permits.

The Planning Commission is authorized and mandated to maintain a transparent, accessible public process. They hold regular public hearings to gather citizen testimony and stakeholder input before moving a recommendation forward. I am looking forward to that process.

To close I am very excited that the City is thinking about process improvement. I spent lots of my time at Boeing involved in process improvement projects. I also have a Master of Science in System Management, so it is a passion of mine – systems and improving them.

Thank you for your attention. Much appreciated.

Respectfully,

Mark B. Nihart

Ward 2

Libby Grage

From: Mark Nihart <marknihart@gmail.com>
Sent: Wednesday, August 19, 2026 11:03 AM
To: Libby Grage
Cc: Deirdre Phillips; ckchase189@gmail.com; Ginger Decker; Mary Jo McAdle; Janet P
Subject: SGA resubmittal of comments to Proposed Permit Process Improvements.
Attachments: SGA 3 New Permit Process 7-15-2026.docx

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Libby:

As the comment period is officially open I am re-submitting SGA comments regarding the Proposed Permit Process.

Smart Growth Anacortes

Date: July 15th, 2026
Subject: SGA AMC Title 19, Unified Development Code – Comments Corrected.
To: Planning Commission

Hello Again Planning Commission Members:

SGA has taken more input on the AMC Title 19, Unified Development Code and has done more analysis. This has led to a more defined and directed set of comments. It is SGA's hope that these comments are not seen as divisive but rather as a start of a "positive conflicted dialogue" in which at the end of the dialogue a solution is discovered that is acceptable to all.

SGA asks Planning Commission members and Planning Staff to incorporate these comments into the proposed AMC Title 19 Permit Streamlining Amendments. As written, they reduce public involvement and potentially compromise the quality of project results. SGA would like a respectful forum with the Planning Commission members and Planning Staff to provide ideas to address our concerns, streamline the permitting process, and improve project results.
There is time to do this right.

1. *Concerns:* The draft still says it is intended to "promote timely and informed public participation" but it reduces early public involvement while preserving a few participation points for certain projects through (one-way, limited) SEPA review. There is a shift towards more Type 1 and Type 2 administrative actions, where many permits are handled without Council process for small projects, shoreline exemptions, and certain permit revisions. The public input aspects of the 19.20.030 Types of Review are unimproved (see table on page 2). The Type 2 and Type 3 Pre-Application Neighborhood Meetings remain discretionary and there is no Type 2 Pre-Decision Open Record Public Hearing. The R1 Zone is not addressed.

SGA Position: We have experience that even Type 2 short plat projects can set precedents with unintended, negative consequences. In particular, the R1 Zone deserves early notification and discussion. We believe

there are ways to make this part of the process more efficient and effective for staff but cutting out early engagement generally leads to more time/cost/burden/litigation. With this in mind we recommend the following.

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https://smartgrowthanacortes.com/

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8-24-2026

To: Libby Grage, Planning Manager
Planning, Community and Economic Development Dept.
City of Anacortes

From: Mary Jo McArdle

RE: Comments and offered Suggestions to proposed Draft Amendments to Title 19, Unified Development Code by the Planning Department

Hi Libby, I sent a similar to the Planning Commission back on July 27th. It included some discussion for teaching purposes for both Planning Commission members as well as residents who are not necessarily familiar with the relationship between the land use review components and the building review components. You of course are well aware of the differences and how these two different aspects of development review both share importance and are designed to work cooperatively. Just a heads up…….you will likely find parts of this letter boring. I apologize.

The Title 19 Unified Development Code - What does "Development" mean? If I was asked that question, I would answer that it is buildings and other structures on a piece of land. That is true but it doesn't tell you all the steps typically necessary to get it there. There are rules and regulations that had to be met before that structure could be built. The process to get from a raw piece of land involves several steps. Land development planning begins in the planning department or planning and community development office. The planning and community development department typically has departments that guide property owners through the steps. IT typically includes all of the departments needed to proceed from purchasing a property to building completion.

Land Use Review

The first step is in the department that answers questions on "**what**" you *can* and *cannot* do on the land. Typically this is the Land Use department. The Land Use Division also determines whether what you want to build on the site meet local laws. They look at local rules including how tall you, how far away from property lines, and how large a structure would be allowed. The Land Use department would also look at the site to check for any sensitive areas like a stream or steep slopes, wetlands etc. that need protection from disturbance throughout the process and beyond. For example, does the property have a stream, is it on the waterfront, are there steep slopes, is a protected or endangered species residing on the property, does the property have heritage or large native trees on site. These features may pose additional constraints to what and where the desired structure(s) can be placed and what additional protections need to be in place prior to any disturbance to the site including fencing and signage, and vegetation. Once the physical features of the site are determined and addressed the next step is:

Building Department Review

The Building Department looks at the "**how**" you build. These regulations have been established by the ICC – International Code Council, a globally recognized council to develop minimum requirements for structural integrity, fire safety and environmental resilience for the health, safety and welfare of building occupants. In addition to these standards, local jurisdictions may also adopt its own.

Chapter 19.12 Definitions and Interpretation

19.12.020 Definitions:

Eliminate all the different "Development" verbiage.

Instead of "Development" use "Land Use"

Instead of "Development Permit" use "Building and Infrastructure" (water, sewer, storm) and include clearing & grading

And include Mechanical, Plumbing, Fire and any other separate government regulated component
Instead of "Project Permit"- include this information into a more robust "Land Use"

Instead of "Site Construction Permit" Incorporate this into a broader" Building and Infrastructure"

Site Plan review is okay as is

Keep Language simple direct yet unique distinct and relatable to the reader. There is no need to create all of these new obtuse labels.

This definition section also should be expanded.

It also needs to include additional definitions including but not limited to the following:

1. Pre-Application it is talked about in discussion later but having a definition is helpful
2. Parties of Record
3. Administrator
4. Administrative Flexibility – do Administrative Exceptions mean the same thing as Limited Administrative Relief?
5. Director
6. Limited Modifications
7. Numerical Standards – how do these differ from performance standards?
8. Dimensional standards
9. Decision Maker
10. Pre-Application
11. Departures what is the difference between 11, 12, and 13?
12. Deviations

13. Exemptions
14. Flexible (see 19.21.031-Administrative Flexibility)
15. Documentation

I know there are more that should be added……keep in mind that there are probably more folks seeking understanding that have no idea what the difference is between Building and Land Use and the terminology for each.

Site plan Review: should be done on any proposed development separately from any other permits that may be required for any proposed development except those identified in 19.30.020. A good time to look at the site plan is during the pre-application meeting (for projects requiring both land use and building approvals). For stand- alone building permits the site plan is typically submitted with the construction drawings. For land use and building permit applications with sites that include critical or sensitive areas or are on or within 200 ft. of a body of water, it is helpful to have a site plan review before or included in the pre-application meeting.

Whenever any revision is submitted that changes the footprint of the proposal or location on utility lines or driveway, a revised site plan should also be submitted with the proposed changes.

Building permits (or Construction permits): essentially those covered within the IRC/IBC codes and local amendments, new buildings, interior remodels, additions, accessory structures > 144 sq. ft., plumbing, mechanical, fire permits, sometimes clearing and grading unless these are addressed in a separate category etc. They also require land use review for local regulations and environmental review to meet both local and state and federal regulations.

Infrastructure permits (or site preparation permits) – clearing, grading, utility lines, storm water, landscape, curb/gutter/sidewalk, retaining walls other site (ground work), temp power, etc. These may also require a land use permit especially if there are critical areas and/or are within a Shoreline area.

Land Use Actions – environmental review SEPA, subdivisions, binding site plans, conditional uses, shoreline substantial development, critical areas review, change of use, short plats, long plats, landscape/tree retention/mitigation/critical area buffers & setbacks, dimensional requirements, setbacks and building height

Comprehensive Plans – rezones, subarea plans, Planned Unit Developments with mixed uses, etc. Comprehensive plan permits typically address city wide challenges and opportunities to fulfill the vision of a town or city.

Note: Where this document stated "No changes" I did not review and made comment. That doesn't mean that those areas are not worthy of further review. Nor did I review proposed deleted sections.

19.14 International Codes

19.14.035 Adoption of International Residential Code: The IRC 105.2 Work Exempt from permit states: *"Decks not exceeding 200 sq. ft. (18.58m2) in area, that are not more than 30" (762cm)*

above grade at any point, are not attached to a dwelling and do not serve the exit door required by (Section R311.4)" are exempt from permit requirement.

What is the reasoning behind omitting the IRC exemption for decks less than 30 inches in height from grade? This omission seems arbitrary and capricious given the City is now exempting fences from permit requirement. In my experience it is a waste of time for the person reviewing and an unnecessary cost and trouble for the homeowner.

19.20 Application Procedures

19.20.025 Overview of Development Review Process: Change any verbiage to reflect new straight forward language outlined in the Definitions section above

19.20.040 Consolidated Review: Change language to reflect suggested language at the beginning of this memo

If a consolidated review suggests that the review timeline will proceed more efficiently, then it is imperative that the applicant know exactly the level of detail they need to provide when they submit a complete application. A pre-application meeting should at the very least, also include a site plan with topography and any critical areas noted, be provided at the same time. (*This presents an opportunity for staff to create helpful informational handouts for applicants…….A later task to consider).*

19.20.080 Requirements for Public Notices: Need to add name of City's official newspaper. Other areas like the library and City Hall should be made public. (not everyone gets the Anacortes American or is able to access the City web page)…..again Not your fault but in creating informational handouts this might be one to consider)

19.20.100 Pre-Application Neighborhood Meeting: Need to identify who the neighbors are that should be receiving notices (are they determined by how close to the proposed development they are?

What mechanism is in place to confirm those neighbors received the public notice?

How is it determined who gets noticed?

How do they get noticed? Is it a certified mailing? Is there a record of who got received notice in the permit file?

What format and what information should be included in the public notice? (For example date and time of the meeting).

It seems like the City is going in an opposite direction when they <u>say</u> that they want more public participation but the recent <u>actions</u> of the City by reducing the types of permits that get noticed and/or have a neighborhood meeting requirement, and with the City first closing the planning department on Fridays and then last month closing all drop ins and requiring an apt to talk to someone in the planning department. I know that this is NOT something that you have probably had a say in but these are actions that cultivates distrust, and animosity.

At a minimum, a site plan of the proposed work should be present and available at neighborhood meeting (s).

Are these questions above located somewhere else that I have missed?

19.20.170 Decisions - Why aren't all parties of record given notice of a decision.

19.21.030 Types of Administrative Flexibility

Add #4 to 19.21.030 B4: Any Relief/Flexibility decision granted by the administrator shall be documented in writing and included in the project approval documents the Code authority citation that authorized such a Relief/Flexibility.

This is an example of where a Formal Code Interpretation process would be helpful. It would shorten process time and it would clarify who the "administrator" (need definition added) is and under what code title and chapter gives the authority to be "flexible". (need definition added)

Rather than providing "Documentation" in who knows where? Nor what is meant by the word (It is not addressed in this document), the City should seriously consider creating a formal code interpretation procedure where all deviations, departures, are filed. Create a new Title call "Code Interpretations", or add a definition. This section could be applied similar to Case Law and would lead to consistent application in how Land Use Codes including Deviations, Departures and Flexibilities are applied and also documented over time.

If not within a formal Code Interpretation Log, there should be some identified place where these decisions are kept along with the code authority stated, that provided the authority for such a departure or exemption as I suggest in 19.21.030 B4.

If a Departure is request has been made on an application that included public notice then there should be another public notice posted along with another comment period.

19.21.200 Administrative Exemptions

If an exemption is granted, there needs to be a way to document that the exemption qualifies by identifying in writing, including code citations that support how the exemption meets the criteria for the exemption. It should definitely be contained in the applicable permit file and available for the applicant, staff and public. It also might be a reason to have a formal interpretation or a code amendment if it is shown that the same type of exemption is being granted to other applicants seeking the same exemption.

It is extremely important that documentation of any exemption or deviation from code criteria be it administrative or otherwise, that that decision include any and all citations authorizing a departure from the code. Creating a place for these decisions and consistently using that place, that is essential. A formal Code Interpretation format holds the highest possible significance. The City Attorney should be included in this discussion and design on how they are documented, written correctly and where they should be stored.

19.28.020 Permit Revision and Expiration

19.28.020 Commencement of Permit Term: D– change words **Commence** and **Term** to **Start Date** or **When the Permit** (approval) "**Starts**" and "**Life of the Permit"**

In **E When the Permit Expires:** *Informal* words "When" and "Expires" are used

The terminology between D and E should be consistent. I would suggest that the more *informa*l (familiar) words use be the terminology style

19.28.020 Table Permit Terms and Extensions I suggest creating two side by side tables, one addressing Building and one addressing Land Use

19.30 Site Plan Review

19.30.020 C: change an application for site plan review "may" to must

19.30.050 Approval Criteria and Decision:

19.38 New Chapter Site Construction Permit Change title to "Infrastructure or Site Preparation Permit"

19.38.020 Applicability: I believe there has been an unintended omission…..**A:** There is not language in this section that refers to other building construction other than cottage development or multi-family housing. One might assume if they are not proposing either of those two they would not need a Construction/Building Permit.

19.38.050 Effect of Approval: Add language that addresses Utility infrastructures (the below groundwork) and separate appropriate approvals for Plumbing, Mechanical, and confirmation of Labor and Industries approval for electrical work

E Engineering Adjustments: clarify what is meant by "substantially consistent"

I feel that it is important to clarify what is meant by 'Engineering". Is it Structural engineering (buildings), is it Mechanical engineering (HVAC systems), is it Electrical (electronics, power generation), Civil engineering (roads, transportation, infrastructure). While they all include the word Engineer, they are very different disciplines. What type of Engineering specialists are on staff within the Planning and Community and Economic Development Department and are they a part of the total development team?

19.38.040A: Add criteria language that if the site contains trees to be retained, and/or the site includes critical areas and mitigation that those features are identified with signage stating no disturbance and fenced off before any other infrastructure work is begun.

19.38.060 Performance Security: It is important to clarify when a Performance Security is required. It is critical that any surety collected by held many years (3-5years or 5-7 years) after completion of work and regularly monitored for compliance.

If critical areas/often referred to as protected area including Native Growth Protection Area or NGPA

A separate Performance Security or other surety should always be required for any critical area and its associated buffer, Native Growth Protection Areas (NGPA), required native plant landscaping. Signage and fencing should also be a requirement of any surety. What has happened with the ongoing tree removal from their protected area at San Juan Passage along the Guemes trail is extremely sad and it opens a potential City liability as the slopes in the area are failing and sliding destabilizing homes above and users of the trail below.

19.38.070 Pre-Construction Requirements – add "Inspections" to title

19.38.080 Inspections: Specific Inspections should be addressed

Add a New ~~E~~ D - Inspection: of "**Required Erosion and Sediment Control Measures"** Clarify that this inspection and approval shall occur before any earth disturbance begins. Make it clear that these control measures shall remain in place and good condition until completion of project.

A site inspection should be done prior to any site work is begun to make sure identification and protections of critical areas have been properly signed and fenced. Inspections should include and inspection report including what the inspection was for, who did it and date it was done. A copy of the completed inspections should be posted on the site and a duplicate copy placed in the appropriate permit file.

Consider creating an informational handout to assist applicant

The City should consider and reinstate and document all the safety and compliance inspections as the project progresses in a timely manner and complete a final Certificate of Occupancy inspection indicating all required inspections have been done and approved before occupancy or use of the structure takes place.

19.39 Site Construction **Permits** change title to Building and infrastructure Permits

19.39.030 Relationship to other Permits:

Even though critical areas regulations are part of the land use review. There should be some language in this section that pertains to construction on sites with critical areas. Any fencing and signage required during the infrastructure work should remain in place through the building construction. If during another site visit or observation by a neighbor that the protection has been removed or has become ineffective that that protection be restored prior to beginning the building construction and that it remain in place through completion.

19.39.080 Inspections: Inspections from 19.39.070 could be included here as an option.

To avoid arbitrary decisions being made on different applications it seems to me it is important to use formal language consistently…Where ever the word "may" is used I would suggest changing it to "must". Where ever the word "should" is used I would suggest changing the work to "shall". Giving an applicant or the planning review staff an option to do or don't so something, or giving the director the power to

deviate from written code, sends the wrong message. What is written in the code should be **clear**, **concise** and **consistently applied** or it shouldn't be in the code.

I would also suggest that if any deviation from a code is approved that it be captured in a formal code interpretation (done with review by the City Attorney) log with how approval of a deviation was supported by the code. (kind of like how Case Law is handled).

Since the Planning department is now essentially inaccessible to residents, it is infinitely more important that applicants can access specific information needed to submit a complete application right off the bat. Good informational handouts available both online and in hard copy formats are crucial.

Libby Grage

From: Ginger Decker <msgingersnap@live.com>
Sent: Tuesday, September 1, 2026 8:32 PM
To: Libby Grage
Subject: public comment on permit streamlining

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

Hi Libby,

Can you please provide my letter to planning commissioners concerning the Permit Streamlining changes?

Planning Commissioners,

I am writing to express concern about the proposed permit-streamlining amendments now under consideration. I fully support the goal of reducing staff workload and modernizing an older, complex system. Our planning staff deserve tools that make their work manageable and efficient. But those improvements should not come at the cost of public participation, transparency, or early problem-solving that has long benefited both applicants and the community.

Under the proposal, many permits that once involved neighborhood meetings, public hearings, Planning Commission review, or Council oversight would shift to administrative decisions made solely by staff. Site Plan Review would become the main, and sometimes only, stage where environmental, land-use, and design issues are evaluated, with later permits limited to checking consistency with that initial approval.

This may shorten timelines, but it also means the public would lose early involvement, opportunities to flag issues before plans are finalized, and the ability to provide new information as projects evolve. Tools to address offsite impacts such as traffic, trees, stormwater, noise, and lighting would be weakened, and the process would become less transparent for residents trying to understand how decisions are made.

I also question the timing of such a significant procedural overhaul. With only 16 permits processed so far under the current system, it is not clear that the City has enough data to justify reducing public involvement in order to gain speed.

Efficiency matters — but so does trust. Streamlining should strengthen staff capacity without diminishing the public's role in shaping development that affects their neighborhoods and the long-term health of the city.

I urge the Commission to reconsider these amendments and ensure that any efficiency gains do not come at the expense of transparency, accountability, or meaningful public involvement.

Thank you for your consideration.

Ginger Decker

1402 Dakota Av

Anacortes, WA 98221

Libby Grage

From: Ian Munce <ianmunce@icloud.com>
Sent: Tuesday, September 1, 2026 2:22 PM
To: Libby Grage
Subject: Munce Comments on 'Permit Streamlining' for the September 15, 2026 Planning Commission Meeting
Attachments: Attachment A Order Denying Petitioners Motion and Granting City MSJ signed 06.27.24(102795287.1).pdf; Attachment B_Reconnaissance Report.pdf; Attachment B1-298 acre R1 Zone critical area map.pdf; Attachment C-Standing.pdf

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

Dear Planning Commissioners,

I write in opposition to the proposed “Permit Streamlining” proposal currently before you. It is just one more effort by current City leadership to exclude neighbors from decisions that affect their ‘property rights’ and ‘beneficial interests in their neighborhood’.

The City, correctly or incorrectly, has established standards for development. Neighbors are entitled by current City Code to build their lives and activities around these standards, standards that currently can only by adjusted by a formal variance of one kind or another. These variance procedures require notice to neighbors and an opportunity to comment and appeal.

By way of context and for the record, in a recent court Superior Court case the City first argued that my private, domestic well, was not sufficient for me to have legal ‘standing’ to bring my enforcement case. The Court held otherwise. The City then argued that I did not have a ‘beneficial interest in my neighborhood’ sufficient to grant me legal standing. Again, the Court held otherwise. Finally, the City argued that the Planning Director’s duty under AMC 19.10.030 (“the Director has a duty to administer and enforce Titlles 16, 17, 18, and 19”) was merely aspirational, e.g. something along the lines of ‘we do what we can under the circumstances’. Again, the Court held otherwise. **Attachment A.**

The Permit Streamlining Proposal currently before you simply rejects the established reality that 'neighbors have property rights too’ and makes no commitment to correctly follow and apply mandatory regulations. However, after full briefing and oral argument the City’s positions to the contrary were rejected by the Court. The City did not appeal but nevertheless still continues to act as if its duties are merely aspirational.

Further, the Proposal claims to exempt “critical areas” from waivers of regulatory standards but has yet to acknowledge the Best Available Science (BAS) identifies that nearly every acre in the R1 zone is a critical area of one category or another. **ATTACHMENTS B and B1.**

Next, the City’s legal position is that it is not their responsibility (or duty) to establish the presence of critical area but the neighbors and the failure of neighbors to secure access, retain BAS professionals,

and secure a specific Superior Court Order will allow development to move forward on 'protected' natural areas. **Attachment A.**

Finally, the City Land Capacity Analysis, 2024 lacks any credibility as to the R1 zone when it excludes wetland buffers and habitats of local importance and nearly every acre of the 298 acre R1 zone is a documented critical area, with habitat areas, streams, aquifers, and wetlands overlapping in a complex mosaic.

The City's current practice of issuing 'inadequate' SEPA Checklists, failing to address public comments in any *meaningful* way, failing to add mitigating conditions, i.e. a Mitigated Declaration of Non-Significance, needs to stop. This community simply deserves better. Much better.

Ian S. Munce, AICP

P.S. I attach a Legal Memorandum that I prepared for some of my neighbors, a Memorandum that documents alternative ways of streamlining permits that does not exclude neighbors, alternatives that need to be addressed in a responsible SEPA analysis. **Attachment C.**

FILED
SKAGIT COUNTY CLERK
SKAGIT COUNTY, WA

2024 JUN 27 PM 12:03

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR COUNTY OF SKAGIT

IAN MUNCE,

Petitioner,

v.

CITY OF ANACORTES,

Respondent.

NO. 24-2-00221-29

~~[PROPOSED]~~ ORDER DENYING PETITIONER'S MOTION FOR SUMMARY JUDGMENT AND GRANTING CITY OF ANACORTES'S MOTION FOR SUMMARY JUDGMENT

3

THIS MATTER having come before the undersigned judge on Petitioner's Motion for Summary Judgment ("Petitioner's Motion") and Respondent City of Anacortes's Motion for Summary Judgment ("City's Motion"). The Court has reviewed the following:

1. Application for Writ of Mandamus and the exhibits thereto (March 1, 2024);
2. Declaration of Ian Munce (March 1, 2024);
3. City's Motion for Reconsideration and for Denial of Application for Writ (March 25, 2024);
4. Declaration of Andrea Bradford in Support of City's Motion for Reconsideration and for Denial of Application for Writ and exhibits thereto (March 25, 2024);
5. Opposition to Motion for Reconsideration or Denial of Application (Apr. 4, 2024);
6. Declaration of Ian Munce in Opposition to Motion for Reconsideration or Denial of Application and exhibits thereto (Apr. 4, 2024);
7. City's Motion for Summary Judgment (May 30, 2024);
8. Declaration of Bob Sterbank in Support of City's Motion for Summary Judgment and exhibits thereto (May 30, 2024);

FOSTER GARVEY PC
1111 THIRD AVENUE, SUITE 3000
SEATTLE, WASHINGTON 98101
PHONE (206) 447-4400

9. Declaration of Libby Grage in Support of City's Motion for Summary Judgment and exhibits thereto (May 30, 2024);

10. Petitioner's Motion for Summary Judgment (May 30, 2024);

11. Declaration of Ian Munce in Support of Petitioner's Motion for Summary Judgment (May 30, 2024);

12. City's Opposition to Petitioner's Motion for Summary Judgment (June 17, 2024);

13. Declaration of Libby Grage in Support of City's Opposition to Petitioner's Motion for Summary Judgment (June 17, 2024);

14. Declaration of Andrea Bradford in Support of City's Opposition to Petitioner's Motion for Summary Judgment (June 17, 2024);

15. _____

16. _____

17. _____

18. _____

19. _____

20. _____

NOW, THEREFORE, it is hereby ORDERED, ADJUDGED AND DECREED that:

1. Petitioner's Motion for Summary Judgment is **DENIED**;

2. Respondent City of Anacortes's Motion for Summary Judgment is **GRANTED**; and

3. It is hereby **ORDERED** that Petitioner's Application for Writ of Mandamus is dismissed. The Court lacks jurisdiction because Petitioner failed to timely appeal a land use decision under the Land Use Petition Act, Chapter 36.70C RCW. ~~Petitioner also failed to join indispensable parties, Brooks J. and Kelly Donovan Middleton~~. Further, the requirements for an extraordinary writ are not met. ~~Petitioner lacks standing, has failed to show he lacks an adequate remedy at law, that he has a beneficial interest, and fails to identify a clear duty to act as defined by case~~ law.

//////

DATED this 17th day of June, 2024.

SKAGIT COUNTY SUPERIOR COURT

By: _____
The Honorable Laura M. Riquelme

Presented by:

FOSTER GARVEY PC

Bob C. Sterbank

Bob C. Sterbank, WSBA #19514
P. Stephen DiJulio, WSBA #7139
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Attorneys for Respondent City of Anacortes

FACET

Formerly DCG/Watershed

Online Reconnaissance

ANACORTES, WA

NOVEMBER 2024



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ACRONYMS AND ABBREVIATIONS

AMC	Anacortes Municipal Code
BMP	Best Management Practices
City	Anacortes
DNR	Washington Department of Natural Resources
ESA	Endangered Species Act
FWHCA	Fish and Wildlife Habitat Conservation Area
NHP	Natural Heritage Program
NMFS	National Marine Fisheries Service
NRCS	Natural Resources Conservation Service
NWI	National Wetlands Inventory
OHWM	Ordinary High Water Mark
PHS	Priority Habitats and Species
PS	Puget Sound
RMZ	Riparian Management Zone
SMP	Shoreline Master Program
SWIFD	Statewide Washington Integrated Fish Distribution
USFWS	U.S. Fish and Wildlife Service
WAC	Washington Administrative Code
WDFW	Washington Department of Fish and Wildlife

1. INTRODUCTION

The purpose of this report is to present the best available science and findings of an online reconnaissance conducted for a study area located in Anacortes, Washington. The study area is located in the southern portion of the city and is approximately 297 acres (Figure 1). The investigation, performed by Facet, was limited to the study area in question and the immediate surrounding area.

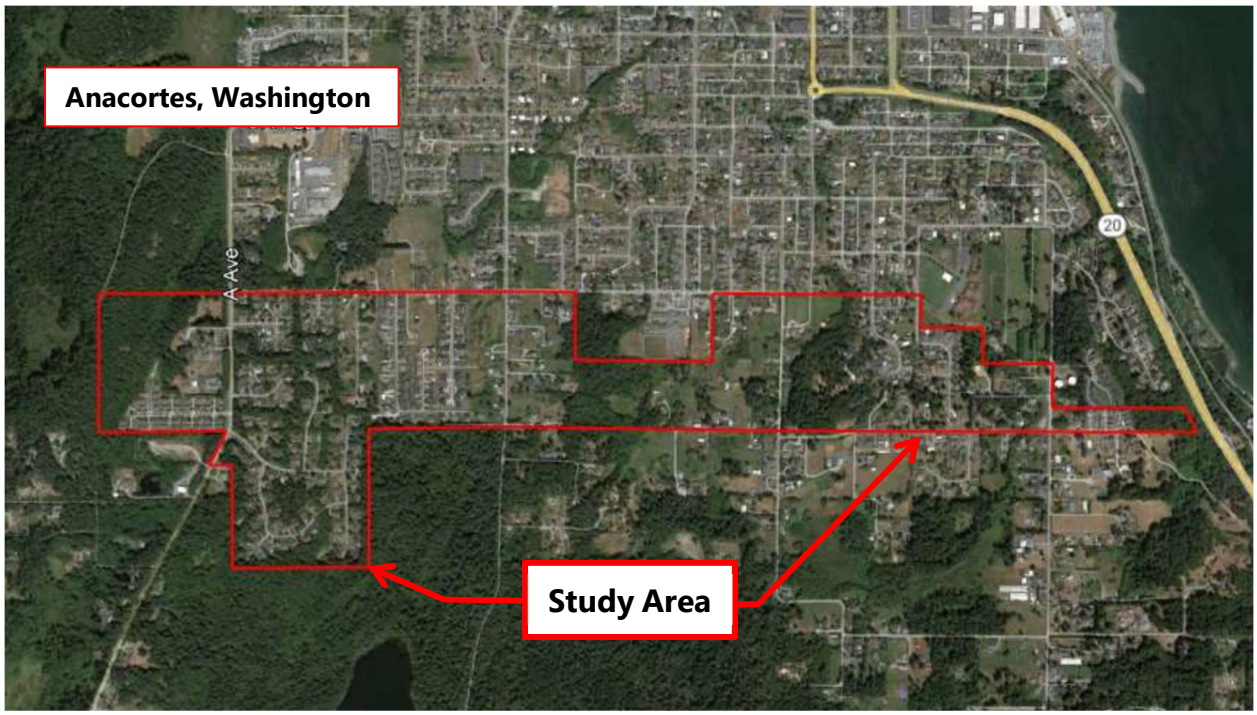


Figure 1. Site Map

1.1 Project Description

The study area consists of approximately 297 acres along the southerly edge of the city of Anacortes urban area located on Fidalgo Island. The entirety of the study area is zoned as R1- residential low density. It is bordered by large lot public use sectors to the south and east that are considered habitats of local importance. To the north of the study area is the R2A- residential low-density zoning.

The R1-residential low-density zone provides the City of Anacortes with low density residential development in the southern end of the city that is inappropriate for more intensive urban development due to topography, the frequent presence of wetlands, the high cost and difficulty in extending public facilities, and the desire to create a lower intensity transitional area between the city and the surrounding forest and hillsides. Under Anacortes Municipal Code (AMC) 19.70, any critical areas within the R1 zone are protected in order to maintain and restore healthy, functioning ecosystems through the protection of unique, fragile, and valuable elements of the environment, including, but not limited to, ground and surface waters, wetlands, and fish and wildlife and their habitats, and to conserve the biodiversity of plant and animal species.

2. CRITICAL AREA REVIEW

Facet staff conducted background research using a variety of online sources, literature, and maps to identify wetlands, streams, and site characteristics indicative of critical area features in the study area (Appendix II). Key sources of information included the following:

- Department of Ecology Water Quality Atlas
- Department of Natural Resources (DNR) Natural Heritage Program (NHP) Mapper
- City of Anacortes Critical Areas Map
- National Wetlands Inventory (NWI) Mapper
- Natural Resources Conservation Service (NRCS) Web Soil Survey
- Washington Department of Fish and Wildlife's (WDFW) Priority Habitats and Species (PHS) Mapper
- WDFW Statewide Washington Integrated Fish Distribution (SWIFD) Mapper
- Stream Buffer Best Available Science Review and Buffer Recommendations Report
- Bachman Environmental 2019 Critical Area Report

2.1 Level of Development

The level of development in Anacortes, Washington, reflects a balance between urban growth and the preservation of its natural environment. Specifically, within the R1 zone, homes are on large lots with a maximum density of two units per acre. The R1 zone fosters a sense of an intimate residential sector that preserves the area's open space for its well-known natural habitats.

2.2 Fish and Wildlife Habitat Conservation Areas

There are two streams mapped within the study area that are considered Fish and Wildlife Conservation Areas (FWHCA) per AMC 19.70.330. Ace of Hearts Creek is mapped as a Type F (fish-bearing) stream. It passes north to south through the center of the R1 zone. The second stream, Happy Valley Stream, is a non-classified stream that also runs north to south through the west side of the study area. Happy Valley Stream is not classified by the City of Anacortes or the DNR. FWHCAs require a fifty-foot buffer, on each side of the creek, measured from the top of the bank per AMC SMP A-5.1(7)(b).

Alternatively, AMC 19.70.330 requires a riparian management zone (RMZ) to be utilized to protect the watercourses and riparian ecosystem function. The RMZ width is to be equivalent to the height of the tallest 200-year-old site-potential tree or 100 feet, whichever is greater, measured horizontally from the ordinary high water mark (OHWM). An existing report (Bachman Environmental, 2024) notes Ace of Hearts Creek as having a RMZ of 165 feet based on the height of the tallest 200-year-old site-potential tree. Therefore, it is reasonable to assume that both streams within the study area may have a required buffer width of 165-feet or greater. A field study would be required to accurately assess the applicable RMZ for each stream channel.

According to the Stream Buffer Best Available Science Review and Buffer Recommendations Report conducted by GeoEngineers for the City of Anacortes in 2019, FWHCA's serve as critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may

include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors, and areas with high relative population density or species richness.

Priority Habitats and Species (PHS) Mapper (2024) depicts the study area to potentially contain freshwater emergent wetlands and the bat species, Yuma myotis. There are no known habitats or species of local importance per AMC 19.70.315(A)(9) within the study area. The DNR Natural Heritage Mapper (2024) does not depict any critical habitats within the study area.

2.3 Wetlands

Wetland maps prepared by NWI (2024), depict the presence of one 0.26-acre freshwater emergent wetland, located in the central region of the study area. Anacortes Critical Area Map (2024) depicts nine wetlands within the study area. Two additional wetlands were identified in the 2019 Bachman Environmental Report. A summary of these wetlands is provided in Table 1 and demonstrated on the map included in Appendix A. Wetland buffers were based on wetland category and a high intensity land use as the study area is residential (AMC 19.70.235).

Table 1. Wetland Overview

#	ID	Location	Category/Type*	Buffer (ft)		
				Habitat Score 8 or 9	Habitat Score 6 or 7	Habitat Score ≤5
1	WET-044	Westwood/Forest Ridge Lowland	III	300	150	80
2	WET-075	41st ST & H Ave SW side	Palustrine Emergent	50 – 300		
3	WET-010	Quail Drive South	III	300	150	80
4	WET-011	Quail Drive North	III	300	150	80
5	WET-012	Quail Drive East	III	300	150	80
6	Wetland A	Quail Drive & H Ave	III	300	N/A	N/A
7	Wetland B	Quail Drive & H Ave	IV	50	50	50
8	WET-014	41st Street	III	300	150	80
9	WET-013	SW Corner of 41st St & O Ave	IV	50	50	50
10	WET-015	West of R Ave. & 41st Place	III	300	150	80
11	WET-042	4820 Whistle Lake Rd	Palustrine Emergent	50 – 300		
12	WET-043	Fir Crest West Wetland	III	300	150	80

*Category or type of wetland is based on data provided by the City.

Buildings, structures, paving, and other hard surfacing must be set back a minimum distance of 10 feet from the edge of the wetland buffer, or edge of the wetland if no buffer is required, per AMC 19.70.235. This setback is to avoid conflicts with tree branches and/or critical root zones of trees that are in the buffer or will be planted in the buffer. Landscaping, uncovered decks, roof eves and overhangs may be allowed in the building setback from the buffer if they do not cause damage to the critical root zone of trees in the buffer. Landscaping can be defined as areas that consist of grade level or elevated planting beds featuring trees, shrubs, flowers, ferns, groundcover, lawn grass, and other vegetation.

2.3.1 Soils

The NRCS soil survey map identifies 17 soil types within the study area. 15 of which are listed as hydric per the Skagit County Hydric Soils List. A summary of the map unit is provided in Table 2. The DNR Washington Natural Heritage Program Data Explorer does identify the center section of the study area as containing hydric soils.

Table 2. Soil Unit Hydric Ratings

Map Unit Symbol	Map Unit Name	Unit Considered Hydric in Skagit County
10	Bellingham silt loam	Yes
11	Bellingham mucky silt loam	Yes
17	Bow gravelly loam, 3 to 8 percent slopes	Yes
18	Bow gravelly loam, dry, 0 to 3 percent slopes	Yes
19	Bow gravelly loam, dry, 3 to 8 percent slopes	Yes
20	Bow-Urban land complex, 0 to 8 percent slopes	Yes
26	Catla gravelly fine sandy loam, 8 to 15 percent slopes	Yes
29	Clallam gravelly loam, 0 to 8 percent slopes	Yes
30	Clallam gravelly loam, 8 to 15 percent slopes	Yes
35	Coveland gravelly loam, 0 to 3 percent slopes	Yes
55	Fidalgo-Lithic Xerochrepts-Rock outcrop complex, 3 to 30 percent slopes	No
78	Keystone loamy sand, 0 to 8 percent slopes	Yes
79	Keystone loamy sand, 8 to 30 percent slopes	Yes
102	Norma silt loam	Yes
106	Pits	No
140	Swinomish-Fidalgo-Rock outcrop complex, 3 to 30 percent slopes	Yes
156	Whistle-Fidalgo-Rock outcrop complex, 30 to 65 percent slopes	Yes

2.4 Geologically Hazardous Areas

The Anacortes Critical Areas Map (2024) does not identify any geologically hazardous areas per AMC 19.70.410. The most easterly portion of the study area is along the shoreline and identified as stable.

2.5 Critical Aquifer Recharge Areas

Per AMC 19.70.535, areas with soils that have moderate to rapid permeability (greater than two inches per hour) and sources for identifying drinking water supply wells identified by agencies such as Washington Department of Ecology and Skagit County Health Department are considered critical aquifer recharge areas.

The Anacortes Critical Areas Map (2024) identifies the easterly half of the study area as containing soils with high permeability. These areas have a critical recharging effect on aquifers used for potable water,

including areas where an aquifer that is a source of drinking water, like a well, is vulnerable to contamination that would affect the potability of the water, or is susceptible to reduced recharge.

Per AMC 19.70.520, areas designated as "wellhead protection areas" are groundwater contribution areas pursuant to WAC 246-291-125(3)(d)(iii). These areas include a 1,000-foot radius for individual private drinking water supply wells. The Anacortes Critical Areas Map (2024) identifies the majority of the study area as being located within 1,000 feet of a well.

Regulated activities/facilities may be permitted in a critical aquifer recharge area only if the applicant can demonstrate that the proposed activity will not cause contaminants to enter the aquifer and that the proposed activity will not adversely affect the recharging of the aquifer per AMC 19.70.530.

2.6 Frequently Flooded Areas

Flood maps prepared by FEMA do not identify any frequently flooded areas within the study area.

3. SPECIES INFORMATION

The following species listed under the federal Endangered Species Act may occur in the vicinity of the study area:

1. Puget Sound Steelhead Trout (*Oncorhynchus mykiss*)
2. Puget Sound Chinook (*Oncorhynchus tshawytscha*)
3. Hood Canal Summer Chum Salmon (*Oncorhynchus keta*)
4. Puget Sound/Georgia Basin Yelloweye Rockfish (*Sebastes ruberrimus*)
5. Puget Sound/Georgia Basin Bocaccio (*Sebastes paucispinis*)
6. Coastal Puget Sound Bull Trout (*Salvelinus confluentus*)
7. Marbled Murrelet (*Brachyramphus marmoratus*)
8. Yellow-billed Cuckoo (*Coccyzus americanus*)
9. Dolly Varden (*Salvelinus malma)*

3.1 Puget Sound Chinook and Steelhead Trout

Most Chinook in the Puget Sound are "ocean-type" and migrate to the marine environment during their first year (Myers et al. 1998). They may enter estuaries immediately after emergence as fry from March to May or they may enter the estuaries as fingerling smolts during May and June of their first year (Healey, 1982). Chinook use estuaries as rearing areas and are the most dependent of all salmon species on estuaries for survival. There are estuaries present in the action areas. As they grow and move into neritic habitats, they feed on decapod larvae, larval and juvenile fish, drift insects, and euphausiids (Simenstad et al., 1982).

Steelhead trout exhibits perhaps the most complex suite of life-history traits of any of the Pacific salmon. Steelhead can be anadromous or freshwater residents and, in some circumstances, yield offspring of the opposite life-history form. The anadromous form can spend up to seven years in freshwater prior to smoltification, although two years is most common, and then spend up to four years in saltwater prior to first spawning. Unlike the Pacific salmon species, steelhead are iteroparous (individuals can spawn more than once). The adult winter steelhead run is generally from December to February, and spawning occurs from March through June (Wydoski and Whitney, 1979). Juvenile steelhead out-migrate from April through June and are not anticipated in the nearshore in large numbers because the majority of steelhead smolts migrate directly to the open ocean (i.e., they are not nearshore dependent) and do not rear extensively in the estuarine or coastal environments (Burgner et al., 1992).

Critical habitat was designated for Puget Sound Chinook salmon on February 16, 2000, and Puget Sound steelhead on March 25, 2016 (Federal Register / Vol. 65, No. 32 / 2000; Federal Register / Vol. 81, No. 36 / 2016). Critical habitat is designated for areas containing the physical and biological habitat features, or PCEs (Primary Constituent Elements) essential for the conservation of the species or which require special management considerations. PCEs include sites that are essential to supporting one or more life stages of the species and that contain physical or biological features essential to the conservation of the species.

3.2 Hood Canal Summer Chum Salmon

Chum Salmon may historically have been the most abundant of all Pacific Salmonids. They are an anadromous fish, which means they can live in both fresh and saltwater. Chum Salmon typically weighs on average 8-15 pounds and are up to 3.6 feet long with a lifespan of about 4 years (NOAA, 2024). Chum salmon have a relatively complex life history that includes spawning and juvenile rearing in rivers followed by migrating to saltwater to feed, grow, and mature before returning to freshwater to spawn (NOAA, 2024). Chum can be found in virtually every small coastal stream. In the fall, large numbers of Chum can often be seen in the lower reaches of these streams. Chum fry do not rear in freshwater for more than a few days. Shortly after they emerge, Chum fry move downstream to the estuary and rear there for several months before heading out to the open ocean (WDFW, 2024).

3.3 Coastal Puget Sound Bull Trout

The Coastal Puget Sound bull trout population is thought to contain the only anadromous forms of bull trout in the contiguous United States (Federal Register / Vol. 64, No. 210 / 1999). Spawning occurs typically from August to November in streams and migration to the open sea (for anadromous populations) takes place in the spring. Following this season, Bull Trout migrate to freshwater river systems to overwinter. Bull trout prefer colder water temperatures than most salmonids, and clean water substrates for spawning and rearing. They require complex habitats such as streams with riffles, deep pools, and undercut banks.

Critical habitat was designated for the bull trout was designated on November 17, 2010 (Federal Register / Vol. 75 No. 200 / 2010). Critical habitat is designated for areas containing the physical and biological habitat features, or PCEs essential for the conservation of the species or which require special management considerations. PCEs include sites that are essential to supporting one or more life stages

of the species and that contain physical or biological features essential to the conservation of the species.

3.4 Marbled Murrelet

Marbled murrelets are small marine birds in the Alcidae family that nest in the coastal old-growth forests of the Pacific Northwest. The breeding season of the marbled murrelet generally begins in April, with most egg laying occurring in late May and early June. By the end of August, chicks have fledged and dispersed from nesting areas Marbled murrelets differ from other seabirds in that their primary nesting habitat is old-growth coniferous forest within 50 to 75 miles of the coast. The nest typically consists of a depression on a moss-covered branch where a single egg is laid. When not nesting, the birds live at sea, spending their days feeding and then moving several miles offshore at night (Marks and Bishop, 1999).

3.5 Yellow-Billed Cuckoo

The yellow-billed cuckoo is a relatively large riparian bird that is distributed throughout the U.S., however, due to reductions in habitat, are very rare in Washington State (WDFW, 2024). Breeding season typically occurs in late spring to early summer. During this period, they tend to move around and have large home ranges but are mostly found in areas with more than 200 acres of deciduous forests (USFWS, 2024). Nesting habitat usually occurs at lower elevation riparian woodlands that contain willow trees, alders, or cottonwoods that are close to streams or rivers. Though there are no recent documents of yellow-billed cuckoo nesting in Washington, it can occur anywhere in the state as much would be considered generally good habitat for nesting.

4. CRITICAL AREA FINDINGS

The study area provides unique and critical area ecological functions the R1 – low density residential area, including two streams, 12 wetlands, and 16 well-head protection areas. These areas serve as essential habitats for various species, including fish, birds, and other wildlife. They provide nesting, breeding, and foraging grounds that support local biodiversity and ecosystem health. Wetlands and stream riparian zones act as natural filters, absorbing pollutants and sediment from runoff before it enters the major water bodies surrounding Anacortes. This helps improve the overall water quality of the area. Buffers should not be encroached on unless the action is unavoidable or has been determined to have no impact on the function of the critical area. Based on the analysis of this document, further and more condensed project development within the R1 zone may have a significant impact on the identified critical areas, species, or vegetation. It is recommended that the R1 zone is thoughtfully and carefully developed at the current density of two units per acre.

Within the limitations of schedule, scope of work, and seasonal constraints, Facet warrants that this study was conducted in accordance with generally accepted investigation practices, including the technical guidelines and criteria in effect at the time this study was performed.

**Disclaimer – Additional critical areas may be present if the area were to be fully delineated by a qualified professional.*

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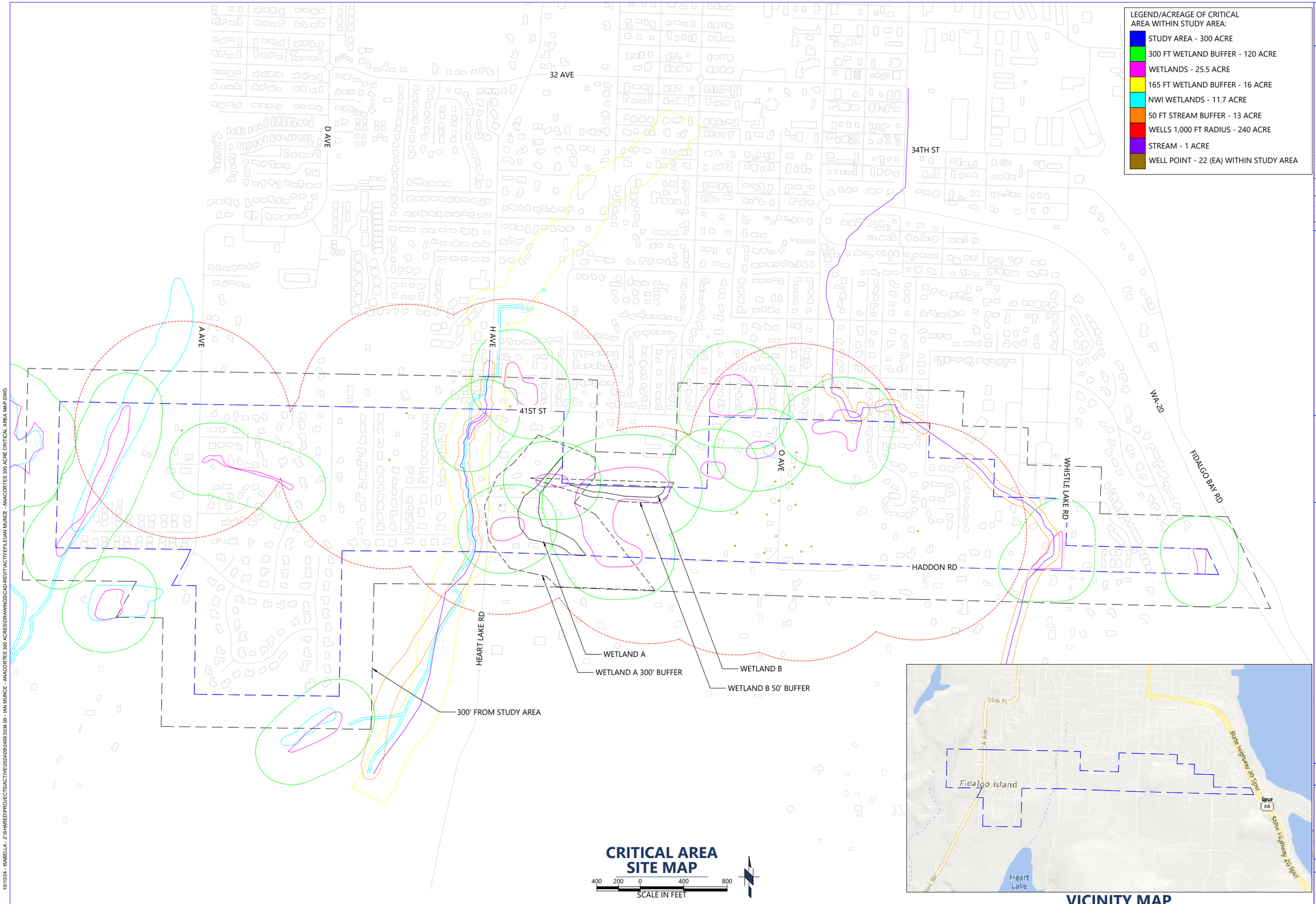
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APPENDIX I: Critical Area Map Overlay



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#	DATE	BY	REVISION

BASE MAP/TOPOGRAPHY PROVIDED BY OTHERS. FACET CANNOT BE HELD LIABLE FOR ACCURACY. CONTRACTOR SHALL FIELD VERIFY GRADES, UTILITIES, AND ALL OTHER EXISTING FEATURES AND CONDITIONS. LOCATIONS OF UTILITIES ARE SHOWN AND/OR PLANS CANNOT BE CONSTRUCTED AS SHOWN. CONTACT FACET PRIOR TO CONSTRUCTION.

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47721
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PROFESSIONAL ENGINEER

ANACORTES 300 ACRE

CRITICAL AREA SITE PLAN
QUAIL DR
ANACORTES, WA 98221

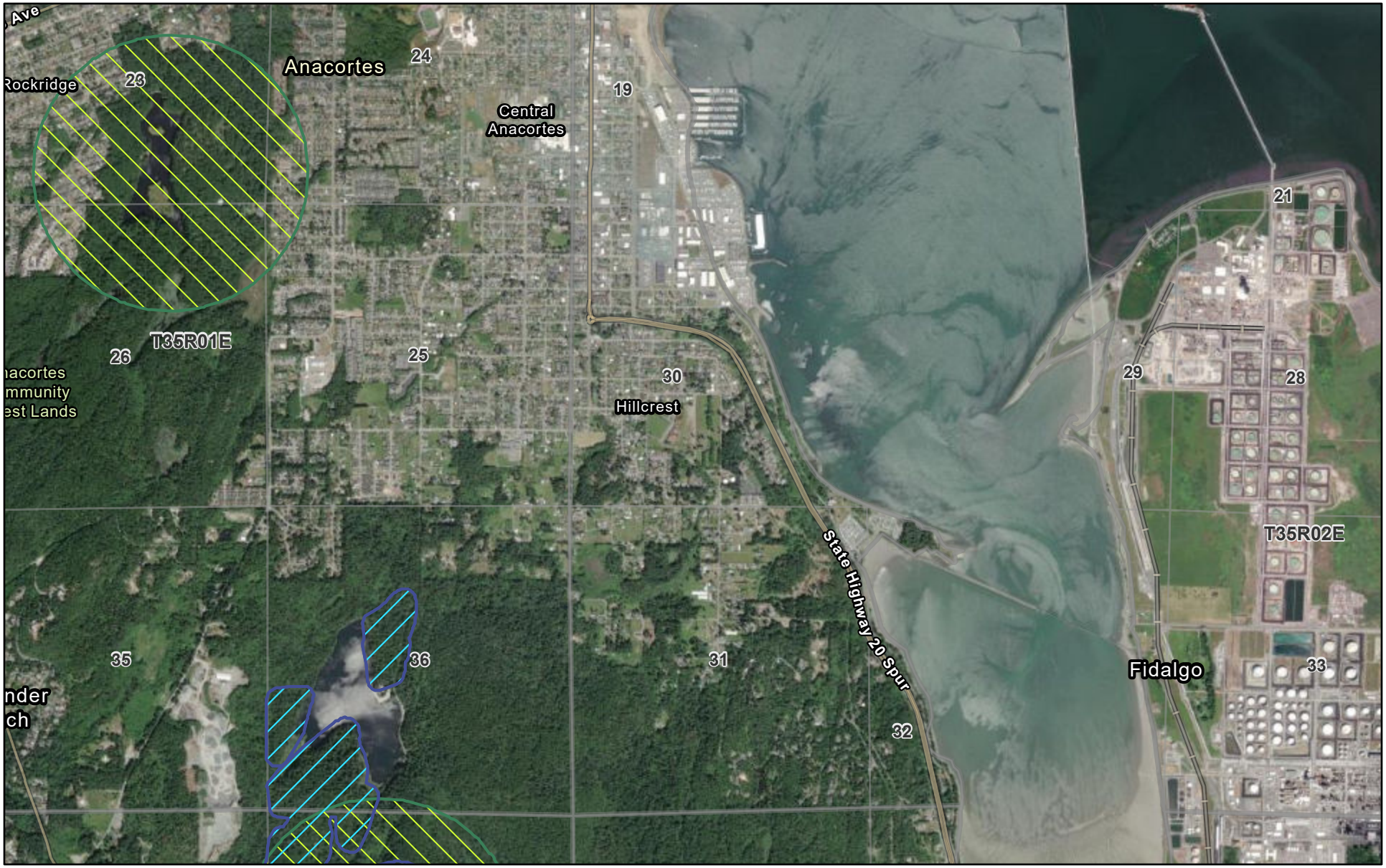
ISSUED FOR PERMIT

CRITICAL AREA SITE PLAN

DATE: OCT. 2024
PLAN NUMBER: S1.01
SHEET: 2 OF 6

APPENDIX II: Critical Area Review

WNHP Rare Plant and Ecosystem Locations



10/1/2024, 1:42:09 PM

1:44,131

0 0.25 0.5 1 mi

0 0.4 0.8 1.6 km

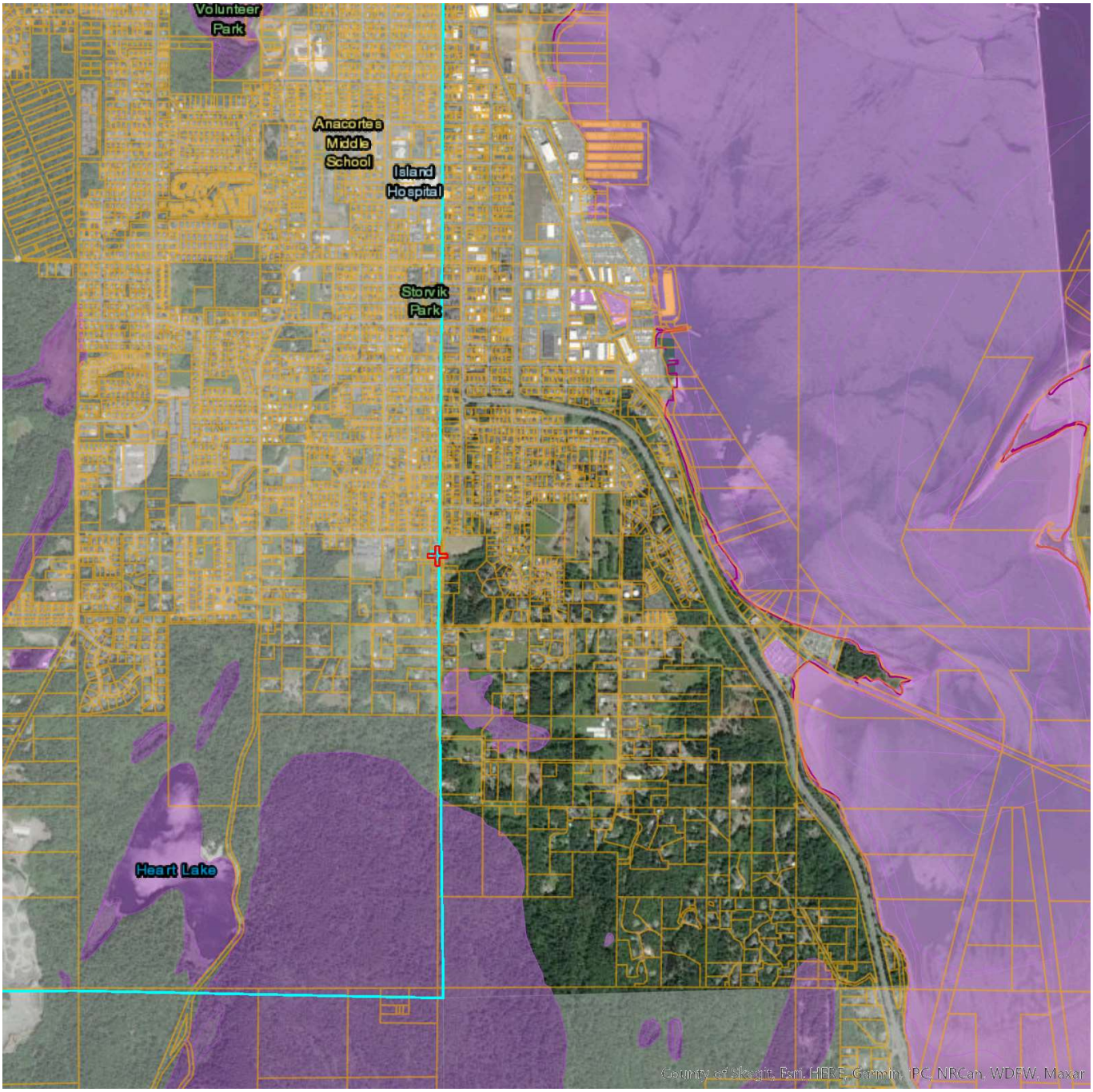
Known Rare Plants and Rare & High-quality Ecosystems

- Rare Plant
- Rare and/or High Quality Ecosystem
- Public Land Survey Sections
- Public Land Survey Townships
- State Boundary
- County Boundaries

County of Skagit, WA State Parks GIS, Esri Canada, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land

WNHP Plant & Ecosystem Map Viewer

KNOWN PLANT AND ECOSYSTEM LOCATIONS REFLECT KNOWN OCCURRENCE LOCATIONS BUT MAY NOT REFLECT ALL OCCURRENCES OF RARE PLANTS OR ECOSYSTEMS.



Report Date: 10/01/2024

PHS Species/Habitats Overview:

Occurence Name	Federal Status	State Status	Sensitive Location
Freshwater Emergent Wetland	N/A	N/A	No
Yuma myotis			Yes

PHS Species/Habitats Details:

Freshwater Emergent Wetland	
Priority Area	Aquatic Habitat
Site Name	N/A
Accuracy	NA
Notes	Wetland System: Freshwater Emergent Wetland - NWI Code: PEM1C
Source Dataset	NWIWetlands
Source Name	Not Given
Source Entity	US Fish and Wildlife Service
Federal Status	N/A
State Status	N/A
PHS Listing Status	PHS Listed Occurrence
Sensitive	N
SGCN	N
Display Resolution	AS MAPPED
ManagementRecommendations	http://www.ecy.wa.gov/programs/sea/wetlands/bas/index.html
Geometry Type	Polygons

Yuma myotis	
Scientific Name	*Myotis yumanensis*
Notes	This polygon mask represents one or more records of the above species or habitat occurrence. Contact PHS Data Release at phsproducts@dfw.wa.gov for obtaining information about masked sensitive species and habitats.
PHS Listing Status	PHS Listed Occurrence
Sensitive	Y
Display Resolution	TOWNSHIP
ManagementRecommendations	http://wdfw.wa.gov/publications/pub.php?id=00605

DISCLAIMER. This report includes information that the Washington Department of Fish and Wildlife (WDFW) maintains in a central computer database. It is not an attempt to provide you with an official agency response as to the impacts of your project on fish and wildlife. This information only documents the location of fish and wildlife resources to the best of our knowledge. It is not a complete inventory and it is important to note that fish and wildlife resources may occur in areas not currently known to WDFW biologists, or in areas for which comprehensive surveys have not been conducted. Site specific surveys are frequently necesssary to rule out the presence of priority resources. Locations of fish and wildlife resources are subject to variation caused by disturbance, changes in season and weather, and other factors. WDFW does not recommend using reports more than six months old.

APPENDIX V: Author Qualifications

Statement of Qualifications

ALLISON (MARTIN) LISI, ECOLOGIST

Professional Experience: 9 years

Allison Lisi is an Ecologist for Facet. Allison provides a wide range of consulting experience in environmental compliance, permitting, planning, restoration, and management. She has worked on a variety of habitat restoration projects throughout the Midwest, Tennessee, and Washington.

Allison earned a Bachelor of Science degree in Biology and Environmental Studies from the University of Cincinnati. She holds credentials as an ISA Certified Arborist and a Qualified Hydrologic Professional In-Training. Allison has also completed her certification in wetland delineations and watershed management.

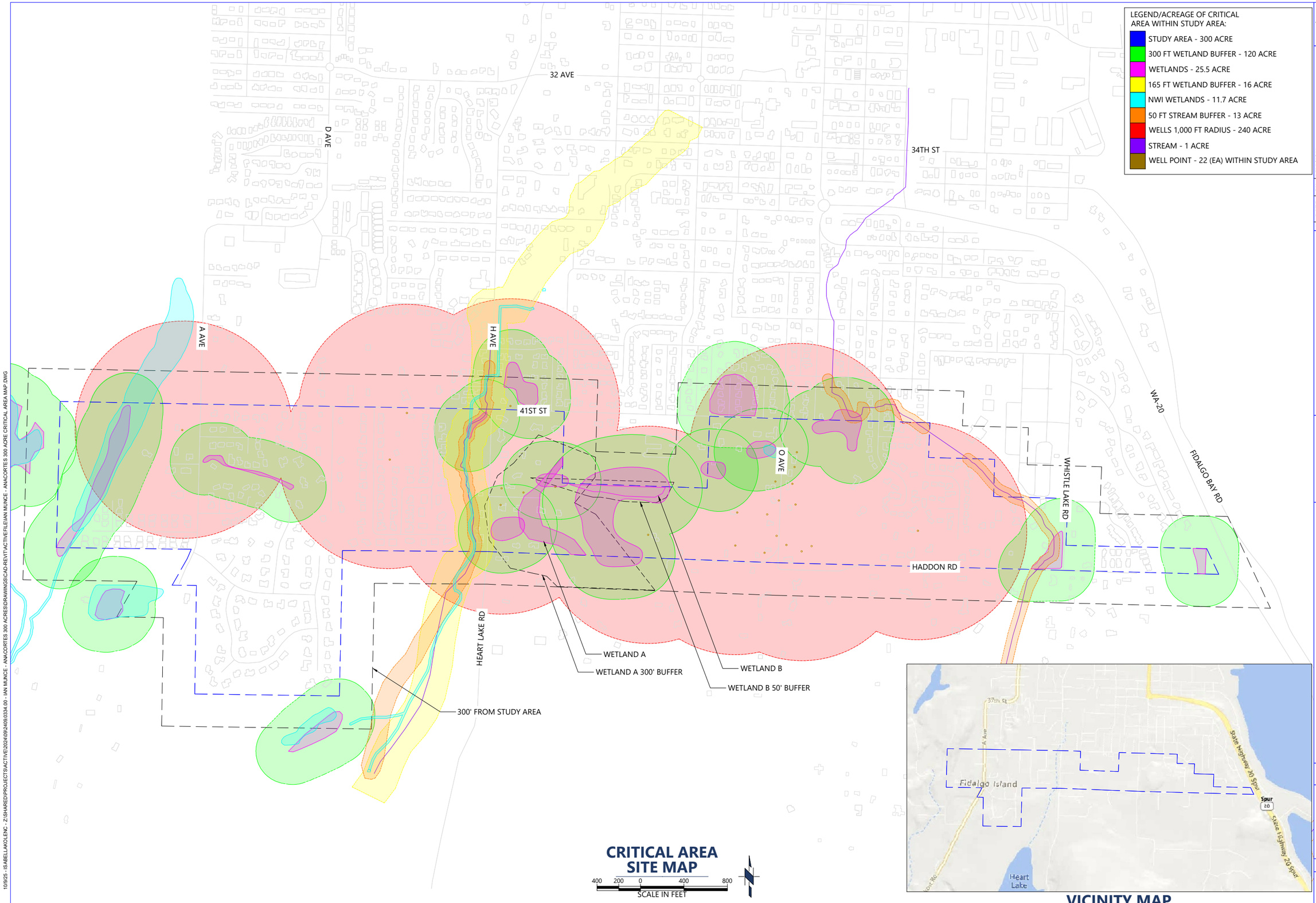
HILARY HAHN, ENVIRONMENTAL COORDINATOR

Hilary Hahn is an Environmental Coordinator for Facet with ten years of experience in the engineering, development, and surveying sector. Hilary is currently pursuing a bachelor's degree in environmental science, where she has demonstrated an understanding of key environmental principles, such as biodiversity conservation, ecological systems, and environmental policy. Her studies have also exposed her to various scientific research techniques and methodologies, further fueling her drive to find innovative solutions to pressing environmental challenges.

Hilary is currently a certified wetland delineator and is looking forward to continuing her education by obtaining advanced credentials and professional certifications in the environmental field.

JAY DALLY, ECOLOGIST

Jay Dally is an Ecologist for Facet who recently graduated from Western Washington University with a Bachelor of Science degree in Environmental Science with a Freshwater and Terrestrial Ecology emphasis. His degree included a wide range of exposure to ecological principles and skills such as Pacific salmon habitat assessment, watershed delineation, soil science, aquatic toxicology, and wetland plant identification. Being in the early stages of his career as an ecologist, Jay is excited to build his skillset by participating in training to gain relevant credentials and by putting his education to use to provide excellent services to the Facet client base.



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☘ **IAN S. MUNCE,** AICP

ATTORNEY AT LAW

Areas of Focus: Land Use, Environmental, and Municipal Law

1711 Quail Drive • Anacortes, WA 98221 • (360) 333-1646 • ianmunce@gmail.com

August 22, 2026

LEGAL MEMORANDUM R1 STANDING

Dear Concerned R1 Neighbors

In response to a request for my legal opinion as to your standing and other issues as to the proposed Herrigstad property short plat, in your immediate neighborhood, I submit this Memorandum. In it I also compare and contrast the SEPA and neighborhood engagement approach that the City took when the Orchards Planned Unit Development (surrounding the Ace of Heart Creek) was proposed and the approach that the City is taking now on the Herrigstad project (surrounding the Happy Valley Stream), both are in the protected R1 zone. I submit this Memorandum pro bono as I so much appreciate R1neighbors insistence in being involved in proposed R1 development projects in general and the Herrigstad proposed short plat review and decision process in particular.

Standing

In Skagit County Superior Court Case No. 24-2-00221-29, I personally sought a court order directing the City to enforce its wetland protection and restoration regulations adjacent to my property. The Court declined to issue the Order, considering it to be an inappropriate 'extraordinary remedy', but in response to the City's assertions to the contrary held that the City's unequivocal duty under AMC 19.10.030 ("The Director has the duty to administer and enforce AMC Titles 16, 17, 18, and 19") was real and more than merely aspirational. Further, the Court held that I had two separate bases for legal standing to appeal to court: (1) I use an domestic well (as do some other R1 neighbors) that could be affected by the City's failure to comply with its environmental protection and restoration policies and recommendations and (2) I had and have a 'beneficial interest' in protecting my neighborhood.

It is a small step to equate the septic systems threatened by stormwater overload from new development to protected domestic wells in order to secure property rights standing and you obviously have a beneficial interest in your neighborhood. The City chose not to appeal my Superior Court case and so you and your neighbors can avail yourself of this precedent, one that is now controlling authority in Skagit County.

The Orchards Planned Unit Development/Subdivision-Permit Streamlining

This PUD took the aggregated permitted density on the site and clustered it outside the Ace Of Heart's Creek and buffer; development standards were similarly adjusted to meet local circumstances without the need for time-consuming administrative variances. The PUD then took active measures to restore the creek and provided protected, supportive open space in an actual orchard. Critical areas were then protected in perpetuity with "Native Growth Protect Easements". Neighbors were involved from the outset and were fully engaged in the Planning Commission and City Council's Public Hearings. Despite the scale and scope of the project no appeals were filed, i.e. successful streamlining.

The PUD documents for the Orchards were recorded with a conditions that addressed: ongoing City responsibilities, ongoing homeowner responsibilities, and stream and habitat protection and restoration. Attachment A. These conditions were carefully and thoughtfully developed through the SEPA Checklist/Mitigated Declaration of Non-Significance (MDNS) process and productive hours of public engagement with the applicant, Planning Commission, and City Council. The Cedar Spring PUD is located just north of The Orchards but developed with due provision for the protection of the Ace of Hearts Creek and following the same careful and thoughtful process followed for The Orchards. Attachments B and C.

However, in an earlier version of 'streamlining for developers' (2016) the PUD approach to permit streamlining and flexibility was eliminated from City code, together with the loss of public engagement, transparency, accountability, and Comprehensive Plan Policy implementation as to projects with environmental significance.

The Current Approach to Environmentally Significant Project Review

Housing projects over 20 units, work in critical areas, and even minor development in the R1 zone require review under the State Environmental Policy Act (SEPA). Given the current absence of a public facing PUD type process, the role of SEPA in project review is now of paramount importance, e.g. "The policies and goals set forth in this chapter are supplementary to those in the existing ordinances of the City … the City adopts by reference the policies in the following city ordinances: City comprehensive plan and development regulations (zoning, subdivision, and critical area regulations…". AMC 18.04.240(D)3. The Environment and Conservation Comprehensive Plan policies, policies now in place for decades call not just for critical area protections but for mitigation to

achieve the City and GMA standard of “no net loss of ecological functions and values” on a project by project basis” and the City’s mandates for critical area restoration.

Conclusion

Having reviewed the documentation provided so far for the proposed Herrigstad Short Plat, I conclude that it simply fails to address the critical area issues as has been done for previous developments around protected streams, such as the Ace of Heart Creek. It is my earnest hope that an EIS can be avoided with accurate critical area information and careful and thoughtful application of City Comprehensive Plan policies surrounding environmental stewardship and leadership to project design, robust and binding conditions on the face of the plat, and applicant-funded annual monitoring and corrective action.

Ian S. Munce
Attorney at Law

Libby Grage

From: Dennis Clark <dennisbclark@hotmail.com>
Sent: Thursday, September 3, 2026 1:55 PM
To: Libby Grage
Subject: Comments on Proposed Permit Process Improvements LEG-26-07

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I strongly support the proposed code amendments. They are a good start.

The housing crisis in this country stems in large part from too much regulation at the local government level. The City of Anacortes currently has more than enough development regulation to protect the common good. The minor paring back of development regulation through this very modest proposed streamlining should yield benefits in excess of any drawbacks.

The City of Anacortes should take MORE steps to reduce the time/cost of permitting and thereby speed up the expansion/improvement of housing. I doubt that the requirement for permit review of fences greater than seven feet in height is the ONLY activity currently requiring permit review that is worthy of de-regulation.

Thank you for your consideration.

Dennis Clark
Anacortes Citizen Since 2011

Libby Grage

From: Mark Nihart <marknihart@gmail.com>
Sent: Thursday, September 3, 2026 8:38 AM
To: Libby Grage; John Coleman
Cc: Mark Nihart
Subject: Title 19 Permit Process Improvement – SGA's Three-Stage Adaptive Permit Process
Attachments: SGA_Alternative_Permit_Process FINAL Version.docx

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

Libby:

Will you please add SGA's "Title 19 Permit Process Improvement – SGA's Three-Stage Adaptive Permit Process cover letter and document" to the comments for the Planning Commision review of the LEG-26-07: Permit Process Streamlining Code Amendments.

Please let me know you received this email and when and where the SGA Comment was posted to the Website. Thanks for all the help. Much appreciated.

Smart Growth Anacortes

To: John Coleman, Libby Grange
cc: Planning Commission, City Council, Mayor
Subject: Title 19 Permit Process Improvement – SGA's Three-Stage Adaptive Permit Process
Date: September 3, 2026

To all concerned:

Smart Growth Anacortes supports the City's goal of improving the permit process so it is more predictable, efficient, and easier for staff to administer. We recognize the significant workload carried by the Planning, Building, and Public Works departments, and we appreciate the City's effort to modernize Title 19. Our intention is not to tell staff how to do their jobs, but to offer a constructive alternative that strengthens the City's objectives while addressing one area where the current proposal may unintentionally fall short: public participation.

We also understand that the City is entering a demanding period. The Critical Areas Ordinance update must be completed by year-end, and the Shoreline Master Program update—originally scheduled for 2027—will require substantial staff time and careful public engagement. These responsibilities, combined with day-to-day permit processing and a challenging budget cycle, place significant pressure on staff capacity. In this context, a permit-streamlining approach that improves information quality and reduces late-stage corrections can help staff manage competing obligations without sacrificing decision quality or public trust.

The City's draft streamlining amendments focus on reducing staff time, shortening review timelines, and improving predictability for applicants. These are important goals, as long as they are achieved without cutting corners, and Smart Growth Anacortes agrees with them. Our proposal is designed to support those same goals by improving the timing and quality of information, reducing late-stage surprises, and creating predictable

checkpoints that help staff avoid rework and conflict. Because early public participation improves information quality, it directly supports these streamlining goals rather than competing with them. Should the enhanced review structure require additional staff time, we recommend that any associated costs be incorporated into permit fees so they are paid by applicants rather than by City taxpayers and ratepayers.

We believe that early, well-structured public participation is not an obstacle to efficiency—it is a tool for better information and fewer late-stage corrections. Our adaptive three-stage review model introduces predictable checkpoints that test whether the factual assumptions supporting a project remain valid, improving decision quality and supporting lawful finality.

Smart Growth Anacortes offers our attached proposal in the spirit of collaboration and to build community trust. We look forward to more discussion.

SGA authored, Respectfully submitted by,

Mark B. Nihart
President, Smart Growth Anacortes
https://smartgrowthanacortes.com/

Smart Growth Anacortes

To: John Coleman, Libby Grange
cc: Planning Commission, City Council, Mayor Ryan
Subject: Title 19 Permit Process Improvement – SGA's Three-Stage Adaptive Permit Process
Date: September 3, 2026

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SGA ALTERNATIVE PERMIT PROCESS IMPROVEMENT

Three-Stage Adaptive Permit Review

Executive Summary

Permit process improvement should be measured not just by speed but also by transparency, repeatability, and quality/protective results. A permit process should be orderly and predictable without being blind to new information. SGA supports a clear sequence of permits, but each major stage should include a defined checkpoint to determine whether the factual, environmental, infrastructure and public-interest assumptions supporting the project still hold. Where they do, the project moves forward without reopening settled decisions. Where credible new information materially changes an assumption, the City should have a defined, limited process to respond. This is not endless review; it is good process management.

The SGA proposed process is a managed, staged, feedback-loop system. The central focus is a three-stage review for projects: (1) Early Review / Baseline Validation, (2) Middle Review / Design and Assumption Validation, and (3) Latter Review / Pre-Construction and Final Validation. Each checkpoint asks: What new information has appeared? Do the original assumptions still hold? Has anything materially changed that requires additional analysis, mitigation, public notice, or reconsideration of an earlier decision?

The public can view the record real time and provide input at each stage. This replaces the idea of public participation as a single hearing or comment period with a continuous civic feedback loop: inform early, listen early, test assumptions, explain the response, adjust when evidence warrants it, verify before construction, and learn from outcomes.

The goal is not to reopen every decision. The goal is to discover, at predictable points, whether the factual foundation supporting the decision remains valid. Finality is preserved when assumptions have not substantively changed.

The model avoids two failures: a purely linear system can carry a bad assumption forward until construction, while a permanently open process creates uncertainty. This model creates predictable checkpoints. Early review catches missing baseline information; Middle review catches design/engineering changes; Latter review catches field-condition and implementation failures. Each stage has a defined scope and only material new information, or defined triggers can move an issue backward. This model is not an anti-development proposal: it seeks faster decisions by improving information quality and timing and reducing late-stage surprises. A goal is to reduce the probability of issues ending up at the Growth Management Hearing Board or Superior Court -- A situation in which no one really “wins.”

SGA believes the best way to run a city is to govern with the people, not merely for the people: establish clear rules, make information understandable, invite the community into decisions while they can still be improved, listen to evidence from residents as well as professionals, explain how material comments were considered, test decisions as new information emerges, and monitor project performance and take corrective action as necessary.

Finally, the costs associated with this level of review belong to the applicant and not to City taxpayers and ratepayers and need to be reflected in permit fees.

The SGA Adaptive Permit Model Differs from the Traditional Linear Model

Traditional Linear Model	SGA Adaptive Model
(Pre-Application) → Application → Site Plan → Site Construction → Building → Occupancy	Pre-Application → Application → **Early Review** → Land-Use/Site Plan → **Middle Validation** → Site Preparation → **Latter Validation** → Building/Occupancy
Earlier assumptions are carried forward	Material assumptions are entered in an Assumption Register and tested at three checkpoints
Site Plan rarely revisited	Site Plan remains stable unless a defined material-change/new-information trigger occurs
Public input concentrated at one point	Public involvement is linked to decision type and stage Public notified/gives input at each stage
Off-site/cumulative issues can be missed	Relevant off-site/cumulative effects are screened early and verified later
Speed measured mainly by elapsed time	Speed + correction cycles + decision quality + compliance

The SGA Adaptive Permit Model Addresses Public Concerns

Concern	Remedy	Location
Process should be simple, transparent, repeatable, data-driven and protective with two-way engagement.	Make those objectives express Title 19 policy and measure annually.	19.20.010
Process too linear; Site Plan rarely revisited.	Three-stage adaptive review with defined new-information/material-change triggers.	19.20.110–150; 19.30.060
Public opportunities to comment are mostly one-shot.	Stage-specific information/comment opportunities for all projects.	19.22
No off-site/cumulative impacts assessed.	Documented screening and update where relevant to applicable criteria/environmental analysis. Offsite/cumulative impacts are assessed.	19.20.115–116
R1 Zone treated the same as everything else.	Objective R1/sensitive-residential screening and neighborhood meeting triggers address R1 issues without creating new substantive zoning standards.	19.20.035; 19.22.025
Neighborhood meetings optional.	Objective minimum triggers replace vague discretionary language. R1 Zone requires neighborhood meetings for all applications.	19.22.025
Pre-application serves applicant, not public.	Neighbors have property rights, too. Require pre-application conference for development of multi-unit projects and in all R1 Zone projects and connect it to early public information.	19.20.040; 19.22
Appeal process substitutes for participation.	Preserve applicable party-of-record and pre-decision participation rights; appeals are not the substitute.	19.22.030
5–10% administrative exception.	Remove blanket numeric allowance; require explicit authorization and findings.	19.21.200
Engineering is ambiguous.	Define civil/site, structural, mechanical, electrical and fire-related disciplines.	19.38.050
Protected areas need fencing/signage before work.	Pre-work inspection, field identification, fencing/signage and continuing protection.	19.38.070–100; 19.39.070
Performance security unclear.	Separate ordinary construction security from resource-protection security with release/monitoring criteria.	19.38.060
Inspection records needed.	Every required inspection produces a dated record visible to the public.	19.38.080
Land-use, Building, Infrastructure terminology confusing.	Functional categories and plain-language permit pathway.	19.12; 19.20.025
5-foot contours.	Require detailed topography where technically needed; five-foot contours where grading/drainage/slope review warrants.	19.20.085
Use shall rather than may/must for mandatory duties.	Drafting convention: shall = mandatory duty; may = actual discretion.	Throughout

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Adaptive Development Review

19.20.025 Purpose and Process Model.

The City shall administer development review as a coordinated, predictable and adaptive process. Projects shall use Early, Middle and Latter Review stages. The stages are review checkpoints, not separate permits unless otherwise provided. Their purpose is to identify new information, test material assumptions, verify compliance and determine whether a defined trigger requires additional review or modification of an earlier approval. These checkpoints also allow public review and two-way dialogue.

19.20.110 Stage 1 — Early Review / Baseline Validation.

Early Review shall occur after procedural completeness and before final land-use/site-plan decision for projects. The public will be part of the Early Review. The City shall establish the factual baseline and identify material assumptions concerning land use, site conditions, infrastructure, utilities, access, drainage/stormwater, environmental resources, critical areas, shoreline jurisdiction, trees/vegetation, geologic/flood hazards, public facilities, and reasonably foreseeable off-site or cumulative effects where relevant. The City shall identify known information, assumptions, information gaps, required studies, applicable criteria, public-process requirements, and potential mitigation/monitoring. The City shall determine whether required information is present and that the SEPA Checklist clearly, and in detail, identifies site specific issues and proposes necessary mitigating conditions that achieve “no net loss in ecological function and value” for the proposal.

19.20.120 Stage 2 — Middle Review / Design and Assumption Validation.

Before final construction-oriented approvals are issued, the City shall determine whether material assumptions identified during Early Review remain valid. The public will be part of the Middle Review. The review shall compare current site conditions, final/substantially final civil design, infrastructure capacity, drainage/stormwater, critical area/shoreline conditions, mitigation, access, public facilities, off-site effects, and new technical or public information against the earlier record.

19.20.130 Stage 3 — Latter Review / Pre-Construction and Final Validation.

Before site disturbance or construction begins, the City shall verify that the factual and regulatory assumptions supporting the approved project remain valid. Review shall include final plans, construction sequencing, erosion controls, critical area/shoreline protections, retained trees, mitigation, monitoring, performance security, utilities, access and fire requirements, and material changes since earlier approval. The public will be intensely involved in this stage to ensure the public input has been considered and implemented per process and criteria.

19.20.140 Assumption Register.

For projects, the permit coordinator shall maintain an Assumption Register identifying each material assumption relied upon in the decision, evidence supporting it, stage of validation, responsible discipline, and whether later information confirms, modifies or disproves it. The register should also include issues brought up by the public so that there is a record of response.

19.20.150 New Information / Material Change Trigger.

New information shall require additional review when credible and material to an applicable approval criterion, environmental determination, critical-area protection, shoreline requirement, public safety issue, infrastructure capacity, development intensity, access, drainage/stormwater, mitigation effectiveness, or other decision basis. The Department shall document whether the information confirms assumptions, requires a condition/correction, requires supplemental analysis, requires additional public notice/comment, or requires modification/reopening under applicable law. New information alone shall not automatically reopen a permit.

Three-Stage Decision Gate

Stage	Core Question	Evidence	Possible Result
EARLY	Do we understand the site, proposal, criteria and assumptions?	Baseline, site plan, studies, infrastructure, environmental evidence, SEPA Checklist, public issues.	Proceed; request information; require study; establish Assumption Register.
MIDDLE	Do assumptions still hold after design development?	Civil/site plans, utilities, drainage, mitigation, environmental updates, off-site/cumulative screen, "no net loss" assessment, new information.	Confirm; condition; technical correction; supplemental analysis; additional notice; targeted reopening if authorized.
LATTER	Are assumptions still valid immediately before construction?	Final plans, field condition, protected areas, erosion controls, security, inspections.	Release to construction; correct deficiencies; hold work; process material-change trigger.

Public Participation at the Three Stages

19.22.020 Public Participation by Stage.

For Type 2, Type 3 and Type 4 actions, public participation is required. Projects proposed in the R1 Zone, and Type 3 and 4 actions require more advanced public participation. Early Stage shall provide an opportunity to identify site-specific, environmental, infrastructure and neighborhood issues. Middle Stage shall evaluate whether new information or material changes require additional notice/comment. Latter Stage shall provide traceable construction-start compliance information for projects with significant environmental, neighborhood or infrastructure conditions. The Latter Stage is not a second land-use hearing.

19.22.025 Required Neighborhood Meeting Triggers.

Neighbors have property rights, too. A neighborhood meeting shall be required for a project when objective code triggers apply, including specified development-intensity thresholds. All R1 proposals require early Neighborhood Meetings and other sensitive-residential projects likely to create material neighborhood effects, material departures/exceptions, or other criteria adopted by ordinance. Director discretion may supplement, but not replace, objective minimum triggers.

19.22.030 Parties of Record and Decision Participation.

Nothing in Title 19 shall eliminate a participation or party-of-record right established by applicable law. Appeal rights shall not be treated as a substitute for participation required before a decision. The project record shall identify the applicable participation method.

Off-Site and Cumulative Effects

19.20.115 Off-Site and Cumulative Effects Screen.
Early Review shall include a documented screening of reasonably foreseeable off-site and cumulative effects. The screen may include traffic/access, stormwater/drainage, utilities, habitat/critical areas, shoreline resources, geologic/flood hazards, tree canopy, public facilities, and interactions with reasonably foreseeable nearby development or public projects.

19.20.116 Cumulative-Effects Update.
If Middle or Latter Review identifies materially different off-site conditions or reasonably foreseeable development that changes an earlier conclusion, the City shall document whether the original analysis remains valid, requires updating, or triggers supplemental review.

19.20.035 R1 Zone/Sensitive Residential Screening.
R1 Zone projects with material intensity increase, departure/exception, significant tree/critical-area/shoreline conditions, or likely material neighborhood effects shall receive the enhanced early-review and public-participation pathway established by 19.22. The City shall identify R1 status in the Permit Pathway Map and Assumption Register and document any neighborhood-meeting determination.

For consistency regarding R1 projects, SGA would like to see all R1 proposals require an early Neighborhood meeting and the significance of issues in that meeting can dictate the need for additional, similar meetings as the process advances. The issues raised should be documented for follow-up by City as the process proceeds.

Site Plan Review — Adaptive Finality

19.30.060 Effect of Site Plan Approval.
Site Plan approval establishes the approved development framework and shall be relied upon when its material factual and regulatory assumptions remain valid. A Site Plan shall not be reopened merely because later review is more detailed. Reopening or modification may occur only when a defined trigger is documented, including material inconsistency, applicant-requested material change, material new information undermining a decision assumption, material environmental/critical-area/shoreline/infrastructure/safety/access information not previously available or adequately considered, material error/omission, material change in applicable law, or other express legal authority. Any review shall be limited to the issue reasonably implicated by the trigger.

Administrative Exceptions

19.21.200 Administrative Exceptions.
Administrative exceptions shall not include a blanket authority to reduce objective dimensional or numeric standards by 5–10 percent. An exception may be granted only where a specific regulation expressly authorizes it, and the applicant demonstrates the criteria. Findings shall identify the standard, exact relief, authorizing provision, site-specific facts, minimum-necessary analysis, Comprehensive Plan consistency, environmental/public-safety/infrastructure effects, public process, conditions and decision. No exception may waive protected critical-area (or within 300 feet of a potential critical area), shoreline, flood-hazard or life-safety requirements unless another applicable law expressly authorizes it.

Infrastructure / Site Preparation and Engineering

19.38.010 Scope.
The Site Construction Permit shall be administered as an Infrastructure and Site Preparation Permit for clearing, grading, drainage, stormwater, utilities, streets, sidewalks, access, retaining structures, landscaping and erosion control. Building, mechanical, plumbing, fire and electrical approvals remain subject to applicable code authorities and permits.

19.38.050 Engineering Adjustments — Defined Disciplines.
Engineering review shall identify the discipline involved: civil/site, structural/building, mechanical, electrical, fire protection, or other specialized technical discipline. The City shall identify the reviewing discipline or qualified reviewer. An engineering adjustment may be approved without reopening the underlying approval only when it remains within the approved framework and does not invalidate a material assumption.

Protected Areas and Inspections

19.38.070 Protected-Area Preconstruction Inspection.
Before clearing, grading, excavation or other site disturbance begins, the City shall verify that identified critical areas, buffers, shoreline resource areas, Native Growth Protection Areas (NGPAs), retained trees, required native landscaping, easements and other protected areas are identified and protected by required fencing and signage where applicable.

19.38.080 Inspection Records.
Each required inspection shall produce a record identifying date, inspector, purpose, applicable condition/standard, observations, deficiencies, correction and whether work may proceed. Inspection records shall become part of the project record. The inspection record will be available to the public as soon as it is done so people can follow progress real time.

19.39.070 Building-Stage Protected-Area Verification.
Required protected-area fencing/signage shall remain effective through building construction unless the approving authority determines in writing that protection is no longer necessary. If protection is missing or ineffective, it shall be restored before affected construction proceeds.

Performance and Resource - Protection Security

19.38.060 Performance and Resource Protection Security.
Performance security shall be required when necessary to assure completion of required site improvements, restoration, mitigation, monitoring or protection measures. For critical areas, buffers, NGPAs, native restoration or other protected-resource mitigation requiring long-term performance, the City shall establish a separate or clearly identified resource-protection security. Approval shall state security type, amount/method, covered obligation, release criteria, monitoring schedule, duration, partial-release criteria and draw/replacement conditions.

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Building, Final Inspection and Occupancy

19.39.070 Preconstruction and Inspections.
Before building construction or occupancy, required inspections shall be completed, including applicable erosion/sediment controls, protected-area protections, utilities, fire/life-safety systems and permit-condition inspections.

19.39.100 Completion and Occupancy.
The City shall not issue final approval or Certificate of Occupancy where required inspections, permit conditions, record drawings, mitigation obligations or life-safety requirements remain incomplete. The final record shall identify required inspections and disposition.

Site Baseline and Topographic Information

19.20.085 Site Baseline and Topography.
Applications shall provide site information proportionate to complexity and resource risk. Where grading, drainage, slope stability, stormwater, access or other conditions require it, the site plan shall include sufficiently detailed existing contours; five-foot contour intervals shall be used where reasonably necessary unless the Department documents why another interval is technically appropriate.

19.20.086 Sensitive-Site Information.
Projects involving critical areas, shoreline jurisdiction, water bodies, steep slopes, significant tree retention, flood hazards or other sensitive resources shall identify existing and proposed conditions sufficient to establish a defensible decision baseline.

Pre-Application — Applicant + Public Information

19.20.040 Pre-Application Conference — Revised.
A pre-application conference shall be required for projects involving multiple land-use/building/infrastructure approvals, Type 3 or Type 4 action, R1 Zone, critical areas, shoreline jurisdiction, significant environmental review, substantial infrastructure, significant tree removal/retention, or other objective complexity criteria. The conference shall use a site plan and identify anticipated approvals, criteria, studies, environmental issues, infrastructure issues, public-process requirements, assumptions and decision points. For projects requiring a neighborhood meeting, the conference shall occur early enough to inform it.

Plain-Language Permit Architecture

User Category	Function	Examples
LAND USE + ENVIRONMENTAL	Establishes whether and under what conditions development may occur.	Site Plan, subdivisions, Conditional Use Permits (CUPs), variances, shoreline, critical areas, State Environmental Policy Act (SEPA)
INFRASTRUCTURE / SITE PREPARATION	Implements approved site framework.	Clearing/grading, utilities, drainage, stormwater, streets, sidewalks, retaining structures, erosion control.
BUILDING / OCCUPANCY	Implements construction and life-safety codes.	Building, mechanical, plumbing, fire, electrical/L&I coordination, inspections, Certificate of Occupancy.

Drafting Rule: Shall / May / Must

19.10.XXX Mandatory-Duty Convention.
Use “shall” for mandatory City duties, required application contents, findings, review steps and objective criteria. Use “may” only when actual lawful discretion exists. Avoid “must” where “shall” more precisely identifies a legal duty, subject to City drafting conventions.

Documentation of Exceptions, Departures and Interpretations

19.21.100 Decision Documentation.
Every exemption, departure, deviation, administrative exception, limited modification, interpretation or other relief from an otherwise applicable standard shall identify the exact authorizing provision, criteria, facts, decision-maker, date, conditions and reasoning. The record shall be stored consistently and associated with the project record. Where legal interpretation is material, the City Attorney shall be consulted consistent with City practice. In addition, this legal record should be part of the issues record for the public.

Data-Driven Permit Performance

19.XX.010 Permit Process Quality Measures.
The Department shall annually publish, by permit and review type where practicable: processing time; applicant-response time; correction cycles; completeness determinations; administrative exceptions/departures; material-change/new-information triggers; supplemental analyses; public comments for discretionary actions; appeals; inspection deficiencies; mitigation failures; security releases; and final compliance status. The Department shall use the data to identify bottlenecks, repeated information requests, recurring exceptions and compliance failures.

Funding the Process

19.XXX Permit Fees.
Costs associated with this level of review belong to the applicant and not to City taxpayers and ratepayers and need to be reflected in permit fees.

SGA Permit Flow — Three-Stage Loop

1. **Pre-Application / Permit Pathway** — identify approvals, criteria, studies, public process, initial assumptions.
2. **Completeness** — determine whether required information is present and that the SEPA Checklist clearly, and in detail, identifies site specific issues and proposes necessary mitigating conditions that achieve "no net loss in ecological function and value" for the proposal.
3. **EARLY REVIEW** — establish baseline, assumptions, environmental/resource conditions, infrastructure issues and public issues. The public will be part of the Early Review.
4. **Land-Use / Site Plan Review** — apply Comprehensive Plan, development regulations, SEPA/SMP/CAO and other applicable criteria.
5. **Decision** — establish conditions and Assumption Register.
6. **MIDDLE REVIEW** — compare evolving design, engineering, site conditions and new information against the Assumption Register. The public will be part of the Middle Review. If assumptions hold, continue. If minor correction is needed, condition/adjust. If a material trigger exists, conduct the authorized supplemental/public/approval process.
7. **Infrastructure / Site Preparation** — implement approved framework.
8. **LATTER REVIEW** — verify field conditions, protected areas, mitigation, security, erosion controls, utilities, access and final plans. The public will be intensely involved in this stage to ensure the public input has been considered and implemented as per process and criteria.
9. **Construction / Building / Occupancy** — perform required inspections and maintain protections.
10. **Final Validation** — confirm conditions, inspections, record drawings, mitigation & occupancy requirements.
11. **Post-Approval Monitoring and Corrective Action** — monitor long-term environmental/resource conditions where required. Take corrective action as necessary.
12. **Feedback / Process Improvement** — use performance data and recurring assumption failures to improve code, checklists and permit pathways.

What Should Trigger Reconsideration? Some Examples.

Event	Reopen?	Reason
Routine engineering refinement within approved framework	No	Normal implementation.
Minor correction with no material effect	No	Preserves finality.
New survey confirms existing assumption	No	Validation supports decision.
New information materially undermines critical-area assumption	Targeted yes	Decision basis may have changed.
Material increase in intensity/footprint	Targeted yes	Underlying approval may no longer apply.
New infrastructure constraint changes feasibility	Targeted yes	Material assumption may be invalid.
New environmental information changes impact/mitigation conclusion	Targeted yes	Protective decision integrity.
Public comment repeats already-resolved issue	Not automatically	Existing evidence may remain controlling.
Public comment identifies credible new material information	Potentially	Information should be evaluated at the applicable stage.
Applicant requests material redesign	Yes as authorized	Proposal has changed.
All assumptions remain valid before construction	No reopening	Validated finality.

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Why Three-Stage Review Is Streamlining

The model avoids two failures: a purely linear system can carry a bad assumption forward until construction, while a permanently open process creates uncertainty. This model creates predictable checkpoints. Early review catches missing baseline information; Middle review catches design/engineering changes; Latter review catches field-condition and implementation failures. Each stage has a defined scope and only material new information, or defined triggers can move an issue backward.

Supporting Findings

- Permit process improvement should be measured not just by speed but also by transparency, repeatability, and quality/protective results.
- A purely linear process can fail when new information materially changes decision assumptions.
- Adaptive checkpoints preserve finality when assumptions have not substantively changed.
- Early, Middle and Latter Review provide predictable mechanisms for testing assumptions.
- Public participation should occur where information can still affect a lawful discretionary decision.
- R1 and sensitive residential projects warrant enhanced neighborhood involvement without changing substantive zoning through administrative process. All R1 projects require a neighborhood meeting up front.
- Relevant off-site and cumulative effects should be screened and connected to applicable criteria/environmental review.
- Administrative exceptions should not contain blanket 5–10% reduction authority.
- Protected areas should be identified, mapped, fenced and inspected before site disturbance.
- Inspection records and long-term mitigation/security obligations should be traceable and available to the public.
- Site Plan approval should create finality when assumptions have not substantively changed but not prevent reopening/revisiting the plan to address material new information.
- SGA's version of process-improvement alternative is not an anti-development proposal: it seeks faster decisions by improving information quality and timing and reducing late-stage surprises. A goal of SGA is to reduce the probability of issues ending at the Growth Management Hearing Board or Superior Court. A situation in which no one really "wins."

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Decision Criteria — How Public Comments and Staff Recommendations Are Merged

SGA recommends that public comments and staff recommendations not be treated as competing political positions. They should be treated as two inputs into a disciplined decision framework. Staff brings technical, regulatory, and administrative analysis; the public can contribute site-specific knowledge, lived experience, neighborhood conditions, omissions, impacts, and alternative solutions. The decisionmaker's responsibility is to weigh both against the same adopted criteria and evidence.

The following criteria provide a repeatable method for merging public input and staff recommendations.

Criterion	Question	Public Comment Role	Decision/Staff Response
1. Legal authority	Is the issue within the City's lawful authority and applicable permit criteria?	Identify possible conflicts, omissions, or legal requirements.	Accept, reject, or redirect the issue based on applicable law and authority.
2. Factual relevance	Does the comment provide credible information about actual site or community conditions?	Provide observations, documents, photographs, data, or local knowledge.	Verify, request information, or explain why evidence is not sufficient.
3. Comprehensive Plan consistency	Does the issue implicate an adopted goal or policy?	Identify relevant Plan goals/policies and potential inconsistencies.	Explain consistency or identify a needed condition, correction, or analysis.
4. Environmental/resource protection	Does the issue affect critical areas, shoreline resources, trees, habitat, water, stormwater, hazards, climate resilience, or other protected resources?	Identify impacts or new environmental information.	Require appropriate technical review, mitigation, monitoring, or targeted reconsideration where authorized.
5. Infrastructure/public services	Does the comment identify a capacity, safety, access, drainage, utility, or public-facility concern?	Identify observed or anticipated impacts.	Coordinate technical review and determine whether assumptions remain valid.
6. Materiality	Would the information, if verified, materially affect a decision criterion or assumption?	Distinguish material issues from generalized opposition or repetition.	Material issues enter the feedback loop; non-material issues are documented without reopening settled matters.
7. Proportionality	Is the requested response proportionate to the documented impact?	Suggest alternatives, mitigation, or design changes.	Select the least burdensome effective response consistent with law and adopted standards.
8. Feasibility and alternatives	Can the concern be addressed through design, timing, condition, mitigation, monitoring, or an alternative?	Offer practical alternatives and local knowledge.	Prefer solutions that resolve the concern without unnecessary delay or cost.
9. Evidence quality	Is the supporting information reliable and sufficiently specific?	Provide evidence and identify sources.	Give greater weight to relevant, credible, technically supported information.
10. Net decision quality	Does integrating information improve compliance, predictability, protection, or community outcome?	Identify opportunities for a win-win adjustment.	Merge compatible recommendations; document and explain material disagreements.

Decision rule

A public comment should change the staff recommendation or decision when it provides credible, material information that demonstrates a potential conflict with an applicable criterion, undermines a material assumption, identifies a material omission or error, or presents a feasible alternative that materially improves compliance or reduces an identified impact. A comment need not be accepted merely because it is numerous, forcefully expressed, or opposed to development. Conversely, staff analysis should not control merely because it is staff analysis; it should be explainable against the same evidence, criteria, and adopted policies.

Where public information and the staff recommendation differ, the project record should state the disagreement, the evidence considered, the applicable criterion, and the reason the final recommendation or decision resolves the disagreement as it does. This creates a disciplined bridge between community knowledge and professional review.

All parties should remain open to hearing diverse perspectives. Early dialogue can raise issues while it is easier and less costly to make adjustments. Ongoing dialogue can identify creative solutions and build public buy-in for the project. You get what you look for – so it is important to seek win-win opportunities.

Stakeholder Win-Win Framework

Stakeholder	What the feedback-loop process provides	Potential win-win result
City / Staff	Clear issue log, fewer late surprises, defined triggers, documented responses	More predictable workload and stronger decision record
Developer	Early identification of neighborhood, environmental, infrastructure, and design issues	Fewer redesigns and disputes late in the process
Neighbors	Earlier understandable information and meaningful opportunity to identify and voice material concerns	Problems can be addressed before construction rather than after harm or conflict
Planning Commission	A complete record combining staff analysis and community information	Better-informed recommendations
Mayor	Transparent process and clearer explanation of competing interests	Greater confidence that administrative review is fair and complete
City Council	Traceable evidence, recommendations, disagreements, and decision criteria	Better legislative oversight and more defensible decisions
Residents / Community	A visible path from comment → evaluation → response → decision	Greater trust that participation has a practical purpose

Enhanced Public Participation Standard

The Anacortes 2025–2045 Comprehensive Plan identifies citizen participation and coordination as a Growth Management Act (GMA) goal and places responsibility for planning and implementing the City's future with the Anacortes community. Because policies guide decisions and regulations implement them, public participation should improve decision quality, not serve as a one-time procedural step.

SGA recommends that Title 19 establish continuous, stage-based public participation, with involvement proportional to the decision, potential impacts, and ability of stage-specific information to affect a lawful decision.

The enhanced SGA model creates four linked information loops:
(1) project facts → public and staff issue identification;
(2) public information → technical verification and assumption testing;
(3) staff analysis → public understanding and targeted response; and
(4) decision/mitigation → later monitoring and feedback to the next stage.

This aligns with the Comprehensive Plan's view of Anacortes as a living, adaptive plan guided by evidence, monitoring, and updated information. The City's 2016 and 2025 engagement efforts show experience using advisory bodies, open houses, public meetings, written comments, online tools, and related methods to improve planning decisions.

SGA's point is not that participation guarantees agreement or prevents appeals. Rather, early, structured participation moves disagreement and information discovery upstream, when changes are usually easier and less costly, and helps create a stronger administrative record before final decisions.

The goal is not to pit development against opposition, but to create a structured problem-solving process where the City, developer, neighbors, officials, and residents identify issues early, test assumptions with evidence, and seek lawful solutions that improve both the project and community outcome.

Benefits of Public Participation

Public participation strengthens City decisions by providing useful, site-specific information early in the process. It is a traceable part of issue identification, analysis, and decision-making, consistent with the Comprehensive Plan's emphasis on citizen involvement as a core GMA goal. A stage-based system ensures participation is proportional to the decision and its potential impacts, improving transparency, predictability, and the factual foundation of decisions.

- Early — Engage when assumptions and alternatives can still change.
- Continuous — Offer defined opportunities at major stages.
- Proportional — Match participation depth to project impacts.
- Informational — Provide clear, understandable project details.
- Traceable — Show how material comments were evaluated.
- Evidence-based — Assess comments for factual and legal relevance.
- Adaptive — Reopen issues only when credible new information emerges.
- Two-way — Support dialogue and Q&A, not just one-way comment submission.

Public Participation as a Feedback Loop

A structured system creates a simple, repeatable information loop. This reflects the Comprehensive Plan's view of Anacortes as a living, adaptive plan that evolves with new information.

1. Public and staff identify issues from project facts.
2. Public input helps verify assumptions and highlight conflicts.
3. Staff analysis clarifies issues and informs targeted responses.
4. Decisions and mitigation feed into monitoring and future stages.

Early and Continuous Public Involvement Improves the Permit Process

Early, ongoing participation brings useful information into the process when it can still shape outcomes.
Core benefits include:

- Earlier identification of site-specific issues before design is locked in.
- Fewer late-stage surprises through predictable checkpoints.
- Clear, defensible decision records showing how issues were addressed.
- Targeted review focused only on credible new information.
- Better project design informed by early feedback.
- Greater public trust through visible, traceable responses.

Revised 19.22.020 — Public Participation by Stage (Proposed SGA language)

- For R1 Zone and Types 2, 3, and 4 actions, the City shall provide public participation opportunities at the stages where public information can materially affect a decision. Participation shall be proportional to the decision and potential impacts. The greater the potential impacts the more required public participation such as in Type 3, Type 4 and all R1 Zone applications.
- Early Review: The City shall provide project information sufficient for the public to identify site, neighborhood, environmental, infrastructure, access, drainage/stormwater, critical-area, shoreline, tree, hazard, and other relevant issues. Where required or appropriate, the City shall provide a neighborhood meeting or equivalent early engagement opportunity. This should be required for ALL R1 proposals as well as an annotated SEPA checklist.
- Middle Review: The City shall identify material changes to the proposal or factual baseline and provide an opportunity for the public to comment on those changes.
- Latter Review: Before site disturbance, construction release, or final acceptance/occupancy, the City shall provide traceable information concerning compliance with material permit conditions, protected-resource measures, mitigation, monitoring, inspections, and material changes. The Latter Review is not a second land-use hearing.
- Final Decision: The decisionmaker shall have access to the public-comment record, staff recommendation, material supporting evidence, and any documented disagreements or unresolved issues before making the final decision. The public should have similar, timely access to this information.
- Public Comment, Issue and Response Matrix. The Permit Coordinator shall maintain this as part of the project record that is publicly available as a real-time dashboard for the project. The matrix should, at minimum, contain:
  - Date and source of the comment;
  - Issue or question raised;
  - Applicable permit criterion, Comprehensive Plan policy, environmental requirement, project assumption, if any;
  - Evidence supplied by the commenter, including photographs, observations, technical information, or citations;
  - Responsible City reviewing discipline or staff reviewer;
  - Staff evaluation and factual response;
  - Whether the issue is new, previously resolved, immaterial, outside decision's authority, or potentially material;
  - Recommended action: no change, clarification, condition, study, mitigation, correction, additional notice/comment, or targeted reconsideration;
  - Decisionmaker disposition where the recommendation and public comment differ; and
  - Location of the final response in the decision or staff report.

Definitions — Public Comment, Public Participation, and Public Comment Review

"Lawful discretionary decision" is a choice made by a person, official, or organization that has the legal authority to choose among several acceptable options, provided the decision:

- Is within the scope of the law or applicable rules.
- Is made fairly and reasonably.
- Is not arbitrary, biased, or based on improper considerations.
- Uses specific documented criteria to choose among the options.

Public Comment. A written, electronic, oral, or other legally recognized communication submitted by a member of the public concerning a proposed permit, its site conditions, impacts, compliance, mitigation, alternatives, or other matter relevant to an applicable decision criterion. Public comment is information for the administrative record; it is not a vote, referendum, or automatic entitlement to a particular outcome.

Public Participation. The structured opportunity for affected persons, interested residents, community organizations, agencies, tribes, and other members of the public to receive understandable and timely project information, identify issues, provide information and alternatives, respond to material changes, and understand how their input was considered in the City's recommendation and decision process. Public participation includes more than the submission of comments: it includes access to information, notice, meetings where appropriate, opportunities to ask questions, and a traceable, timely response process.

Public Comment Review. The City's documented process for receiving, organizing, evaluating, and responding to public comments before a discretionary recommendation or decision is made. Public Comment Review shall identify the issue raised, determine whether it is relevant to an applicable criterion or decision assumption, evaluate the supporting evidence, identify the responsible reviewing discipline, state the staff response, and identify whether the comment changes a recommendation, condition, study requirement, mitigation measure, notice requirement, or other action.

Public Comment Response. A concise explanation in the project record describing how a material public comment was considered and whether it was accepted, partially accepted, rejected, or determined to require no action, together with the reason and the evidence or applicable criterion supporting that conclusion.

Notice of Availability

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

Notice Issued Date:	August 19, 2026
Proposal Name:	Permit Streamlining Code Amendments
City File Number:	LEG-26-07
Documents Available At:	https://www.anacorteswa.gov/1547/Legislative-Planning-Updates
Lead Agency:	City of Anacortes, Planning, Community & Economic Development Department
SEPA Responsible Official:	John Coleman, AICP, Director
Written Comment Period:	August 19 – September 15, 2026 at 5:00 PM
Public Hearing Date:	Tuesday, September 15, 2026 at 6:00 PM
Public Hearing Body:	Anacortes Planning Commission City Hall Council Chambers 904 6th Street, Anacortes, WA 98221
Contact Person:	Libby Grage, Planning Manager libbyb@anacorteswa.gov; 360-299-1986

Proposal Description:

The City of Anacortes is considering amendments to the Anacortes Municipal Code to improve the efficiency, predictability, and clarity of the City's development review and permitting process. The amendments were initiated in response to Mayor's Executive Order 2026-02 and additional process improvements identified by staff. The amendments are also intended to support efficient and coordinated local project review consistent with Chapter 36.70B RCW, the Local Project Review Act.

The proposed amendments would:

- modernize site plan review and allow land use approval to occur before detailed building and engineering plans are submitted;
- establish limited administrative flexibility for minor adjustments to certain development standards;
- exempt qualifying fences up to seven feet in height from building permit requirements;
- clarify the development permit review process and permit sequencing, including options for consolidated review of related permits;
- update permit expiration and extension provisions;

- establish a new Site Construction Permit process for review, approval, construction, and inspection of public and private infrastructure improvements and land disturbing activities necessary to implement approved development; and
- establish a new Building Permit chapter clarifying building permit requirements and their relationship to Project Permits and Site Construction Permits.
- clarify how the City determines whether an existing parcel is a legally recognized lot and whether it is eligible for development.

SEPA Threshold Determination

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

This threshold Determination of Non-Significance (DNS) is issued under WAC 197-11-340(2); the City of Anacortes will not act on this proposal during the comment period. Written comments regarding the SEPA threshold determination must be submitted by September 2, 2026 at 5:00PM. Appeals of the SEPA threshold determination must be delivered, accompanied by the required appeal fee, to the City Clerk's Office by mail or personal delivery not later than September 9, 2026 at 5:00PM. Full appeal procedures may be reviewed in AMC Ch. 18.04.

How to Comment

Written comments must be delivered to**:**
Libby Grage, Planning Manager
Email:
libbyb@anacorteswa.gov
USPS Mail:
City of Anacortes
Planning, Community & Economic Development Department
P.O. Box 547 / 904 6th St.
Anacortes, WA 98221

Verbal comments may be made at the Public Hearing. The public hearing will be held as hybrid meeting, with virtual and in-person attendance options. Virtual meeting access and participation information can be found here:
https://www.anacorteswa.gov/700/Meeting-Documents-and-Video

SEPA

Determination of Non-Significance (DNS)

CITY FILE #: LEG-26-07

PROPOSAL NAME: Permit Process Streamlining Code Amendments

DESCRIPTION OF PROPOSAL: The City of Anacortes is considering amendments to the Anacortes Municipal Code to improve the efficiency, predictability, and clarity of the City's development review and permitting process. The amendments were initiated in response to Mayor's Executive Order 2026-02 and additional process improvements identified by staff. The amendments are also intended to support efficient and coordinated local project review consistent with Chapter 36.70B RCW, the Local Project Review Act.

The proposed amendments would:

- modernize site plan review and allow land use approval to occur before detailed building and engineering plans are submitted;
- establish limited administrative flexibility for minor adjustments to certain development standards;
- exempt qualifying fences up to seven feet in height from building permit requirements;
- clarify the development permit review process and permit sequencing, including options for consolidated review of related permits;
- update permit expiration and extension provisions;
- establish a new Site Construction Permit process for review, approval, construction, and inspection of public and private infrastructure improvements and land disturbing activities necessary to implement approved development; and
- establish a new Building Permit chapter clarifying building permit requirements and their relationship to Project Permits and Site Construction Permits.
- clarify how the City determines whether an existing parcel is a legally recognized lot and whether it is eligible for development.

LOCATION: Anacortes city limits

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

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

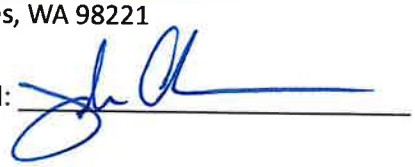
THRESHOLD DETERMINATION: The City of Anacortes has determined that this non-project proposal will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of completed environmental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

This threshold Determination of Non-Significance (DNS) is issued under WAC 197-11-340(2); the City of Anacortes will not act on this proposal during the comment period. Written comments regarding the SEPA threshold determination must be submitted by September 2, 2026 at 5:00PM.

Appeals: This threshold determination may be appealed to the City Council in accordance with AMC 18.04.250. Appeals of the SEPA threshold determination must be delivered, accompanied by the required appeal fee, to the City Clerk's Office, at 904 6th St., Anacortes, WA, by mail or personal delivery not later than September 9, 2026 at 5:00PM. Full appeal procedures may be reviewed in AMC Ch. 18.04.

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

Date Issued: August 17, 2026

Signed: 

SEPA[1] Environmental Checklist

Purpose of checklist

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

Instructions for applicants

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

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

Instructions for lead agencies

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

Use of checklist for nonproject proposals

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

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

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

A.Background

Find help answering background questions[2]

1. **Name of proposed project, if applicable:**

   LEG-2026-07: Permit Process Improvements

2. **Name of applicant:**

   City of Anacortes

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

   Libby Grage, Planning Manager
   City of Anacortes Planning, Community & Economic Development (PCED) Department
   P.O. Box 547
   Anacortes, WA 98221
   360-299-1986
   libbyb@anacorteswa.gov

4. **Date checklist prepared:**

   August 12, 2026

5. **Agency requesting checklist:**

   City of Anacortes PCED Department

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

   - *Planning Commission public hearing and recommendation: September 15, 2026*
   - *City Council review and adoption: Fall 2026*

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

   The City may consider additional amendments to its development regulations and permitting procedures in the future as part of ongoing code maintenance, implementation of the Comprehensive Plan, changes in state law, or additional permit process improvements. No specific additional amendments are proposed as part of this action.

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

   No site-specific environmental studies have been prepared because this is a non-project legislative action involving development review and permitting procedures. This SEPA checklist evaluates the potential environmental effects of the proposed amendments. Future development remains subject to applicable environmental regulations and project-level environmental review when required.

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

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

   Not applicable. The proposal generally applies citywide and is not associated with a specific property or development project. Development applications may be pending on individual properties throughout the city, but no particular pending application is the subject of these amendments.

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

    City Council adoption by ordinance following Planning Commission review and recommendation.

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

    The City of Anacortes is considering amendments to AMC Title 19 and related provisions to improve the efficiency, predictability, and clarity of the City's development review and permitting process.

    The amendments clarify development permit types and sequencing; allow site plan review and project-level decisions to occur before detailed building and engineering plans are prepared; provide limited administrative flexibility for minor adjustments to certain development standards; exempt qualifying fences up to seven feet in height from building permit requirements; clarify lot status and development eligibility requirements; update permit expiration and extension provisions; formalize the Site Construction Permit process for detailed engineering, construction, and inspection of site improvements and civil infrastructure; and clarify building permit application procedures and their relationship to other development permits.

    The proposal primarily changes how development applications are reviewed, sequenced, approved, and administered. It does not change zoning designations, allowed uses, density or intensity standards, or environmental protection requirements applicable to future development.

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

    This is a nonproject legislative action that generally applies citywide within the City of Anacortes and, where applicable under the Anacortes Municipal Code, within the City's Urban Growth Area. No particular development site is proposed.

B.Environmental Elements

1. Earth

Find help answering earth questions[3]

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

a. General description of the site:

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

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

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

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

Anacortes has a variety of slopes throughout the city, including some areas with up to 100% slope. The steepest slopes are primarily located along the marine shoreline and Mount Erie.

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

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

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

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

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

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

None. The proposal is a nonproject legislative action and does not authorize filling, excavation, grading, or other land disturbance.

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

No direct erosion would result from adoption of the amendments. Future development involving land disturbance remains subject to applicable erosion, grading, stormwater, critical area, and construction requirements.

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

Not applicable. The proposal does not authorize site-specific construction or increase impervious surface coverage.

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

No site-specific measures are proposed. Future development remains subject to applicable regulations addressing grading, erosion, geologic hazards, and other impacts to the earth.

2. Air

Find help answering air questions[4]

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

The proposal does not involve construction or operations and would not directly generate air emissions. The amendments primarily modify development review and permitting procedures and are not expected to materially change the type or intensity of development allowed under existing zoning.

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

Not applicable to this nonproject action.

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

No specific measures are proposed. Future development remains subject to applicable federal, state, and local air quality requirements.

Water

Find help answering water questions[5]

- **Surface:**
  Find help answering surface water questions[6]
  - **Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.**

    Anacortes contains and is adjacent to numerous marine and freshwater resources, including Guemes Channel, Burrows Bay, Fidalgo Bay, Padilla Bay, lakes, wetlands, and other surface waters.
  - **Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.**

[4] https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-Air
[5] https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-3-Water
[6] https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-3-Water/Environmental-elements-Surface-water

None is proposed. The amendments do not authorize site-specific development. Future development near surface waters remains subject to applicable shoreline, critical areas, stormwater, and other environmental regulations.

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

  None is proposed. The amendments do not authorize site specific development or modify applicable water resource protections.

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

  None are proposed.

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

  Portions of Anacortes are located within mapped flood hazard areas. The amendments do not authorize development within those areas or modify applicable floodplain requirements.

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

  None are proposed. The amendments do not authorize site specific development or modify applicable water resource protections.

a. Ground:
Find help answering ground water questions[7]

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

  No groundwater withdrawal is proposed. The amendments do not authorize site-specific development or modify applicable groundwater protection requirements.

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

No groundwater discharge is proposed. The amendments do not authorize site-specific development or modify applicable groundwater protection requirements.

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

b. Water Runoff (including stormwater):

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

  The proposal does not itself create impervious surfaces, runoff, or changes to drainage patterns. The amendments clarify the permitting process for site improvements, including stormwater facilities, but do not eliminate or reduce applicable stormwater standards. Future development remains subject to applicable City stormwater and drainage requirements.

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

  No. This non-project proposal does not authorize activities that would release waste materials to ground or surface waters.

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

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

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

No site-specific measures are proposed. Future development must comply with applicable surface water, groundwater, stormwater, drainage, floodplain, shoreline, and critical area requirements.

4. Plants

Find help answering plants questions

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

☒ **deciduous tree: alder, maple, aspen, other**

☒ **evergreen tree: fir, cedar, pine, other**

☒ **shrubs**

☒ **grass**

☒ **pasture**

☒ **crop or grain**

☒ **orchards, vineyards, or other permanent crops.**

☒ **wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other**

☒ **water plants: water lily, eelgrass, milfoil, other**

☒ **other types of vegetation**

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

None. Adoption of the amendments does not involve vegetation removal or alteration..

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

Protected plant species may occur within Anacortes. The proposal does not modify regulations protecting such species or authorize site-specific disturbance.

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

None are proposed as part of this nonproject action. Future development remains subject to applicable landscaping, critical area, and vegetation protection requirements.

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

Various invasive and noxious weed species occur within Anacortes. The proposal is not expected to affect their presence or distribution.

5. Animals

Find help answering animal questions[8]

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

Examples include:

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

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

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

Threatened and endangered species are known to occur within the City of Anacortes and surrounding terrestrial and marine environments. The proposal is a nonproject action involving amendments to development regulations and does not authorize site-specific development or land disturbance. The proposed amendments do not modify regulations governing critical areas or other applicable protections for threatened or endangered species. Future development remains subject to applicable federal, state, and local requirements for protection of threatened and endangered species.

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

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

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

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

No site-specific measures are proposed. Future development remains subject to applicable federal, state, and local habitat protection requirements.

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

Invasive animal species may occur within the city. The proposed procedural amendments are not expected to affect invasive species.

6. Energy and natural resources

Find help answering energy and natural resource questions[9]

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

The proposal does not involve construction or operations and would not directly consume energy or natural resources.

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

The proposal is not expected to affect solar access. It does not generally change building height, setback, or development intensity standards.

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

None are proposed as part of this nonproject action. Future construction remains subject to applicable energy codes and conservation requirements.

7. Environmental health

Health Find help with answering environmental health questions[10]

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

The proposal does not directly create environmental health hazards or involve the use, storage, or release of hazardous substances. Future development remains subject to applicable building, fire, environmental health, hazardous materials, and other safety regulations.

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

Because the proposal applies citywide, individual properties may contain existing contamination or hazardous conditions. The amendments do not alter applicable requirements for identification, cleanup, or management of contaminated sites.

[9] https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-6-Energy-natural-resou
[10] https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-7-Environmental-health

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

   None would be stored, used, or produced by adoption of the amendments.

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

   None would be stored, used, or produced by adoption of the amendments.

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

   No special emergency services are required for the legislative action.

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

   No specific measures are proposed. Existing environmental health and safety requirements continue to apply.

b. Noise

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

   The proposal would not directly generate construction or operational noise. The amendments do not generally change the uses or development intensity allowed by existing zoning. Future development remains subject to applicable noise regulations.

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

   The proposal would not directly generate construction or operational noise. The amendments do not generally change the uses or development intensity allowed by existing zoning. Future development remains subject to applicable noise regulations.

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

   No specific measures are proposed. Existing noise regulations continue to apply.

8. Land and shoreline use

Find help answering land and shoreline use questions[11]

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

The proposal applies to properties with a variety of residential, commercial, industrial, public, and other land uses throughout Anacortes. The amendments primarily modify development review and permitting procedures and do not change allowed land uses.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance

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

will be converted to other uses because of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

No. The proposal is not expected to convert agricultural or forest lands of long-term commercial significance.

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

   No. The proposal does not affect, nor would it be affected by, normal agricultural or forestry operations.

c. Describe any structures on the site.

Various structures exist throughout the city.

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

No structures are proposed or would be demolished as part of this nonproject action.

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

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

The proposal applies across multiple zoning districts. It generally does not change zoning classifications.

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

The Anacortes Comprehensive Plan Future Land Use Map divides Anacortes into different general future land use designations. The map is available here: https://www.anacorteswa.gov/DocumentCenter/View/117/2016-Comprehensive-Plan-PDF

The proposal applies across multiple Comprehensive Plan land use designations and is intended to improve implementation of existing development regulations.

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

The Anacortes Shoreline Master Program assigns different shoreline areas shoreline environment designations. The map is available here: https://www.anacorteswa.gov/DocumentCenter/View/861/2010-Shoreline-Master-Program-PDF

Various shoreline environment designations occur within Anacortes. The proposal does not change Shoreline Master Program environment designations or eliminate applicable shoreline review requirements.

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

Critical areas occur throughout Anacortes, including wetlands, geologically hazardous areas, fish and wildlife habitat conservation areas, critical aquifer recharge areas, and frequently flooded areas. Future development remains subject to applicable critical area regulations.

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

The proposal does not directly create employment or housing and would not displace residents or employees.

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

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

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

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

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

The amendments retain the substantive zoning, environmental, engineering, and other development standards applicable to future development. The amendments are primarily intended to clarify when and how those requirements are reviewed during the permitting process.

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

None. The nonproject proposal does not involve impacts to agricultural or forest lands of long-term commercial significance.

9. Housing

Find help answering housing questions[12]

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

The proposal does not directly provide or eliminate housing units. The amendments are intended to improve development review procedures and may reduce unnecessary permitting delays for future development, including housing, but do not themselves authorize residential development or change generally applicable residential density standards..

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

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

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

None are proposed because no direct housing impacts are anticipated.

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

10. Aesthetics

Find help answering aesthetics questions[13]

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

No structures are proposed and no views would be directly altered or obstructed by this nonproject action. Future development remains subject to applicable site planning, building design, height, landscaping, and other development standards.

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

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

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

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

11. Light and glare

Find help answering light and glare questions[14]

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

The proposal does not involve construction or installation of lighting and would not directly produce light or glare. Future development remains subject to applicable lighting and development standards.

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

No. The non-project proposal does not involve construction or lighting.

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

The proposed nonproject action will not be affected by off-site light sources.

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

None. The non-project proposal does not involve construction or lighting. Future development remains subject to applicable lighting and development standards.

[13] https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-10-Aesthetics
[14] https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-11-Light-glare

12. Recreation

Find help answering recreation questions

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

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

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

No. This non-project proposal does not involve construction or redevelopment and will not result in displacement of any existing recreational uses.

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

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

13. Historic and cultural preservation

Find help answering historic and cultural preservation questions[15]

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

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

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

The proposal does not authorize site-specific construction or modify applicable historic or cultural resource protection requirements.

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

No site-specific cultural resource assessment has been conducted because this is a citywide nonproject action. Future development remains subject to applicable federal, state, and local requirements for identification and protection of historic, archaeological, and cultural resources.

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

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

None are included as part of this non-project proposal. Future development remains subject to applicable federal, state, and local requirements for identification and protection of historic, archaeological, and cultural resources.

14. Transportation

Find help with answering transportation questions[16]

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

The non-project proposal does not include construction or changes to access.

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

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

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

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

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

No. This non-project proposal does not involve use of water, rail, or air transportation.

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

The proposal does not directly generate vehicle trips. Because the amendments generally do not change allowed uses or development intensity, they are not expected to materially increase transportation demand compared with development allowed under existing regulations.

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

No impacts are anticipated.

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

No specific measures are proposed. Future development remains subject to applicable transportation, access, concurrency, and infrastructure requirements.

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

15. Public services

Find help answering public service questions[17]

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

  The proposal does not directly increase demand for police, fire, emergency medical, schools, transit, or other public services. Because the amendments generally do not change permitted uses or development capacity, no material increase in public service demand is anticipated as a result of the legislative action.

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

  None are proposed. Future development remains subject to applicable public service, fire, safety, and development requirements.

16. Utilities

Find help answering utilities questions[18]

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

   Water, sanitary sewer, stormwater, electricity, natural gas, telecommunications, and other utilities are available in various portions of Anacortes.

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

   No utilities are proposed as part of this nonproject action. The amendments clarify how infrastructure and utility improvements associated with future development are reviewed and permitted but do not eliminate applicable utility capacity, design, or construction requirements.

C.Signature

Find help about who should sign[19]

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



Type name of signee: Libby Grage
Position and agency/organization: Planning Manager, City of Anacortes PCED Department
Date submitted: August 17, 2026

[17] https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-b-environmental-elements/environmental-elements-15-public-services
[18] https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-b-environmental-elements/environmental-elements-16-utilities
[19] https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-C-Signature

D.Supplemental sheet for nonproject actions

Find help for the nonproject actions worksheet[20]

Do not use this section for project actions.

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

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

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

   The proposal is not expected to increase these impacts. The amendments primarily modify the procedures, sequencing, and level of information required for development permit review and generally do not change the types, locations, densities, or intensities of development allowed under existing regulations. Future development remains subject to applicable environmental, stormwater, air quality, hazardous materials, and noise requirements.

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

     No additional measures are proposed. Existing environmental regulations and project-level review requirements remain applicable.

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

   No material effect is anticipated. The amendments do not authorize site-specific development or reduce applicable critical area, shoreline, habitat, or species protection requirements. Changes to permit sequencing and application requirements do not alter the environmental standards applicable to future development.

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

     No additional measures are proposed. Existing federal, state, and local habitat protection requirements remain applicable.

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

   The proposal is not expected to materially affect energy consumption or natural resource use. It does not itself authorize construction and generally does not change the amount or intensity of development allowed under existing zoning.

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

     No additional measures are proposed. Future development remains subject to applicable energy and resource conservation requirements.

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

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

   The proposal is not expected to materially increase development impacts to environmentally sensitive areas. Critical areas, shorelines, floodplains, historic and cultural resources, and other protected areas remain subject to applicable environmental regulations. The amendments clarify when and how development requirements are reviewed but do not eliminate applicable environmental protections.

   The proposed administrative flexibility provisions provide limited authority to adjust eligible development standards but do not authorize adjustments to standards excluded by the chapter or eliminate otherwise applicable environmental review and protection requirements.

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

     Existing federal, state, and local environmental protection requirements remain applicable to future development.

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

   The proposal is not expected to result in incompatible land or shoreline uses. The amendments do not change zoning designations, allowed uses, density or intensity standards, or Shoreline Master Program designations. They primarily clarify and streamline the process used to review development for compliance with existing requirements.

   The lot status and development eligibility amendments clarify when existing parcels are eligible for development and when additional land division review is necessary. These provisions are intended to improve consistency with applicable subdivision requirements and coordinated infrastructure planning rather than increase development capacity.

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

   No material increase is anticipated. The proposal generally does not change development capacity, allowed uses, or density and therefore is not expected to independently increase demand on transportation facilities, public services, or utilities. The amendments clarify when infrastructure feasibility is evaluated during project review and when detailed engineering and construction review occurs.

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

     Future development remains subject to applicable transportation, utility, infrastructure, concurrency, engineering, and public service requirements.

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

   No conflicts are anticipated. The amendments are intended to improve the City's development review and permitting procedures while retaining applicable local, state, and federal

environmental protection requirements. Future development remains subject to SEPA when applicable, as well as critical areas, shoreline, stormwater, floodplain, building, engineering, and other applicable environmental and development regulations.

Executive Order 2026-02

Permit Streamlining

Background

The City of Anacortes faces important challenges that implicate our permitting process. Solving our housing crisis depends on easing permit rules and increasing permitting speed, as does promoting the economic development that is necessary to addressing the city's fiscal crises. Overall, permit volume is down substantially, mostly due to economic conditions outside the City's control,[1] but that means that this is the best time for reform—before workloads increase. While the City has already been working hard in this space, this order announces a 90-day sprint to rapidly make substantial improvements to regain our former reputation as the best place in Skagit County to get a permit.

Permitting must be focused on outcomes, not process. Inefficient or confusing permit processes result in uncertainty, frustration, and higher costs—costs that are passed on to homebuyers or obstruct economic development.

We will pursue constant refinement and continuous improvement so that we ask the minimum of applicants required to achieve substantive outcomes. If our process requires a step that costs time and money but doesn't advance public policy, we should change or eliminate it. Especially given our housing crisis, if a housing project that is consistent with our community vision runs up against either a technical or process blocker in the development code, or if a business expansion is blocked by something similar, the City should move heaven and earth to amend the code to make the project happen.

Our permitting system must reduce hand-offs and minimize specialization, which create bottlenecks and single points of failure.[2] Well-known planner and planning management consultant Paul Zucker concurs; he advocated "…as few people as possible participate in each [review] process," praised the use of combination field inspectors, and noted that the separation of generalist planner from environmental planner "can cause considerable duplication of analysis and confusion in the process."[3] Of even greater importance, reducing specialization is a critical strategy for increasing capacity, especially at times of high demand.

[1] Local housing starts have a strong negative correlation with national mortgage interest rates.

[2] *See, e.g.*, Ken Miller, *Extreme Government Makeover: Increasing Our Capacity to Do More Good* (2011).

[3] Paul Zucker, *The ABZs of Planning Management* (2007) at 245.

Importantly, the City is already on the right track. The Planning Department is now fully staffed for our current application volume and the long permit backlog that arose in 2024 has been eliminated. To improve efficiency in the permitting process, the city invested $86,000 to engage Matrix Consulting to perform a Development Review Process Improvement Study in 2025. That report was presented to Council on September 22, 2025, and since that time, staff has made great strides to streamline the permitting process by implementing recommendations from the report.

Through our 2025 update to the City's Comprehensive Plan and development regulations, the City made significant improvements in both process and policy. Application review processes have been streamlined by shifting review from the Planning Commission to Planning Director or Hearing Examiner and by making some steps, such as pre-application neighborhood meetings, optional at the Director's discretion.

This year, with Ordinance 4092, the City has accomplished several additional improvements: [4]

- Made **all housing types permitted by-right** citywide, rather than through conditional use.[5]
- Provided a guaranteed **opportunity for an applicant to seek review** if the City twice requests additional information after an application has been deemed complete.[6]
- **Enacted mandatory time periods for review of permit applications.** A typical permit application (e.g., a building permit application) that does not require a comment period or public hearing must now be reviewed within 65 days of complete application.

But these substantive improvements to the code are not sufficient to meet our needs. Perception persists that the City is too slow, its process too cumbersome, and its requirements too onerous. Even the new review time periods are too long for the pace of review that we ought to expect.[7] This executive order therefore seeks to implement improvements—to our code, our process, and our organizational architecture—to improve permitting throughput and outcomes.

This is not a project we complete, it's a culture we continuously build. The City's approach to permitting must remain guided by the principles of fairness and equity, emphasizing not only customer service, but service to the community. The role of permitting is not gatekeeping; in fact, the City's proper role is show the path through our process so that applicants can achieve their vision—when that vision is compatible with the community's vision as expressed in our Comprehensive Plan.

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[4] Adopted March 16, 2026; effective March 30, 2026.

[5] As instructed by new Comprehensive Plan Policy H-1.11 ("Maintain development regulations that permit allowed residential uses by right and avoid conditional uses") and as recommended by RCW 36.70B.160(1)(h) as well as the Skagit North Star Call to Action on Housing.

[6] AMC 19.20.130(D).

[7] City Councilmembers drafted the review time periods ordinance in 2024, but passage was blocked while awaiting resolution of an appeal of the SEPA threshold determination.

This is not just an initiative, it is an imperative. The City of Anacortes, both as an organization and as a community, depends on our success.

Now, therefore, I, Ryan Walters, mayor of the City of Anacortes, hereby order that:

1. The City's goal for first review of any building permit application under the IRC is **within two weeks of a complete application**. Applications that are code compliant upon first review must also be approved within that time period. Review of minor resubmittals must be expedited. The City must begin achieving these performance objectives, on average, within 90 days of this order.

2. The Planning Director, as chief of the Planning Department, is hereby designated as the primary person accountable for all permit application review. When review is required by another department, the Planning Director must timely obtain that review, or elevate any delay in that review to the mayor.

3. No later than 30 days from this order, the following permit processing responsibilities will change as follows:

    a. Review and processing of **stormwater site plans** will shift from Public Works to the Planning Department. Review will continue to be performed by a third-party reviewer on contract with the city. Administration of the city's contract with that reviewer will shift from Public Works to the Planning Department. The Planning Department must propose modifications of the contract to require reviews and re-reviews consistent with section 1 of this order on a revised fee schedule for IRC permits based on flat fees or square footage.

    b. Review and processing of any project permit application against the **International Fire Code** will shift from the Fire Chief to the Building Official, as adopted in AMC 19.14.060 (amending IFC section 103.1), including review of sprinkler plan, access, hydrant locations, fire flow, and fire alarm systems. The Fire Chief will assist with Fire Department Connection and Post Indicator Valve locations, review major industrial and mid-rise buildings and special hazards, and remain responsible for annual fire code inspections.

    c. Review and processing of **street and alley vacation petitions** (AMC 12.50) will shift from Public Works to the Planning Department. Where the code requires the Public Works Director to perform certain functions, he will continue to do so until such time as the code is amended to vest that authority or responsibility with the Planning Director. The City Council has repeatedly demonstrated a preference to not vacate city right-of-way, except in situations where future public uses of the right-of-way are extremely unlikely, and the vacation of the right-of-way creates a significant benefit to the public. Staff should consider housing and other uses that are consistent with the vision of the Comprehensive Plan to be significant benefits to the public.

d. Review and processing of **fill and grade permit applications** will shift from Public Works to the Planning Department. Fill and grade applications are properly processed pursuant to Appendix J, Grading, of the International Building Code, which the City has adopted in AMC 19.14.025.A.

e. Review and processing of **right-of-way permit applications** will continue to be administered by the Public Works Department Engineering Division. An application of any type that proposes work within the public right-of-way, or that would construct, modify, or impact City utilities, must be routed to the Public Works Engineering Division for review for compliance with the City's engineering standards, but accountability for application processing within adopted review time periods remains with the Planning Department. Public Works must provide technical review and conditions of approval related to right-of-way and utility impacts within established review timelines.

4. Within 60 days of this order, the Planning Department must propose amendments to the municipal code to:

    a. revise the lot of record rules (AMC 19.20.060) to recognize preexisting lots that meet or exceed the minimum lot size and other dimensional standards for the zone without the requirement for a boundary line adjustment or land division;

    b. allow site plan review (AMC 19.30) in advance of a building permit application to be used for multiple subsequent building permits, e.g., for cottage housing, without repetitive review;

    c. authorize the Planning Director to waive development regulation requirements when application of those requirements to a particular project or property would be in strong contrast with the City's public policy interest or the goals and policies of the Comprehensive Plan or where the code does not anticipate particular conditions on the ground;

    d. authorize the Planning Director to accept slight reductions (e.g., up to 5%) in numeric standards (e.g., open space or some other dimensional requirements) where those standards cannot be reasonably achieved;

    e. match the exemptions in the building codes as drafted by the ICC to exempt fences that are not over 7 feet high from the requirement for a building permit (amendments to AMC 19.14.030 (IBC) and AMC 19.14.035 (IRC)). In lieu of the fence permit requirement, the Department will prepare detailed guidance for compliance with the City's fence regulations.

5. Within 90 days of this order, the Directors of Planning and Public Works must propose revisions to the City's Unified Fee Schedule so that fees, on average, recover the full cost of processing project permits, encroachment permits, and related applications. The Directors

must also propose an ordinance to repeal permit fees currently codified in AMC Chapter 19.41, including but not limited to Sections 19.14.150 through 19.14.180, and to consolidate such fees within the Unified Fee Schedule.

6. To facilitate efficient staff work and improve overall service to applicants, the Planning Director must reopen the Planning Department five days a week, but is authorized and directed to permanently convert the Planning Department from walk-in visits to scheduled appointments. The intent of this change is provide Planning staff more focused time for review of applications, while providing applicants and prospective applicants better and more considered information about their projects. This change may be implemented upon making available a system of appointment scheduling available to the public on the City's website and in-person at the Planning Department, and after advertising the transition for at least 30 days.

7. The Planning Director must provide continuous updates to the Mayor and City Council as to the status of implementation of each of the 62 recommendations in Matrix Consulting Group's 2025 Development Review Process Improvement Study.

This executive order is issued under the mayor's inherent powers as the chief executive and administrative officer of the City of Anacortes and must be implemented consistent with applicable law and City Council resolution. This order is not intended to alter any existing collective bargaining agreement. This order is not a de facto comprehensive plan or development regulation amendment. This order does not confer any legal right or entitlement and may not be used as a basis for legal challenge to any action or inaction of the City of Anacortes. Questions about this order should be directed to the mayor's office, (360) 299-1950 or mayor@anacorteswa.gov.

This order takes effect immediately and remains in effect until amended or rescinded.

Dated this 7th day of April, 2026.



Ryan Walters
Mayor, City of Anacortes

Outlook

FW: Public Comment Submission

From CityClerk <cityclerk@anacorteswa.gov>
Date Thu 9/10/2026 8:43 AM
To pced <pced@anacorteswa.gov>

Hey Team PCED,

Just wanted to make sure that you received this public comment submission from Martine Felts. It was submitted for the 9/15 Planning Commission special meeting. FYI, I included it in the 9/14 City Council agenda packet.

Greg Francioch, CMC | Legal Assistant | Assistant to the City Clerk
City of Anacortes, P.O. Box 547, Anacortes, WA 98221 | 360-299-1960

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NOTE: Public documents and records are available to the public as provided under the Washington State Public Records Act (RCW 42.56). This e-mail may be considered subject to the Public Records Act and may be disclosed to a third-party requestor.

From: No Reply <noreply@civicplus.com>
Sent: Wednesday, September 9, 2026 10:02 AM
To: CityClerk <cityclerk@anacorteswa.gov>
Subject: Public Comment Submission

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

Submitted by: Martine Felts
Email Address: mcfelts1@yahoo.com

Commented on event: https://anacorteswa.portal.civicclerk.com/event/1603/overview
If you are having trouble viewing the URL above, cut and paste the string into your browser window.

User comment: Public access to the planning process is not a courtesy—it is a fundamental part of accountable local government. Anacortes residents have a right to know what is being proposed, to understand how decisions will affect their community, and to have a meaningful opportunity to comment before decisions are made. Limiting public access or making it more difficult for residents to participate undermines transparency and public trust. Planning decisions affect the people who live here every day, and those residents should not be shut out of the process. I strongly urge the Planning Committee to maintain—and strengthen—public access and meaningful public participation rather than taking steps that restrict it.

To: John Coleman, Planning Director; Libby Grage, Planning Manager

Cc: Planning Commission, City Council, Mayor Walters

Subject: **City of Anacortes Permit Streamlining AMC Title 19**

Date: September 9, 2026

After reviewing the City's proposed permit streamlining regulations, we are concerned that they achieve efficiency for the applicant by reducing the public's ability to understand, comment upon, or challenge decisions that affect land use, neighborhood character, public infrastructure, environmental resources, climate resilience, or the City's long-term interests.

Evergreen Islands supports a permit system that is efficient, predictable, understandable, fair to applicants, fair to neighboring property owners, and transparent to the public.

The Comprehensive Plan expressly states that its goals and policies provide direction for Anacortes's growth and that development regulations are among the principal tools used to implement those goals and policies.

The Comprehensive Plan also identifies a specific policy requiring the City's land-use regulatory process to ensure **"transparency, fairness and predictability"** and calls for continued compliance with the Growth Management Act and SEPA.

Washington State's House Bill 1181, passed in May 2023, requires major cities and counties to add a climate change and resiliency element to their comprehensive plans under the Growth Management Act. HB1181 language:

> *(14) Climate change and resiliency.* ***Ensure*** *that comprehensive plans,* ***development regulations****, and regional policies, plans, and strategies under RCW 36.70A.210 and chapter 47.80 RCW adapt to and mitigate the effects of a changing climate; support reductions in greenhouse gas emissions and per capita vehicle miles traveled; prepare for climate impact scenarios; foster resiliency to climate impacts and natural hazards; protect and enhance environmental, economic, and human health and safety; and advance environmental justice.*

Accordingly, Evergreen Islands requests that the City treat the following comments as substantive policy and regulatory comments.

Summary

The proposed Permit Process Streamlining document contains improvements, particularly clearer permit sequencing, consolidated review, defined permit categories, documentation

of administrative flexibility decisions, and integration of SEPA review into the permit process.

Nevertheless, Evergreen Islands identifies a significant concern:

The draft contains substantially more detail regarding how the City can make permit processing faster than it contains regarding how the City will ensure that public participation, transparency, environmental protection, climate resilience, and accountability are preserved when processing becomes faster and more administrative.

Comments

1. **Establish a transparent public record.**

   Applications, studies, staff analyses, public comments, applicant responses, staff responses, administrative exceptions, departures, environmental determinations, and decision documents should be maintained in a readily accessible project record.

Requested Amendment:

19.21.040 Review Procedures should include direction to allow public notice of availability and access to discretionary decisions (documentation) without having to file a public disclosure request.

2. **Strengthen early public involvement.**

   Neighborhood meetings should not depend entirely upon the discretion of the Director when a proposal has potentially significant neighborhood, environmental, infrastructure, climate, or cumulative impacts.

The draft makes several parts of preapplication participation optional or subject to the Director's discretion. (ref 19.12 Administrative Flexibility)

For example, the review matrix indicates preapplication conferences are optional in review types 2 and 3, while preapplication neighborhood meetings are either unavailable or discretionary depending upon the review category.

The draft does allow the Director to require a neighborhood meeting when the proposal's scale, location, nature, or other characteristics warrant early communication.

Evergreen Islands believes this discretion is insufficient and vague.

Requested Amendment

Require an early public-involvement determination for projects involving one or more of the following:

- critical areas;
- shoreline resources;
- substantial tree or vegetation removal;
- significant grading or land disturbance;
- stormwater impacts;
- significant traffic or infrastructure impacts;
- substantial neighborhood-scale development;
- significant climate-resilience considerations;
- potential cumulative impacts;
- departures or administrative exceptions;
- or substantial changes after initial public review.

The determination and rationale should be written and included in the public record.

3. **Require substantive staff responses to public comments.**

   Staff should respond to every substantive comment and to each distinct issue.

   The GMA's public participation requirement is broader than merely allowing the public to submit comments. RCW 36.70A.140 requires a participation program that provides for early and continuous participation, dissemination of proposals and alternatives, written comments, public meetings, open discussion, and **consideration of and response to public comments**.

   The City's Comprehensive Plan similarly identifies citizen participation as a GMA planning goal and states that citizens should be involved in the planning process.

Requested Amendment

Add a provision requiring that, when public comment is requested or received on a legislative development-regulation amendment or permit application:

1. every substantive comment be logged;
2. comments containing multiple issues be separated into distinct issues;
3. Staff responds to each issue;
4. Staff identifies the applicable Comprehensive Plan policy and legal authority;
5. Staff explains whether the comment results in a proposed change;
6. the final staff report contains a comment-response matrix; and
7. the final decision-maker receives the complete matrix before taking final action.

4. Require environmental and climate screening.

Streamlining should not eliminate review merely because a project falls within a numerical or categorical threshold. The City should determine whether site-specific conditions create environmental or climate concerns that warrant additional review.

Comment 4.1 — Environmental review should not be weakened by permit streamlining

The draft provides for concurrent SEPA review with the initial development permit application. Concurrent review can be efficient and is consistent with the principle of integrating SEPA with permitting. However, concurrent review must not result in environmental analysis occurring too late, with inadequate information, or after important project assumptions have effectively become fixed.

Washington's SEPA rules specifically state that agencies should initiate SEPA early, integrate it with planning and licensing procedures, encourage public involvement in decisions that significantly affect environmental quality, and evaluate reasonable alternatives that would mitigate adverse environmental effects.

The draft language fails to provide clear guidance on how SEPA is conducted concurrently with project permit review.

Requested Amendment

Require environmental screening at the earliest meaningful point in the permit process and identify whether new information arising during later stages requires reconsideration. Indicate at what point in the review process the SEPA threshold determination occurs. This could be incorporated into AMC 19.30 Site Plan and Design Review.

Comment 4.2 — Streamlining should incorporate climate considerations

The City's Comprehensive Plan states that the Climate Element addresses how regulations, policies, plans, and strategies will adapt to and mitigate climate change.

The Plan identifies development-regulation changes to decrease vehicle miles traveled, promote infill, improve energy efficiency, transition toward electric vehicles, promote transit and active transportation, and reduce greenhouse-gas emissions.

Requested Amendments

a. At 19.30.050(A)(4) add “climate resiliency requirements”
b. For projects subject to discretionary review, administrative exceptions, departures, substantial grading, significant vegetation removal, or other potentially consequential development activity, document:

- climate-related impacts and whether the proposal advances or conflicts with applicable Climate Element policies.
- resilience considerations;
- greenhouse-gas implications where relevant;
- tree-canopy impacts;
- stormwater implications;
- heat and wildfire considerations where applicable;

Comment 4.3 — Environmental protections should not be treated as procedural obstacles

The Comprehensive Plan documents substantial environmental resources within Anacortes, including streams, wetlands, fish and wildlife habitat, and Priority Habitat and Species areas.

The Plan also identifies mature trees and native vegetation outside the ACFL as important secondary habitat and recognizes that residential areas subject to subdivision or intensified development are particularly vulnerable to vegetation loss.

Stormwater is another important issue. The Comprehensive Plan states that private development must manage stormwater and identifies treatment, detention, green infrastructure, and climate resilience as important components of the City's stormwater planning.

Requested Amendment

AMC Title 19 should state explicitly:

“No permit-streamlining provision may be interpreted to eliminate, reduce, or circumvent applicable critical-area, shoreline, stormwater, tree-preservation, habitat, environmental, climate, or public-health requirements.”

The existing draft already contains a useful limitation stating that administrative flexibility does not authorize relief from critical-area, shoreline, flood-hazard, stormwater, building, fire, health, engineering, life-safety, or public-infrastructure requirements.

Evergreen Islands recommends retaining this protection and expanding it to expressly include applicable Climate Element requirements and environmental mitigation obligations.

5. **Require written findings for administrative flexibility.**

   The draft requires findings for departures and administrative exceptions. That requirement should be expanded to address public comments, environmental impacts, and climate impacts. The Comprehensive Plan is another element for consideration.

Requested Amendment

The Permit Process Should Include Decision-Point Reviews

Evergreen Islands recommends that the City add three explicit review checkpoints to the permit process:

Stage 1 — Early Review

At the beginning of review, Staff should determine:

- applicable regulations;
- environmental constraints;
- critical areas;
- climate considerations;
- public-involvement requirements;
- infrastructure constraints;
- required studies;
- and the appropriate permit review type.

Stage 2 — Midpoint Review

After substantive studies and public comments have been received, Staff should determine:

- whether original assumptions remain valid;
- whether new environmental information has emerged;
- whether the proposal has changed;
- whether additional public involvement is appropriate;
- whether additional technical studies are required;
- and whether the proposed permit type remains appropriate.

Stage 3 — Final Review

Before decision, Staff should determine:

- whether all substantive comments have been addressed;
- whether all applicable standards have been satisfied;
- whether environmental and climate issues have been adequately considered;
- whether conditions adequately address identified impacts;
- and whether the final proposal remains consistent with the Comprehensive Plan.

6. Create an accountability and monitoring system.

While the draft requires the Department to report on departures at a minimum interval of every two years, we propose a more robust requirement.

The City should annually report how often administrative exceptions, departures, waivers, exemptions, expedited procedures, and other streamlining mechanisms are used, and if or how many public comments were received.

Requested Amendment

Rather than every two years, the report should be issued annually and should include the following elements:

- number of departures;
- number of administrative exceptions;
- percentage approved and denied;
- standards most frequently modified;
- geographic distribution;
- environmental issues;
- public comments;
- conditions imposed;
- appeals;
- reversals or remands;

This will allow the City Council and public to determine whether "limited flexibility" remains limited.

Conclusion

Evergreen Islands supports a permit process that reflects the Anacortes Comprehensive Plan's emphasis on the interconnections between permit processing, public participation, environmental protection, climate resilience and public infrastructure.

Evergreen Islands requests that the City incorporate these recommendations before adopting the final Permit Process Streamlining ordinance.

Thank you for this opportunity to review and comment on proposed changes.

Respectfully,

/s/ Marlene Finley

Marlene Finley, Board President

Evergreen Islands

Outlook

SGA Response to City Staff Permit Comments

From Mark Nihart <marknihart@gmail.com>

Date Fri 9/11/2026 5:46 PM

To Mike Mills <mikem@anacorteswa.gov>; William McCombs <williamm@anacorteswa.gov>; Chad Sage <chads@anacorteswa.gov>; Jill Underwood <jillu@anacorteswa.gov>; Tarn Ohana <tarno@anacorteswa.gov>; Frank Jeretzky <frankj@anacorteswa.gov>; Linda Martin <lindam@anacorteswa.gov>

Cc Libby Grage <libbyb@anacorteswa.gov>; John Coleman <johnc@anacorteswa.gov>; Mark Nihart <marknihart@gmail.com>

1 attachment (464 KB)

SGA Response to City 9_4_26 Report on Title 19 Amendments.pdf;

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To all concerned.

Attached is SGA's response to the City Planning Staff's response to public comments regarding the Title 19 Permit Process.

Smart Growth Anacortes

To: Planning Commission, City Planning Staff
Re: Planning Commission Public Hearing September 15, 2026 Proposed AMC Title 19 Amendments.
Subject: Comments in Response to City Planning Staff Report of September 4, 2026
Date: September 11, 2026

To Planning Commission Members and Planning Staff:

Smart Growth Anacortes (SGA) supports permit reform that makes development review faster, more predictable, better coordinated, and easier to understand. However, Title 19 amendments must also strengthen decision quality, transparency, environmental compliance, and meaningful public participation so that streamlined review produces faster, better documented, and more defensible decisions.

The Planning Staff Report describes the amendments as procedural and administrative and says they are consistent with the 2025 Comprehensive Plan. It does not, however, explain how the revised process will ensure seven essentials: early information gathering; meaningful public input before decisions are fixed; timely use of technical and environmental evidence; written responses to material comments; evaluation of new information; clear administrative records; and performance measures over time.

Anacortes has the policy foundation for a transparent and technically sound permitting system. The 2025 Comprehensive Plan calls for timely, fair permitting and meaningful citizen participation. However, the 2024 City/FACET Shoreline Master Program Compliance Assessment found serious record gaps: 68% of permits requiring mitigation sequencing lacked documentation that sequencing occurred, and site plans, critical-area reports, mitigation records, as-builts, and monitoring were inconsistent. The report found shoreline no-net-loss compliance inconclusive and "most likely not being achieved." These findings matter here: a Title 19 process is credible only if it produces a complete, reviewable record that documents baseline conditions, public issues, mitigation sequencing, approval conditions, construction verification, and monitoring.

The City must be able to show that its approvals—individually and cumulatively—protect critical-area and shoreline functions, meet no-net-loss obligations, and rest on a complete administrative record. FACET's findings show the current documentation system does not yet provide that assurance.

The proposed Title 19 amendments emphasize speed but do not show how the City will meet GMA, SEPA, and Shoreline Management Act obligations in practice. Without documented baseline conditions, off-site and cumulative-impact review, and written responses to material public comments, the City cannot reliably determine whether development stays within environmental limits or achieves no net loss.

SGA submitted an Alternative Permit Process on September 3, 2026, that closes these gaps with Early, Middle, and Latter Review checkpoints; an Assumption Register; material-change triggers; stage-specific public involvement; a Public Comment and Issue Matrix; environmental evidence tracking; inspection documentation; and annual performance reporting. Together, these tools keep decisions current, make public input traceable, and allow mitigation and compliance to be verified over time.

Staff has dismissed SGA's comments but has not offered a viable alternative.

SGA believes the best way to run a city is to govern with the people, not merely for the people: establish clear rules, make information understandable, invite the community into decisions while they can still be improved, listen to evidence from residents as well as professionals, explain how material comments were considered, test decisions as new information emerges, and monitor project performance and take corrective action as necessary.

Public access to the planning process is fundamental to accountable local governance.

Bottom line: SGA asks the Planning Commission to withhold recommendation of the proposed Title 19 amendments until the City adds enforceable safeguards for public input, technical and environmental evidence, changed assumptions, and performance accountability AND closes gaps outlined in the attached Legal Requirements. SGA asks the Planning Commission to request that Staff meet with SGA to discuss how SGA's Alternative Permit Process can close these gaps.

SGA Authored, Respectfully Submitted by,

Mark B. Nihart
President, Smart Growth Anacortes
https://smartgrowthanacortes.com/

Vision Statement
We strive to create a more transparent, collaborative partnership in which Anacortes residents - its owners and financers – set community priorities and help our city implement them.

Appendix A
Targeted Amendments

The following limited amendments close the legal and documentation gaps without creating a separate public-engagement process. These points are addressed in SGA's Alternative Permit Process (9-3-2026).

1. **Baseline and cumulative-impact findings.** Before approving subdivision or significant site development in the R1 Zone or other environmentally sensitive areas, staff should identify baseline conditions, critical-area functions, off-site effects, and reasonably foreseeable cumulative impacts. The decision record should explain how approval avoids net loss of protected functions and values.

2. **Mandatory early neighborhood meeting.** Amend Table 19.20.030-1 to remove discretion of public input. Require an up-front neighborhood meeting for all R1 Zone projects and other sensitive-residential projects likely to create material neighborhood effects, material departures/exceptions, or material impact to criteria adopted by ordinance. In this way, site-specific concerns are identified before project assumptions harden.

3. **Public input at material decision gates.** When a project reaches a meaningful decision point—completion of technical studies, SEPA threshold determination, material revision, significant new environmental finding, or final permit conditions—the public should be able to review and comment on the information supporting the decision. The purpose is to test whether original assumptions still hold, not to repeat prior comments.

4. **Collaborative issue resolution.** For projects requiring an early neighborhood meeting, staff should use a structured work-group format to identify issues, exchange information, and clarify solutions before the formal decision. This approach is more useful than a one-way hearing after staff and applicant positions are fixed.

5. **Public Comment and Issue Matrix.** Require staff to maintain an accessible matrix showing each material issue or comment, its source, the City's response, any requested or required project change, and final disposition. The matrix should be updated through review, approval conditions, construction, and required monitoring.

Bottom line: SGA supports faster, more predictable permitting—but not at the expense of legal compliance, environmental protection, or meaningful public participation. Title 19 amendments should require documented baseline conditions, off-site and cumulative-impact review, mandatory early neighborhood meetings for R1 Zone projects, public input at material decision gates, and a maintained issue-and-response matrix.

These changes do not create an open-ended process. They require the City to document the information needed for legally supportable decisions and to show how public input was considered before decisions are fixed. That approach is consistent with the Growth Management Act, Shoreline Management Act, SEPA, and the Comprehensive Plan—and will help Anacortes grow in a way that is predictable for applicants, understandable for residents, and defensible under state law.

SGA asks the Planning Commission to withhold recommendation of the proposed Title 19 amendments until the City adds enforceable safeguards for public input, technical and environmental evidence, changed assumptions, and performance accountability AND closes gaps outlined in the attached Legal Requirements. SGA asks the Planning Commission to request Staff meet with SGA to discuss how SGA's Alternative Permit Process (September 3, 2026) can close these gaps.

Appendix B
Legal Requirements and Material Gaps

Growth Management Act—Critical Areas
RCW 36.70A.060(2), RCW 36.70A.170, RCW 36.70A.172; WAC 365-196-830.

The Growth Management Act (GMA) requires cities to designate and protect critical areas, use best available science when adopting policies and development regulations, and ensure that allowed impacts do not cause a net loss of critical-area functions and values. Where impacts are allowed, regulations must require compensatory mitigation adequate to avoid net loss.

Gap: The proposed Title 19 amendments do not require staff to maintain a current baseline inventory of relevant critical-area conditions, functions, and values, or to show how individual approvals collectively maintain no net loss. Without such a baseline and record, the City cannot reliably determine whether development in the R1 Zone—or other sensitive areas—is within environmental carrying capacity before additional parcels are subdivided or developed.

Best Available Science
RCW 36.70A.172; WAC 365-195.

The City must include best available science in the development and application of policies and regulations that protect critical areas. When a local approach differs from science-based recommendations, the City must be able to document the scientific basis for its decision.

Gap: The proposed Title 19 amendments do not identify when existing City technical work—including critical-area studies, shoreline analyses, stormwater work, and climate-vulnerability information—must be used in a permit review. A streamlined process should not allow decisions to proceed without identifying applicable scientific information, testing project assumptions against it, and documenting the resulting conditions of approval.

Shoreline Management Act—No Net Loss
RCW 90.58; WAC 173-26-186(8).

Shoreline Master Programs must contain policies and regulations designed to achieve no net loss of shoreline ecological functions. Regulations and mitigation standards must ensure that each permitted shoreline development does not cause a net loss, and exempt development must not create a net loss in the aggregate.

Gap: The proposed Title 19 process does not establish a reliable documentation trail from existing conditions, to impact analysis, mitigation sequencing, permit conditions, inspections, as-built verification, and monitoring. The FACET assessment's conclusion that shoreline no-net-loss compliance was inconclusive—and "most likely not being achieved"—makes this omission especially consequential.

Vision Statement
We strive to create a more transparent, collaborative partnership in which Anacortes residents - its owners and financers – set community priorities and help our city implement them.

Cumulative Impacts

WAC 173-26-186(8)(d); WAC 197-11-792.

For shorelines, local programs must evaluate and consider the cumulative impacts of reasonably foreseeable future development on shoreline ecological functions and provide measures that address adverse cumulative effects. Under SEPA, environmental impacts may be direct, indirect, or cumulative.

Gap: The proposed Title 19 amendments focus on the processing of an individual application but do not require staff to address off-site and cumulative impacts where development is reasonably foreseeable. Addressing off-site and cumulative impacts is particularly important in the R1 Zone, where incremental subdivision and site development can collectively affect drainage, slope stability, tree canopy, habitat connectivity, shoreline function, traffic, and neighborhood character even when a single project appears limited in isolation.

SEPA Environmental Review

Chapter 43.21C RCW; Chapter 197-11 WAC.

SEPA requires agencies to evaluate the environmental consequences of nonexempt government actions before committing to a proposal and provides for agency and public comment on environmental documents. The scope of review includes direct, indirect, and cumulative impacts within the limits of reasonably foreseeable effects.

Gap: A streamlined permit path must preserve sufficient information and public notice at the points when environmental assumptions are made or materially change. The proposed Title 19 amendments do not clearly require re-evaluation when later application materials, technical studies, site conditions, or project revisions undermine assumptions used in an earlier environmental determination.

Shoreline Critical Areas

RCW 90.58.090(4); WAC 173-26-221(2)

Shoreline Master Programs must protect critical areas located within shorelines of the state in a manner consistent with both the Shoreline Management Act and Growth Management Act requirements. The City therefore cannot treat shoreline and critical-area protections as unrelated or rely on a permit procedure that obscures whether either standard has been met.

Gap: The proposed Title 19 process does not clearly show how shoreline, critical-area, stormwater, habitat, and other environmental requirements will be coordinated into a single defensible permit record. Fragmented review creates a risk that no reviewer is responsible for determining whether the whole project—and related foreseeable development—meets the applicable no-net-loss standard.

Mitigation Sequencing and Verification

WAC 365-196-830; WAC 173-26-186(8); applicable SMP and critical-area regulations.

When development may harm protected ecological functions, regulations must require avoidance and minimization before compensatory mitigation, and mitigation must be adequate to prevent net loss. Compliance depends not only on permit conditions but also on documentation that mitigation was installed, maintained, and effective.

Gap: The City's own FACET review identified substantial missing documentation: 68 percent of permits requiring mitigation sequencing lacked documentation that sequencing occurred, while site plans, critical-area reports, mitigation records, as-built documentation, and monitoring records were inconsistent. The proposed Title 19 amendments do not correct that recordkeeping and verification problem.

Public Notice, Participation, and an Adequate Record

Chapter 36.70A RCW; Chapter 43.21C RCW; Chapter 197-11 WAC; applicable local permit procedures

State law establishes notice, comment, hearing, and appeal requirements for particular legislative, quasi-judicial, shoreline, and SEPA actions. Those requirements are not interchangeable, but each depends on an administrative record that shows the proposal, the evidence considered, the issues raised, the decision made, and the basis for that decision.

Gap: The proposed Title 19 amendments make public participation discretionary in circumstances where early project information is most useful to residents and decision-makers. A process that receives comments but does not maintain an issue-and-response record leaves the City unable to demonstrate how material concerns were considered, whether project assumptions remained valid, or why a decision was supported by the evidence.

Public Involvement Requirements in the Growth Management Act and Comprehensive Plan

RCW 36.70A.020(11), RCW 36.70A.140, and WAC 365-196-600.

The GMA identifies citizen participation and coordination as a planning goal. Cities planning under the GMA must establish and broadly disseminate procedures for early and continuous public participation in the development and amendment of comprehensive plans and the development regulations that implement them. Those procedures must provide broad dissemination of proposals and alternatives, opportunities for written comments, public meetings after effective notice, open discussion, information services, and consideration of and response to public comments.

The Anacortes 2025–2045 Comprehensive Plan was adopted under this GMA framework and identifies citizen participation, coordination, evidence-based planning, and continuing public involvement as central elements of how the City plans for growth and implements its policies. The City's Title 19 development regulations are an implementing mechanism for the Comprehensive Plan; therefore, permit-process amendments should advance—not reduce—the Plan's public-involvement commitments.

Gap: The proposed Title 19 amendments largely treat public participation as a discretionary or one-time procedural event. That approach is inconsistent with the GMA's direction for early and continuous participation in development regulations and fails to carry the Comprehensive Plan's citizen-participation policies into the City's principal system for implementing land-use decisions.

Outlook

Comments for the Permit Process Hearing Tuesday Sept 15th - R1 Zone

From Mark Nihart <marknihart@gmail.com>
Date Fri 9/11/2026 5:59 PM
To Libby Grage <libbyb@anacorteswa.gov>; John Coleman <johnc@anacorteswa.gov>
Cc Mark Nihart <marknihart@gmail.com>

3 attachments (4 MB)

SGA_R1_Zone_Protection Final 9-5-2026 (4).pdf; 10172024_Reconnaissance Report FACET Zone 1 BAS (1).pdf; Shoreline Master Program Compliance Assessment_FACET 2024.06.21 (1).pdf;

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Libby and John:

Here are more comments to be added to the comments for the Permit Processing hearing at the Planning Commision meeting.



Smart Growth Anacortes

To: John Coleman, Libby Grange
cc: Planning Commission, City Council, Mayor Ryan
Subject: SGA's Position on Protecting and Restoring Critical Areas in the R1 Low Density Residential Zone
Date: September 8, 2026

To all concerned:

Smart Growth Anacortes supports the City's goal of improving the development permit process to be more predictable, efficient, and easier for staff to administer. However, a quality process must include meaningful public participation and adherence to Best Available Science. In SGA's September 3, 2026 comments we offered a three-stage model that invites public input at key checkpoints during permit review. Public engagement and transparency are essential to responsible housing choices and protection of the ecological systems that serve the whole community.

Today, SGA speaks to protect the 298-acre R1 Low Density Residential Zone from piecemeal development that will undermine its value and the City's climate resiliency. The R1 Zone is not a typical urban development area and should not be reduced to a simple calculation of how many houses can fit on each lot. Its streams, wetlands, habitat, drainage systems, and trees help buffer, protect, and beautify the City. Its value has been recognized since Anacortes' first Growth Management Act Comprehensive Plan in 1993. It is a valuable and scarce asset that must be preserved.

Before approving more development in R1, the City should determine how much the R1 landscape can absorb without losing the ecological functions that make it valuable. This is not opposition to all R1 development. It is a responsible and practical request to establish the environmental and infrastructure baseline first, then decide what development can proceed with no net loss of critical-area functions and values. R1 must be evaluated not only for housing capacity, but also for its ecological functions that make the City more climate resilient, livable, and better prepared for future growth. R1 development applications need early, meaningful, and recurring public comment. Neighborhood meetings should be required, and residents should have prompt access to the information behind City decisions.

Smart Growth Anacortes offers our attached proposal in the spirit of collaboration and to build community trust. Should the enhanced review require additional staff time, we recommend that any associated costs be incorporated into permit fees paid by applicants rather than by City taxpayers and ratepayers.

SGA authored, Respectfully submitted by,

Mark B. Nihart
President, Smart Growth Anacortes
https://smartgrowthanacortes.com

SGA POSITION - Protecting and Restoring Critical Areas in the R1 Low Density Residential Zone

Executive Summary — What This Means for Residents

Piecemeal development will erode the long-established neighborhood character and ecological functions of the R1 Low Density Residential Zone (R1). Updates to the Critical Areas Regulations should strengthen protections and mandate restoration for R1 to preserve its contribution to Anacortes' long-term climate resilience and environmental infrastructure.

The City Comprehensive Plan recognizes the unique value of the R1. It states:
(R1) "Provides for low density residential development in the southern end of the city that is inappropriate for more intensive urban development due to topography, the frequent presence of wetlands, the high cost in extending public facilities, and the desire to create a lower intensity transitional area between the city and the surrounding unincorporated rural pasture, forest, and agricultural land."

The R1 should not be evaluated simply by asking how many houses can fit on each lot. The area contains wetlands, streams, drainage pathways, habitat, steep or constrained land, and infrastructure limitations that work together as one system.

The Best Available Science (BAS) Report for the R1 documents these connections and identifies conditions that can make additional clearing, pavement, drainage changes, and buffer encroachment more consequential. So, adding development in one place can affect water, habitat, and flooding conditions somewhere else.

Smart Growth Anacortes (SGA) is not saying that R1 housing development must stop or that every R1 parcel is undevelopable. However, the City should establish the environmental and infrastructure baseline first, then determine what level of additional development can occur while protecting "no net loss" of critical-area functions and values.

Where the science or mapping is uncertain, the City has a duty to verify the facts before relying on an uncertain baseline to justify additional development. Where impacts cannot be avoided, the City should require measurable mitigation, restoration, monitoring, and corrective action.

The R1 landscape should be evaluated not only for residential capacity but also for the ecological functions that contribute to community resilience.

The public must be engaged early and periodically in the process to provide input on all applications in R1. The public must be able to see the technical information used to make decisions and understand why the City accepted, modified, or rejected each material recommendation.

Finally, the costs associated with this level of review belong to the applicant and not to City taxpayers and ratepayers and need to be reflected in permit fees.

Vision Statement
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Smart Growth Anacortes' Position

Before the City allows more residential intensity, it should know what the R1 landscape can absorb without losing the wetlands, streams, habitat, drainage functions, environmental infrastructure capacity, and other critical-area values that make the area different from a conventional urban development site. The R1 status has been recognized since the City's first Growth Management Act (GMA) compliant Comprehensive Plan in 1993.

SGA's position is that any R1 development should be based on the City's own technical record — not on dwelling counts alone. The record shows R1 must be evaluated on a zone-wide basis with cumulative, offsite impacts considered to ensure that the integrity of the zone is preserved.

The R1 landscape should be evaluated not only for residential capacity but also for the ecological functions that contribute to community resilience. There must be "no net loss" of critical-area functions and values.

The public must be engaged early and periodically in the process to provide input on all applications in R1.

The public must be able to see the technical information used to make decisions and understand why the City accepted, modified, or rejected each material recommendation.

Finally, the costs associated with this level of review belong to the applicant and not to City taxpayers and ratepayers and need to be reflected in permit fees.

Science and Legal Support for Smart Growth Anacortes' Position

The Best Available Science (BAS) Report for the R1 (commissioned and paid for by R1 neighbors) strengthens SGA's position.[1] It documents connected stream and wetland systems, variable buffer conditions, existing degradation and fragmentation, impervious-surface and stormwater relationships, fish-passage issues, restoration opportunities, and limitations in some mapping.

Best Available Science surely requires that the City explain, in writing, how its R1 standards account for material BAS findings.

Legal framing is equally important.

SGA's position does not ask the City to choose environmental protection instead of housing. The Growth Management Act (GMA) goals must be read together. Critical-area protection, housing, environmental protection, climate resilience, stormwater, and applicable shoreline requirements must be implemented in a coordinated way.

The technical analysis below identifies the principal GMA requirements and explains how the BAS can be used to build that record.

[1] FACET Online Reconnaissance Report for Anacortes, WA, October 2024.

Conclusion — A Practical and Transparent Standard

The R1 issue can be reduced to a practical principle: the City should know what must be protected before it decides how much additional development the landscape can carry.

The BAS Report gives the City a stronger scientific record for making that determination. It identifies connected streams and wetlands, buffer functions, stormwater and impervious-surface relationships, existing degradation, restoration opportunities, and areas where mapping still requires verification.

There must be “no net loss” of critical-area functions and values.
SGA therefore asks the City to establish the R1 baseline first; verify material uncertainties; evaluate cumulative and off-site effects; measure impervious surface and stormwater consequences; require avoidance and minimization before mitigation; require restoration and compensation where appropriate; and make mitigation enforceable through monitoring, reporting, maintenance, corrective action, and appropriate financial security.

If the City reaches a different conclusion, the public should be able to see the evidence behind it.
For each material recommendation, Staff should state whether it is accepted, modified, or rejected -- and identify the applicable policy, code, BAS finding, legal authority, data, or professional analysis supporting that result. That approach does not predetermine the outcome. It makes the outcome transparent, scientifically traceable, and more defensible under the GMA.

SGA's position is not 'no housing.' It is 'no unsupported increase in effective intensity.'
Housing, environmental protection, infrastructure, stormwater management, and resilience must be addressed together—and the City's scientific record must be reflected in the standards that govern the R1.

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Technical Analysis

1. The R1 BAS Report Changes the Analysis

SGA is asking Staff to reconcile proposed R1 standards with the City's current scientific record. The BAS expressly identifies Happy Valley Stream, Ace of Hearts Creek, Beaver Brook, Cranberry Creek, Clyde Creek, Anaco Bourn, Cedar Springs, and other streams as riparian management zones (RMZ) or waters of the state within the City's critical-area framework. It further identifies multiple wetlands, forested wetland headwaters, and stream/wetland complexes. The BAS explicitly lists Ace of Hearts Creek and Happy Valley Stream as Riparian Management Zones (RMZs) and Fish and Wildlife Habitat Conservation Areas (FWHCAs). This listing is stronger than a generalized 'wetland concern.' The R1 record should therefore identify every BAS-mapped critical-area feature occurring in, draining from, or functionally connected to the R1 study area and show how proposed development standards protect those functions.

The BAS also acknowledges that some stream alignments were derived from GIS, LiDAR, and aerial photography without field-based ground truthing. That limitation is important rather than incidental. Where mapped constraints are incomplete or not field verified, the City should not convert mapping uncertainty into a presumption of development capacity. Instead, applications in potentially affected areas should require field verification by qualified professionals before approval.

GMA / ADMINISTRATIVE-RECORD NOTE. RCW 36.70A.172(1) requires the City to include BAS in policies and development regulations protecting critical-area functions and values. WAC 365-195-905 calls for a BAS review proportionate to the scope of the amendment and requires scientific information to be weighed for validity, methods, quantitative analysis, context, and references.

2. BAS Supports a Zone-Scale, Not Merely Parcel-Scale, Analysis

The BAS states that a multi-function riparian buffer should be sized to meet all functions identified as locally important and that buffer effectiveness depends on watershed characteristics and adjacent land-use intensity. This is direct scientific support for evaluating R1 as a connected landscape rather than as unrelated development lots.

The BAS documents existing cumulative alterations: numerous stream reaches have been ditched or piped; several creek mouths have long piped sections; some residential stream reaches receive lawn and roadside runoff; and some stream corridors have narrow or degraded buffers. These are precisely the circumstances in which additional incremental clearing, impervious surface, drainage concentration, and buffer encroachment can compound existing impairment. Accordingly, the City's project review should include a cumulative-effects accounting framework. At minimum, each materially intensifying proposal should identify existing and proposed impervious surface; clearing and tree removal; wetland and buffer disturbance; stormwater discharge points; drainage changes; stream crossings; access improvements; and the relationship of those impacts to upstream and downstream critical areas. The City should explain how the aggregate effect remains compatible with the R1 purpose.

GMA / ADMINISTRATIVE-RECORD NOTE. RCW 36.70A.030 (12) defines multiple critical-area categories, while RCW 36.70A.060(2) requires development regulations to protect them. RCW 36.70A.070 identifies land-use requirements concerning stormwater, flooding, and drainage. A parcel-scale zoning decision should therefore demonstrate that the critical-area and stormwater functions affected by the regulation have been considered.

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3. Wetland Buffer Science Supports Stronger R1 Protection

The BAS Report indicates that wetland buffers vary with habitat function and adjacent land-use intensity, with cited ranges of 25–75 feet for minimal habitat functions and low-intensity adjacent uses, 50–150 feet for moderate functions or higher-intensity adjacent uses, and 150–300 feet for high habitat functions. It also reports that water-quality protection may require substantially wider buffers for higher pollutant-removal performance.

The BAS further reports research showing increasing nutrient-removal effectiveness as riparian buffer width increases. The reported study found substantially greater nitrogen and phosphorus reductions at approximately 40- and 60-meter buffers than at 20 meters. SGA does not propose importing those study widths automatically into the Anacortes code. Instead, the City should require the applicable wetland and buffer function, adjacent land-use intensity, and water-quality objectives to be documented before a buffer reduction or averaging decision is made.
This is particularly important for R1 because the Comprehensive Plan itself identifies frequent wetlands as a reason that more intensive urban development is inappropriate. A proposal that relies on buffer reduction, averaging, or development near a wetland should therefore demonstrate why the reduction will not compromise the wetland's identified functions and should document feasible alternatives considered and rejected.

GMA / ADMINISTRATIVE-RECORD NOTE. RCW 36.70A.172(1) requires BAS to protect critical-area functions and values; WAC 365-195-905 requires evaluation of scientific validity and applicability. When Staff selects a buffer width, reduction, or averaging standard, the record should identify the scientific basis and explain why it protects the functions at issue.

4. Stream and Riparian Conditions Demand Restoration, Not Merely Avoidance

The BAS describes existing degraded and fragmented stream conditions and states that the City's long-term goal is to restore riparian corridors and protect salmon passage where scientifically justified through buffer restoration, buffer mitigation, and stream daylighting. This converts restoration from a generalized policy preference into an objective identified in the City's own scientific record.

For R1, the implication is straightforward: where new development affects a degraded riparian corridor, the City should not treat the existing degraded condition as a reason to permit further incremental loss. Instead, the regulatory framework should establish restoration obligations commensurate with the proposed impact and should prioritize removal of invasive vegetation, replanting native trees and shrubs, reconnection of hydrology where feasible, and restoration of degraded buffer functions.

The BAS also describes Ace of Hearts Creek as a combination of wetland, ditched stream, and natural channel, with generally 25-foot buffers in some shrub/forest areas and limited 50-foot areas, while a portion within the Anacortes Community Forest Land (ACFL) has a much larger forested buffer. Cedar Springs includes a wetland/stream complex with substantial flow from an artesian well. These conditions demonstrate why uniform parcel setbacks cannot substitute for site-specific functional analysis.

GMA / ADMINISTRATIVE-RECORD NOTE. There are special considerations for conservation measures necessary to preserve or enhance anadromous fisheries under RCW 36.70A.172(1). Where the BAS identifies fish use, passage barriers, riparian degradation, or restoration opportunities, the R1 record should explain how proposed regulations preserve or enhance those functions.

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5. Happy Valley Stream and Ace of Hearts Creek Should Be Explicit R1 Review Triggers

The BAS identifies Happy Valley Stream as a combination of wetland, ditched stream, and natural channel beginning in a shrub and forest wetland complex. It documents 25–50-foot forested and shrub buffer sections in portions of the watershed and a piped urban section that is mostly impervious. The BAS also identifies fish-passage barriers along the alignment.

The BAS identifies Ace of Hearts Creek as a wetland/stream system extending from Heart Lake through natural, ditched, and stormwater-conveyed reaches. It identifies fish-bearing mapping and a long, piped section before discharge to Fidalgo Bay. These characteristics establish a strong factual basis for treating development affecting these systems as requiring heightened critical-area review, regardless of whether the individual parcel contains only a small visible segment. This is exactly the kind of approach that was taken with the Orchards and Cedar Springs subdivisions.

SGA therefore recommends an explicit R1 rule: any proposal within the mapped drainage, riparian-management, wetland, or functional buffer area of these streams—or any proposal whose stormwater, access, clearing, or grading could materially affect them—should require a documented critical-area analysis addressing upstream/downstream and cumulative effects along with feasible avoidance and restoration measures.

GMA / ADMINISTRATIVE-RECORD NOTE. Because wetlands and fish-and-wildlife habitat conservation areas are statutory critical-area categories under RCW 36.70A.030(12), and RCW 36.70A.060(2) requires protective development regulations, the City should identify whether proposed R1 standards provide adequate review where development affects a connected critical-area system.

6. Impervious Surface Is a Critical R1 Control Variable

The BAS states that stream biological condition declines as impervious area increases and emphasizes that adjacent land use and basin-wide stormwater detention and treatment can have disproportionate effects on stream health. It also notes that impervious surfaces, soil compaction, gullying, and loss of leaf litter or ground cover can reduce the long-term nitrogen-removal effectiveness of buffers.

This supports a stronger R1 requirement to regulate effective imperviousness rather than dwelling count alone. A two-unit parcel and a four-unit parcel may have very different ecological consequences depending on building footprints, driveways, parking, access roads, grading, lawn conversion, and stormwater facilities. The City should therefore require an impervious-surface budget and a stormwater performance demonstration for any proposal that materially increases site intensity.

The City should also explain how its R1 land-capacity assumptions account for these physical constraints. A capacity number derived from gross acreage is not equivalent to feasible environmental capacity if critical areas, buffers, access, stormwater facilities, and infrastructure constraints materially reduce the developable footprint.

The BAS and 2024 Shoreline Master Program (SMP) Compliance Assessment reports independently point toward the same mitigation-sequencing, monitoring, and documentation framework. [2]

GMA / ADMINISTRATIVE-RECORD NOTE. HB 1181 amended RCW 36.70A.070(1) to require the land-use element to review drainage, flooding, and stormwater runoff and provide guidance for corrective actions addressing pollution of waters of the state. Combined with BAS findings on impervious surface and stream condition, this supports a direct R1 impervious-surface and stormwater analysis.

[2] FACET Online Reconnaissance Report for Anacortes, WA, October 2024 (BAS).
FACET Shoreline Master Program Compliance Assessment for Anacortes, WA, June 21, 2024.

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7. Mitigation Sequencing Should Be Operationalized

The BAS describes mitigation sequencing as: avoid; minimize; rectify or restore; reduce or eliminate impacts over time through preservation and maintenance; compensate; and monitor, measure, report, and take corrective measures. It also states that mitigation plans should document existing wetland and buffer conditions, proposed mitigation, construction timing, ongoing management, monitoring, maintenance, and site protections.

The City's 2024 SMP Compliance Assessment independently found that mitigation sequencing was not consistently documented in shoreline permits and recommended clearer sequencing, critical-area reports, as-built documentation, monitoring, checkpoints, and performance bonds where appropriate.

The BAS and SMP assessment therefore converge on the same administrative lesson: environmental protection cannot depend on an undocumented staff judgment that impacts are 'adequately mitigated.'

SGA recommends carrying this documented lesson into the R1 regulatory framework. Every application requiring critical-area mitigation should contain a written sequencing analysis, quantified impacts, mitigation commitments, measurable performance standards, as-built verification, and a defined monitoring period with corrective action.

GMA / ADMINISTRATIVE-RECORD NOTE. RCW 36.70A.172(1) requires BAS to be included in developing protective policies and regulations. WAC 365-195-905 directs jurisdictions to weigh scientific information in the record. Staff should show how BAS findings were translated into actual standards, mitigation, monitoring, and enforcement.

8. Buffer Reductions and Averaging Require a Higher Evidentiary Burden

The BAS notes that Anacortes allows buffer reduction and buffer averaging under specified conditions. It also identifies the ecological functions performed by buffers and explains that effectiveness depends on physical and land-use conditions. SGA therefore recommends that any proposed buffer reduction or averaging in R1 be accompanied by a written alternatives analysis and functional-equivalence demonstration—not merely a statement that the code permits the request.

The record should identify the standard buffer, the proposed reduced/averaged buffer, the functions being protected, the development intensity adjacent to the buffer, existing vegetation condition, expected impervious surface, stormwater pathway, and the mitigation/restoration measures that will maintain or improve function. If the applicant relies on existing degradation, the City should distinguish between documenting existing condition and using degradation as a basis for further loss.

The BAS gives direct support for monitoring/corrective action, while the SMP assessment documents why implementation controls matter in practice.

GMA / ADMINISTRATIVE-RECORD NOTE. WAC 365-195-905 calls for evaluation of scientific validity and applicability. A functional-equivalence record gives Staff a defensible way to show that a reduction protects the relevant critical-area functions.

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9. Monitoring and Adaptive Management Should Be Built Into R1 Approvals

The BAS expressly incorporates monitoring and corrective measures into mitigation sequencing. It also identifies a City recommendation for restoration language that includes a five-year monitoring and maintenance plan for certain degraded riparian-management-zone conditions. The 2024 SMP Compliance Assessment likewise recommended periodic monitoring for up to five years and annual monitoring reports.

SGA therefore recommends that R1 mitigation be enforceable over time. Approval conditions should identify who monitors, what is measured, when reports are due, what constitutes failure, what corrective action is required, and what financial security or checkpoint is available to ensure performance. This is particularly important where ecological performance cannot be verified at the time of permit issuance.

GMA / ADMINISTRATIVE-RECORD NOTE RCW 36.70A.060(2) and RCW 36.70A.172 apply here. Where scientific uncertainty exists and mitigation performance cannot be verified at issuance, measurable monitoring and corrective-action provisions strengthen the City's ability to demonstrate that its development regulations actually protect critical-area functions.

10. The City's Existing Scientific Uncertainty Should Increase Caution, Not Reduce It

The BAS states that some stream mapping was based on GIS, LiDAR, and aerial photography and was not field-ground-truthed. It also identifies complex transitions among wetlands, ditches, natural channels, pipes, and developed areas. That means the City's current map is an important screening tool, but not necessarily a parcel-level substitute for field verification.

SGA therefore recommends an evidence rule for R1: where available mapping indicates a potential critical area but its precise boundary or function has not been field verified, the applicant should provide the qualified-professional verification necessary to establish the actual baseline before approval. The City should not resolve scientific uncertainty by assuming the absence of a critical-area constraint.

GMA / ADMINISTRATIVE-RECORD NOTE. WAC 365-195-905 requires scientific information to be evaluated for validity, methods, quantitative analysis, context, and citations. The City should establish the evidentiary basis for the boundary or function it relies upon before using an uncertain baseline to establish development capacity.

11. R1 Should Be Evaluated as Climate-Resilience and Ecological Infrastructure

The R1 landscape should be evaluated not only for residential capacity but also for the ecological functions that contribute to community resilience. The City’s 2025–2045 Comprehensive Plan calls for protection and restoration of streams, riparian zones, and wetlands to increase resilience of species, habitats, and communities and to achieve a healthy watershed. It also identifies riparian vegetation as important for erosion control, shade, habitat connectivity, and stream resilience. The Comprehensive Plan also recognizes urban tree canopy as a climate-resilience asset because it supports watershed health, carbon sequestration, heat reduction, air quality, stormwater filtration, and biodiversity. These functions are directly relevant to R1 where additional clearing, grading, impervious surface, and fragmentation can reduce the landscape’s ability to perform them.

Accordingly, R1 development capacity should account for the preservation or loss of these functions. Where development would materially reduce riparian vegetation, wetland function, tree canopy, infiltration, or connected habitat, the City should require the impact to be identified and addressed through avoidance, minimization, restoration, enhancement, or other measures supported by the applicable regulatory framework.

12. Public Participation Should Be Elevated in R1 Decision Process and Tied to Technical Record

The R1 issue is not only a technical and regulatory question. It is also a question of how the City makes land-use decisions that can alter the future character, environmental condition, and development pattern of a defined part of Anacortes. The City's 2025–2045 Comprehensive Plan identifies citizen participation as a GMA planning goal and describes public involvement as part of the City's planning practice.

For R1 policy, zoning, critical-area standards, density standards, or other legislative development-regulation changes, meaningful public involvement should occur before the City effectively locks in the policy. The public should have early access to the same technical record used by Staff—including BAS findings, stream and wetland mapping, mapping limitations, land-capacity assumptions, alternatives, proposed code language, and Staff analysis—and should have a genuine opportunity to identify errors, omissions, affected off-site conditions, and alternative safeguards.

The City's public-participation commitment is strengthened when the City provides the public with early notification and the same technical record that Staff uses to make R1 policy and code and application recommendations. SGA requests that the R1 review identify the BAS findings relied upon, the mapping used, the assumptions behind capacity calculations, and the reasons for accepting or rejecting recommendations.

A defensible public process should permit the public to test the technical record before the City locks in development standards. Where a BAS finding identifies a function, constraint, uncertainty, or recommended code change, Staff should either incorporate it or explain why it is not applicable to R1.

Proper public participation requires early notice with opportunity for two-way dialogue. Neighborhood meetings early and periodically in the application process are a good mechanism in addition to the SEPA-required public hearings.

SGA recommends early notification with at least 45 days for public review and response to the initial technical and policy material, followed by neighborhood meetings at meaningful points throughout the process. Meetings should occur early enough to influence the baseline and alternatives, after material technical or policy changes, and before final adoption. Material revisions should be disclosed with enough time for meaningful review.

Public comments should not be treated as a simple vote and should not replace technical evidence. Instead, the City should use a transparent decision protocol: identify the material issue raised; determine whether it supplies new factual or technical information, identifies a policy or implementation conflict, or identifies a material community impact; evaluate the issue against the BAS, Comprehensive Plan, CAO, stormwater requirements, and applicable SMP provisions; modify the Staff recommendation when the comment identifies a material deficiency or better-supported alternative; and, when the recommendation is not changed, explain the evidence and criteria supporting that decision.

This approach gives neighbors a direct and meaningful influence on decisions without converting public participation into a substitute for professional judgment. It also creates a traceable record showing how public input was considered, what changed, and why.

GMA / ADMINISTRATIVE-RECORD NOTE. Add RCW 36.70A.140 states that the City must provide for early and continuous public participation in the development and amendment of comprehensive plans and development regulations. The public should be able to evaluate the BAS, capacity assumptions, mapping, and proposed R1 standards for an application before adoption.

13. Requested R1 Decision Framework

Before approving materially greater effective residential intensity, SGA requests the following sequence:

(1) assemble the City's current R1 critical-area and infrastructure baseline;
(2) field-verify material mapping uncertainties;
(3) identify functional wetland, stream, riparian, recharge, habitat, stormwater, and hazard connections;
(4) establish development-specific impact metrics;
(5) require avoidance and minimization before mitigation;
(6) require restoration and compensatory mitigation where applicable;
(7) establish monitoring and corrective-action requirements;
(8) reconcile the resulting constraints with the City's land-capacity model; and
(9) conduct meaningful public review before finalizing code changes.

If Staff concludes that a less protective framework is sufficient, SGA requests a written reconciliation identifying the specific BAS evidence, City technical study, adopted policy, code authority, or professional analysis supporting that conclusion. A generalized statement that existing regulations are 'adequate' should not be treated as sufficient without identifying the criteria and evidence used to reach that conclusion.

GMA / ADMINISTRATIVE-RECORD NOTE. RCW 36.70A.130 requires periodic review and update of comprehensive plans and development regulations, including consideration of CAOs under RCW 36.70A.130(1)(d). The requested sequence is a method for demonstrating GMA consistency.

14. Staff Response Standard Requested by SGA

For each recommendation in this paper, SGA requests that the Staff report identify one of three outcomes: (A) accept the recommendation and identify the proposed code, policy, map, or procedure change; (B) modify the recommendation and explain the modification using adopted policy, code, BAS, or other technical evidence; or (C) reject the recommendation and identify the specific evidence, legal authority, or technical analysis supporting rejection.

For any statement that additional R1 intensity is compatible, adequately mitigated, within capacity, or unlikely to affect critical-area functions, Staff should identify the underlying baseline, assumptions, applicable criteria, and supporting technical record. This response structure is intended to improve the administrative record and allow the public and decision-makers to evaluate whether the City's conclusions follow from its own evidence.

GMA / ADMINISTRATIVE-RECORD NOTE. Staff should respond to each recommendation using the applicable GMA section —RCW 36.70A.060(2), RCW 36.70A.070, RCW 36.70A.130, RCW 36.70A.140, RCW 36.70A.172, and, where applicable, RCW 36.70A.480. This creates a traceable record showing which statutory obligation Staff believes is satisfied and what evidence supports that conclusion.

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Integrated BAS Evidence Matrix — Core Questions for the R1 Record

R1 Issue	What the City should document	Decision implication
Connected landscape	Watershed/drainage relationship; offsite and cumulative effects of clearing, impervious surface, and drainage.	Do not evaluate capacity solely by dwelling count.
Buffer reduction or averaging	Protected function, standard and proposed buffer, alternatives, enhancement, and evidence of functional equivalence.	Require function-specific justification.
Existing degraded stream	Baseline condition, impact analysis, restoration/mitigation plan.	Avoid compounding impairment; prefer restoration or enhancement where feasible.
Impervious surface	Existing/proposed impervious area, runoff pathways, treatment, infiltration, and downstream effects.	Treat impervious surface as a core intensity metric.
Mapping uncertainty	Map source, uncertainty, field verification, and qualified-professional evidence.	Do not treat mapping uncertainty as available development capacity.
Fish use/passage	Fish-use source, barriers, passage analysis, and mitigation.	Preserve or enhance function where scientifically justified.
Public participation	Technical record disclosed early; comments and responses documented before decision.	Public involvement should influence the record and recommendation, not merely follow it.

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FACET
Formerly DCG / Watershed

Shoreline Master Program Compliance Assessment

CITY OF ANACORTES

JUNE 21, 2024

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APPENDIX A: Review of Permit Findings
APPENDIX B: Shoreline Permit Checklist

1. Project Overview

1.1 Background

In 2022, the Washington State Department of Ecology (Ecology) awarded funding to jurisdictions across the state under the Shoreline Planning Competitive Grant Program to be used to support local government shoreline planning efforts. The City of Anacortes (City) elected to use awarded funds to implement a Shoreline Permit Monitoring Program to better assist the City with tracking and implementation of shoreline permits. The City contracted Facet[1] to assist with the project and determine if development within shoreline jurisdiction is being authorized consistent with regulations of the City's Shoreline Master Program (SMP) and whether completed authorized projects are compliant with issued permits.

The primary focus of the project was to ascertain whether SMP requirements are achieving no net loss of shoreline ecological functions (NNL). To determine this, shoreline authorizations issued over the past 14 years (since SMP adoption in 2010) were reviewed for SMP compliance and compensatory mitigation. A summary of findings from this review was compiled into a spreadsheet and analyzed to help identify compliance gaps. A permit tracking system was developed to collect important project details, assist City staff in determining if mitigation sequencing and compensatory mitigation are required, track receipt of as-built and monitoring reports (when required), and ultimately help to ensure no net loss of shoreline ecological functions.

1.2 Applicability

The current SMP is the September 2010 City of Anacortes Shoreline Master Program. The SMP applies to the waters within City limits, all lands extending landward 200 feet in all directions from the ordinary high-water mark (OHWM), and associated wetlands. Waterbodies and shorelines regulated under the City's SMP include the following:

- Lake Shannon
- Little Cranberry Lake
- Heart Lake
- Lake Erie
- Whistle Lake
- Burrows Bay
- Fidalgo Bay
- Flounder Bay
- Guemes Channel
- Padilla Bay

[1] *Formerly DCG/Watershed*

1.3 SMP No Net Loss Standards

No net loss provisions are located throughout the City's SMP, including the following sections:

- 6.3 – Impacts, Mitigation, Bonding
- 6.5 – Vegetation Conservation
- 6.6 – Critical Areas – General
- 6.7 – Fish and Wildlife Habitat Conservation Areas
- 6.8 – Frequently Flooded Areas and Tsunami Inundation Areas
- 6.9 – Geologically Hazardous Areas
- 6.10 – Wetlands
- Chapter 9 – Specific Shoreline Modification Policies and Development Regulations

2. Methodology

Shoreline permits issued within the past 14 years were selected using a randomized Microsoft Excel spreadsheet. A total of 35 issued permits were reviewed, including six pilot permits to establish a permit evaluation methodology, followed by 29 additional permits. A review of all permit documents provided by the City, such as site plans, supplemental reports, findings of fact, and issued permits, was completed to assess whether issued permits have been meeting the no net loss standards established in the City's 2010 SMP. The results of each permit review were compiled into a spreadsheet for consistency. Information collected included permit number, permit type, project description, if mitigation sequencing was necessary/provided, if mitigation was required/provided, if as-built documentation was provided, and no net loss observations. It should be noted that of the permits reviewed, one was denied (SDP-2015-0004a), one permit has not yet been issued (SLX-2022-0030), and two permits have not been started/completed to date (SDP-2020-0002 and SDP-2015-0001). Upon reviewing permits, information gathered was analyzed and documented in a Memo of Shoreline Permit Review Findings (Appendix A) and further used to develop a permit tracking spreadsheet using Microsoft Excel.

3. Compliance Assessment

3.1 Permit Review Findings

Of the 35 permits reviewed, 20 were substantial shoreline development permits and 15 were letters of shoreline exemption. Issued letters of shoreline exemption were found to meet the exemption criteria listed in SMP Section 2.4. Twenty-five permits required a demonstration of mitigation sequencing based on the type of development, proposed impacts, and/or presence of critical areas; however, 68%

of these permits did not include documentation that demonstrated mitigation sequencing was performed. Submitted site plans generally lacked existing and proposed conditions, identification of critical areas, and/or quantified impacts, making project-related impact assessments difficult to determine. When landscape and mitigation plans were included with the permit application, they did not consistently meet landscaping standards outlined in the Vegetation Conservation Regulations subsection (SMP 6.5(C)), specifically Development Regulations (DR) DR-6.5.7 and DR-6.5.8.

Many of the projects reviewed appeared to be within 300 feet of a Fish and Wildlife Habitat Conservation Area (FWHCA), though it was unclear from the application packages whether this possible critical area impact was fully understood. Per the Critical Areas Regulations in Appendix A of the SMP, a critical areas report is required for projects located within 300 feet of a critical area. Pursuant to SMP Appendix A, Section A-5.2.C.(5), a critical area report for projects adjacent to FWHCAs require a discussion addressing avoidance, minimization, and mitigation measures proposed to preserve existing habitats and restore any habitat that was degraded prior to the current proposed land use activity. Further, SMP DR-6.7.6 relies on a critical area report to establish the extent of additional vegetated buffer areas adjacent to FWHCAs. Based on our review, critical area reports were infrequently required by the City and were often not included in the application materials to determine whether there was a species with primary association to or adjacent to a given project site. While some permit submittals included a Biological Evaluation (BE) or Habitat Assessment, these reports inconsistently provided an impact analysis and/or mitigation recommendations. BEs generally assess project impacts associated with federally listed and endangered species and are not a substitute for a critical areas report to demonstrate compliance with the SMP.

Based on the SMP development regulations (SMP Section 6.3), mitigation for shoreline impacts was required for 21 permits. However, mitigation plans and as-built reports were inconsistently provided. Further, DR-6.3.10 requires periodic monitoring for up to five years as a condition of approval. These requirements appear to be lumped into a blanket condition of approval that states, "*The* P*roject shall comply with all applicable SMP regulations, including Chapter 5, Shoreline Environments and Associated Polies and Regulations, Chapter 6, Environmental Protection General Regulations, Chapter 8, Specific Use Policies and Development Regulations and Chapter 9, Specific Shoreline Modification Policies and Development Regulations.*" Given these requirements do not appear to be consistently met from project to project, it may be beneficial to clearly require as-built documentation within six months of installation (tied to the project's clearing and grading or construction permit) and periodic monitoring reports for up to five years as individual conditions of permit, rather than grouped into a general statement.

3.2 Project Tracking Spreadsheet

The permit tracking spreadsheet was designed to capture project details and specific information to help City staff consistently administer SMP standards through shoreline permit approvals and ensuring no net loss of ecological functions. Some of the fields listed in the permit tracking spreadsheet can be included as required fields on the permit application so the onus of providing the information is on the applicant. See Section 3.3 below for suggestions on information to be collected by applicants. While

completing the project tracking spreadsheet will require additional work from City staff, in the long term it will help ensure the City is receiving required documentation consistent with SMP provisions and no net loss standards.

Additionally, the spreadsheet has a tab dedicated to tracking monitoring requirements. As built documentation and monitoring reports were inconsistently provided to the City. Based on the response to *Mitigation Required* in the permit database tab, the permits requiring as built and monitoring reports will populate in the Monitoring Tracking tab with additional details to be filled in. Should the City upgrade to a different permitting software in the future, this information could be used to send email or notification reminders to permit applicants whose projects require mitigation monitoring for up to five years.

3.3 Permit Applications

The City uses SmartGOV software for permit applications. SmartGOV allows the City to add custom fields, additional text, or drop-down options for the applicant to fill out. Some of the required fields that are currently under the Details tab include:

- Present zone designation
- Are there critical areas or buffers on site?
- Shoreline Environment Designation
- Shoreline Substantial Development type
- Flood Zone

Based on our review of recent permits and development of the permit tracking spreadsheet, modifications to the Details tab that would benefit City staff and help ensure no net loss of shoreline ecological functions could include the following:

- An additional field that asks for the waterbody (For example: *List the waterbody the project is within or adjacent to*.)
- A drop down to the question, *Are there critical areas or critical area buffers on site?* If the answer is Yes, a Yes/No drop down asking *Has a Critical Areas Report been prepared by a Qualified Professional? s*hould follow. If an applicant selects No to this question, a second drop-down asking, *Explain why a Critical Areas Report is not applicable* could follow.
- An additional field that asks, *Does the project have unavoidable impacts to the shoreline setback?* If the answer is Yes, a Yes/No drop-down asking, *Has a mitigation plan been prepared to compensate for unavoidable impacts?* If an applicant selects No to this question, a second drop-down asking, *Explain why mitigation is not required* could follow.
- An additional field that asks, *Does the project result in new clearing of vegetation within a critical area buffer or shoreline setback?* If the applicant selects Yes to this question, a drop-down asking, *Explain*, should follow.

Ultimately, the City could require the applicant to provide some or all of the details identified on the permit tracking spreadsheet. The more information the City requires the applicant to provide during the applicant process, the more efficient filling out the spreadsheet will be for City staff. However, the application process should be fairly straightforward so that it does not become burdensome to applicants. Handout type documents like Frequently Asked Questions, permit flow charts, and other guidance documents may be useful in assisting applicants with providing the necessary information and submitting the appropriate documentation.

3.4 SMP Review

SMP Section 6.5 – Vegetation Conservation

The vast majority of upland development requires some form of clearing and grading to establish a development footprint. For development (including replacement of structures) of any kind within 200-feet of a marine or lake OHWM, a landscape plan must be provided unless explicitly waived by the City. This is supported by DR—6.5.7 stating, *"Clearing and grading within shoreline jurisdiction shall only be permitted upon approval of a detailed landscape plan for revegetation."*

Based upon the review of shoreline permits, the City is not consistently requiring or receiving landscape plans. Separate standards under DR-6.5.8 dictate that for any project abutting a shoreline, a project's length in total linear feet must provide a 10-foot wide by 10-foot long minimum vegetation conservation area within 15-feet of the OHWM consisting of native plantings that are saltwater tolerant if adjacent to marine shorelines. For new development, this includes 50% of project's shoreline length in linear feet and 25% of project's shoreline length for redevelopment projects. The DR 6.5.8 requirement only occurs when a project 'abuts' or is adjacent to the OHWM, whereas clearing and grading requires a landscape plan for any new development within shoreline jurisdiction, per DR-6.5.7. Abut is not defined within the SMP, whether this is exclusively within the shoreline setback or not.

Further, DR-6.5.7 includes specific revegetation landscaping standards, such as nursery stock requirements and survival standards. However, much of the project work is varied in how mitigation is considered. For example, there were several projects including derelict creosote-treated pile removal that were considered self-mitigating, and spawning gravel placement for bulkhead repair where no landscape plan was submitted. Based on the provision above, a landscape plan was required in 61% of the permits reviewed; with 42% of permits reviewed included a landscape or planting plan. The remaining 39% of permits (14 total) reviewed were either self-mitigating, repair, or included beach nourishment and did not appear to trigger mitigation within the vegetation conservation area or waterward of the OHWM.

To establish a more bright line standard improving degraded shoreline vegetation City-wide, the City could also be more explicit in the status of shoreline vegetation (or lack thereof) and establish that degraded shoreline setbacks represent a nonconforming situation relating to the policies and development regulations within SMP 6.5 Vegetation Management. A definition would need to be more readily established for what this condition constitutes, followed by more specific instructions for revegetation plans, including whether the entire shoreline setback (save for proposed development)

should be revegetated to alleviate a nonconforming condition. This has parallels with the existing Critical Areas Appendix A (SMP A-5.3(G)), specifically establishment of Fish and Wildlife Habitat Conservation Area buffers by a qualified professional's critical areas report establishing that, "*…buffer widths shall reflect the nature of existing vegetation, sensitivity of the habitat, and the type and intensity of human activity proposed to be conducted nearby.*"

SMP Section 5.9 – Shoreline Residential

For developments within the shoreline residential environment, DR-5.9.11 requires lots where riparian vegetation does not exist or is degraded to replant or retain at least 15 percent of the total lot area with native vegetation. This regulation further specifies that for lots that border the OHWM, all revegetation must take place within the shoreline setback. Of the permits reviewed, eight were within the shoreline residential environment. Only one permit included riparian plantings and the plantings did not constitute 15 percent of the lot size. Submitted site plans did not contain comprehensive existing conditions and vegetation was not included; therefore, determining existing riparian conditions and compliance with the above regulations was not possible.

To ensure no net loss of shoreline ecological functions, it is good practice to require native vegetation to be maintained or planted within shoreline setbacks. For example, the Restoration and Permitting Program for Lake Washington and Lake Sammamish in King County requires a minimum of two trees and three shrubs to be planted within 10 feet of the OHWM for all shoreline related projects. Based on aerial photographs and site plans that were submitted, residential shorelines in the City generally lack riparian vegetation and are often already developed, which could be interpreted as degraded conditions.

The City may consider amending the SMP to include a simpler requirement for riparian revegetation in the shoreline residential environment. Additionally, the City should require a separate revegetation calculation that quantifies 15 percent of the lot area and demonstrates compliance with the standards of DR-5.9.11 through retention or replanting. Until this amendment/clarification to the SMP is made, the City should require site plans to include existing vegetative conditions for all projects within the shoreline residential environment, regardless of impacts proposed to clearly establish baseline conditions.

SMP Section 6.3 – Impacts, Mitigation, and Bonding

SMP Section 6.3 includes development regulations that state all shoreline development and activity must be located, designed, constructed, and managed in a manner that avoids, minimizes and/or mitigates adverse impacts to the environment and that the preferred mitigation sequence shall follow that listed in WAC 173-26-201((2)(e) [DR-6.3.1]. Additionally, Section DR-6.3.2 states, "*If impacts cannot be avoided through design modifications, the City shall require mitigation commensurate with the project's adverse impacts*." However, the SMP is not clear on *when* a demonstration of mitigation sequencing and no net loss is required. The lack of mitigation sequencing and mitigation plans received by the City from permit applicants indicates this is likely unclear for both applicants and City staff.

Per Shoreline No Net Loss and Mitigation guidance published by Ecology (May 2023), applicants must demonstrate how mitigation sequencing will be applied to achieve no net loss. Further, unavoidable impacts within the shoreline setback generally require compensatory mitigation. Project categories that require a NNL analysis because they do not typically avoid all impacts include:

- Use or development occurring waterward of the OHWM;
- Use or development occurring within a shoreline buffer (or setback);
- Use or development occurring on a site with a critical area or critical area buffer;
- Use or development requiring a shoreline conditional use permit or shoreline variance; and
- Use or development required by the SMP to document mitigation sequencing.

A demonstration of mitigation sequencing can be documented through a number of means but is most commonly provided through a combination of application materials, such as site plans, project narratives, and SEPA checklists. For some projects, the City may want to require a more robust demonstration of how mitigation sequencing was applied to achieve no net loss, such as a No Net Loss Analysis. The City should consider including an amendment to the SMP that clearly states a demonstration of mitigation sequencing is always required for shoreline developments to ensure the proposal meets no net loss standards. The SMP should also specify when a more detailed demonstration, such as a NNL Analysis, is required. The City could consider adding similar language to its SMP to provide clarity and guidance on when an analysis of no net loss is required and what the report shall entail.

4. Conclusions

Overall, the City does not always receive appropriate documentation that demonstrates mitigation sequencing or addresses critical areas pursuant to the SMP. Several existing permits within initial permit review note that conditioning SMP mitigation requirements is inconsistently done. Finally, few as-built reports and no monitoring reports verifying mitigation installation, maintenance, and monitoring were included in the permit materials, though they may exist within other e-mail accounts at the City. The SMP itself is not clear on when a demonstration of mitigation sequencing and no net loss is required, nor does it describe what a no net loss analysis should include. As a result, City compliance with no net loss standards of the SMP is inconclusive but is most likely not being achieved.

The City can begin implementation of the permit tracking spreadsheet and make adjustments to the permit application itself in SmartGOV to require more specific information and project details that will ultimately assist the City in determining if a project is meeting no net loss of shoreline ecological functions. Specifically, the SmartGOV application must require applicants to enter existing conditions, quantified impacts, subsequent mitigation area, and details regarding landscape or planting plans. Further, the developed permit monitoring spreadsheet can track and remind staff of as-built and maintenance and monitoring deadlines.

Finally, the City may consider amendments to the SMP in its Periodic Update to provide clarity on what is considered a nonconforming situation regarding vegetation conservation areas within the shoreline setback, as well a demonstration of mitigation sequencing for all new shoreline development and addressing no net loss of shoreline ecological function for critical area reports.

5. Recommendations

1. Amend the SMP to clearly state that a demonstration of how mitigation sequencing will be applied to achieve no net loss is always required and when a more detailed demonstration of how a project meets no net loss is required.
2. Require necessary documentation during application submittal:
    a. Critical Area Reports for projects adjacent to or within Fish and Wildlife Habitat Conservation Areas (and other projects with critical areas) in order to assess impacts to species that have a primary association to the project area.
    b. Site plans must include a description of existing conditions, including existing vegetation.
    c. Landscaping plans for revegetation.
3. Require a project's length in total linear feet to meet compliance with vegetation conservation standards for new development (50% of project's shoreline length in linear feet) and redevelopment (25% of project's shoreline length) (DR-6.5.8).
4. Require a revegetation calculation for projects in the shoreline residential environment to demonstrate retention or planting area that equates to 15 percent of the lot size.
    a. Consider establishing a clear nonconforming definition as it relates to degraded vegetation conservation areas within shoreline setbacks, and what constitutes conformance with the SMP in development scenarios.
5. Require as-built documentation and annual monitoring reports as separate conditions of permit to ensure mitigation was implemented according to the approved plans, including installation of native plantings.
    a. Consider requiring performance bonds, as necessary.
    b. Establish checkpoints within the permitting documentation to ensure monitoring performance standards are met prior to release of maintenance bonds, as applicable.
6. Add fields to permit application to collect additional details from the applicant.
7. Develop handouts like Frequently Asked Questions, permit submittal checklists, permit flow charts, and other guidance documents.

References

City of Anacortes Shoreline Master Program. September 2010. (anacorteswa.gov/1095/SMP-Update).

Washington State Department of Ecology. Shoreline No Net Loss and Mitigation Guidance for Local Governments. May 2023.

APPENDIX A: Review of Permit Findings

TECHNICAL MEMORANDUM

DCG WATERSHED

Date: February 26, 2024

To: Libby Grage, City of Anacortes Planning Manager

From: Alex Capron, AICP, Senior Planner | Devin Melville, Environmental Planner

Project Name: City of Anacortes SMP Permit Monitoring

Project Number: 2108.0182.00

Subject: Shoreline Permit Review Findings

The City of Anacortes contracted DCG/Watershed to assist with implementation of the City's Shoreline Permit Monitoring Program project to determine if development within shoreline jurisdiction is being authorized consistent with regulations of the City's Shoreline Master Program (SMP) and whether completed authorized projects comply with the issued permits. The project primarily focuses on whether SMP requirements are achieving no net loss of shoreline ecological functions (NNL). Information gathered during permit review was analyzed for compliance with the SMP and to help identify compliance gaps. Ultimately, the City will develop a final report that documents methods and results for the proposed permit tracking system, as well as adaptive management techniques to address any compliance gaps identified.

Methodology

Shoreline permits issued within the past five years were selected using a randomized Microsoft Excel spreadsheet. A review of all permit documents, including site plans, supplemental reports, findings of fact, issued permits, as-builts, and monitoring reports was completed to assess whether the issued permits have been meeting no net loss standards established in the City's 2010 SMP. The results of each review were compiled into a spreadsheet for consistency.

Findings

A total of 36 issued permits were reviewed, including six pilot permits and 30 additional permits. Of the 36 permits, 21 were substantial shoreline development permits and 15 were shoreline exemption permits. Issued shoreline exemptions met the exemption criteria listed in Section 2.4 of the SMP. 26 permits required mitigation sequencing based on the type of development, proposed impacts, and presence of critical areas. Our review found that 42% of the permits included documentation that demonstrated mitigation sequencing, while 58% of the permits did not. It should be noted that one of these permits was denied (SDP-2015-0004a).

Site plans generally lacked existing and proposed conditions, identification of critical areas, and/or quantified impacts, making project-related impact assessments difficult to determine. When landscape and mitigation plans were included in the permit application, they did not always appear to meet species and density criteria outlined in the Environmental Protection General Regulations section of the SMP. Based on the SMP development regulations, mitigation for shoreline impacts was required for 21 permits. However, mitigation was infrequently included in the conditions for approval and only a handful of as-built reports were provided. Further, Development Regulation 6.3.10 of the SMP requires periodic monitoring for up to five years as a condition of approval. This requirement was not included as a condition of approval on any of the shoreline permits reviewed. It should be noted that of these permits, one permit has not yet been issued (SLX-2022-0030) and two permits have not been started/completed to date (SDP-2020-0002 and SDP-2015-0001). Thus, no as-built or monitoring reports would even be possible for these permits. This may also be the case for other projects.

Most of the projects reviewed were within 300 feet of a Fish and Wildlife Habitat Conservation Area (FWHCA). Per the Critical Areas Regulations in Appendix A of the SMP, a critical area report is required for projects located within 300 feet of a critical area. Pursuant to SMP Appendix A, Section A-5.2(C)(5), a Critical Area Reports for projects adjacent to FWHCAs require a discussion addressing avoidance, minimization, and mitigation measures proposed to preserve existing habitats and restore any habitat that was degraded prior to the current proposed land use activity. Further, SMP DR-6.7.6 relies on a Critical Areas Report to establish the extent of additional vegetated buffer areas adjacent to FWHCAs. Based on our review, Critical Area Reports were infrequently required by the City and therefore were not often included in the application materials. Some permit submittals included a Biological Evaluation (BE) or Habitat Assessment, however these reports inconsistently provided an impact analysis and/or mitigation recommendations. BEs typically assess project impacts associated with federally listed and endangered species and do not address project impacts specific to shoreline ecological functions.

Conclusions

The City is not always consistently receiving documentation that demonstrates mitigation sequencing or addresses critical areas pursuant to the SMP. Further, conditioning these requirements within shoreline authorizations is also inconsistently done. Submitted documents sometimes lack required information, such as quantified impacts, subsequent mitigation, and landscape or planting plans. Finally, few as-built reports and no monitoring reports verifying

mitigation installation, maintenance, and monitoring were included in the permit materials. Therefore, it cannot be concluded that the City is meeting no net loss standards of the SMP.

Recommendations

To ensure no net loss of shoreline ecological functions during future development activities, the following recommendations should be considered:

1. Require that mitigation sequencing be clearly demonstrated for the entire shoreline environment, or reasons why it isn't applicable.
2. Require Critical Area Reports for projects adjacent to Fish and Wildlife Habitat Conservation Areas in order to assess impacts to species that have a primary association to the project area.
3. Require as-built documentation as a condition of permit to ensure mitigation was implemented according to the approved plans, including installation of native plantings.
    a. Consider requiring performance bonds, as necessary.
4. Require periodic monitoring for up to five years and annual monitoring reports to ensure success of the required mitigation.
    a. Establish checkpoints within the permitting documentation to ensure monitoring performance standards are met prior to release of maintenance bonds, as applicable.

APPENDIX B: Shoreline Permit Checklist

APPLICATION CHECKLIST

Please use the following checklist to ensure you provide all the items required under the City of Anacortes SMP (2010 Adopted SMP, and Shoreline Environment Designation Map). If you believe that an item is not applicable, write N/A and explain why in the blank. All of the blanks under "Applicant Use" must be filled in for this application to be accepted as complete and for the review process to begin.

Applicant Use	Application Requirements	City Use Only
☐	Assessor's Map that clearly identifies the subject site and any contiguous properties in the same ownership. To find your parcel, click here to go to the City's interactive map gallery page.	
☐	Site Plan no larger than 11" x 17" on paper showing the following: (See attached example) ☐ Drawn to standard engineering scale, e.g., 1"= 20". Provide scale bar and north arrow ☐ Parcel/property boundaries, lot dimensions, and area of lot (square feet or acres) _____ Square footage of new or replaced impacts (i.e. vegetation conversion, construction, impervious surface) to shoreline setback (landward of Ordinary High Water Mark (OHWM)) _____ Square footage of new in-water impacts _____ Linear feet distance between OHWM and proposed landward development _____ Square footage of mitigation area proposed _____ Linear feet of new or replaced shoreline stabilization ☐ Name of all roads bordering the property and beach access if applicable ☐ Where appropriate, proposed land contours using five-foot intervals in water area below the OHWM and ten-foot intervals on areas beyond the OHWM, if development involves grading, filling, or other alteration of land contours. ☐ Location of existing and proposed utilities such as sewer, septic tank(s), drainfield(s), water, gas, electric, etc. ☐ Location of the OHWM of the regulated waterbody ☐ Waterbody buffer, steep slope buffer, and shoreline setback relevant to the shoreline designation for the parcel(s) ☐ Location and square footage of all existing and proposed structures (including decks) ☐ Distance from any existing and proposed structures to the OHWM and property lines ☐ If reduced setback is proposed, structures on adjacent lots must be shown ☐ Source, composition, and volume of fill materials ☐ Composition and volume of any extracted materials and proposed disposal area. ☐ Location of known wetlands, wildlife habitats, or other critical areas ☐ Top of toe of all slopes/bluffs and distance of proposed development to these features ☐ Existing and proposed impervious surfaces: Location and amount (includes building footprint, roof overhangs, driveways, walkways) within 200 feet of the OHWM. ☐ Show which areas are within shoreline jurisdiction. Click here to view the Shoreline Jurisdiction and Environment Designation Map.	
☐	Vicinity Map ☐ Indicated site location using natural points of reference (roads, state highways, etc.) ☐ If the development involves the removal of any soils by dredging or otherwise, identify the proposed disposal site on the vicinity map. If the disposal site is beyond the confines	

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	of the map, provide another vicinity map showing the locations of the site and its distance to the nearest city or town. ☐ Provide a brief narrative description of the general nature of the improvements and land use within 1000 feet in all directions from the development site (i.e. residential to the north, commercial to the south, etc).	
☐	Basic Elevation/Cross Section drawings that provide a visual diagram of the finished project (paper size no larger than 11”x17”). Elevation drawings need to include: • Existing ground elevations • Proposed ground elevations • Height of existing structures • Height of proposed structures	
☐	Septic System: For septic systems, Skagit County Health Department Permit.	
☐	Shoreline Buffer Enhancement may be required for proposed developments within the river buffer and/or shoreline setbacks, including addition of 200 + sf of impervious areas.	
☐	Shoreline designations for subject parcel(s): (Click.here.for..map) _____	

*Please contact CED for assistance locating the Ordinary High Water Mark

In filing this checklist, the applicant agrees to notify CED if, during excavation or development, objects or materials of possible historical or archaeological significance are uncovered; and to cease all work in the discovery area, until such time as a site inspection can be accomplished by a licensed archaeologist or qualified historian.

FACET

Formerly DCG/Watershed

Online Reconnaissance

ANACORTES, WA

OCTOBER 2024



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ACRONYMS AND ABBREVIATIONS

AMC	Anacortes Municipal Code
BMP	Best Management Practices
City	Anacortes
DNR	Washington Department of Natural Resources
ESA	Endangered Species Act
FWHCA	Fish and Wildlife Habitat Conservation Area
NHP	Natural Heritage Program
NMFS	National Marine Fisheries Service
NRCS	Natural Resources Conservation Service
NWI	National Wetlands Inventory
PHS	Priority Habitats and Species
PS	Puget Sound
SMP	Shoreline Master Program
SWIFD	Statewide Washington Integrated Fish Distribution
USFWS	U.S. Fish and Wildlife Service
WAC	Washington Administrative Code
WDFW	Washington Department of Fish and Wildlife

1. INTRODUCTION

The purpose of this report is to present the best available science and findings of an online reconnaissance conducted for a study area located in Anacortes, Washington. The study area is located in the southern portion of the city and is approximately 297 acres (Figure 1). The investigation, performed by Facet, was limited to the study area in question and the immediate surrounding area.

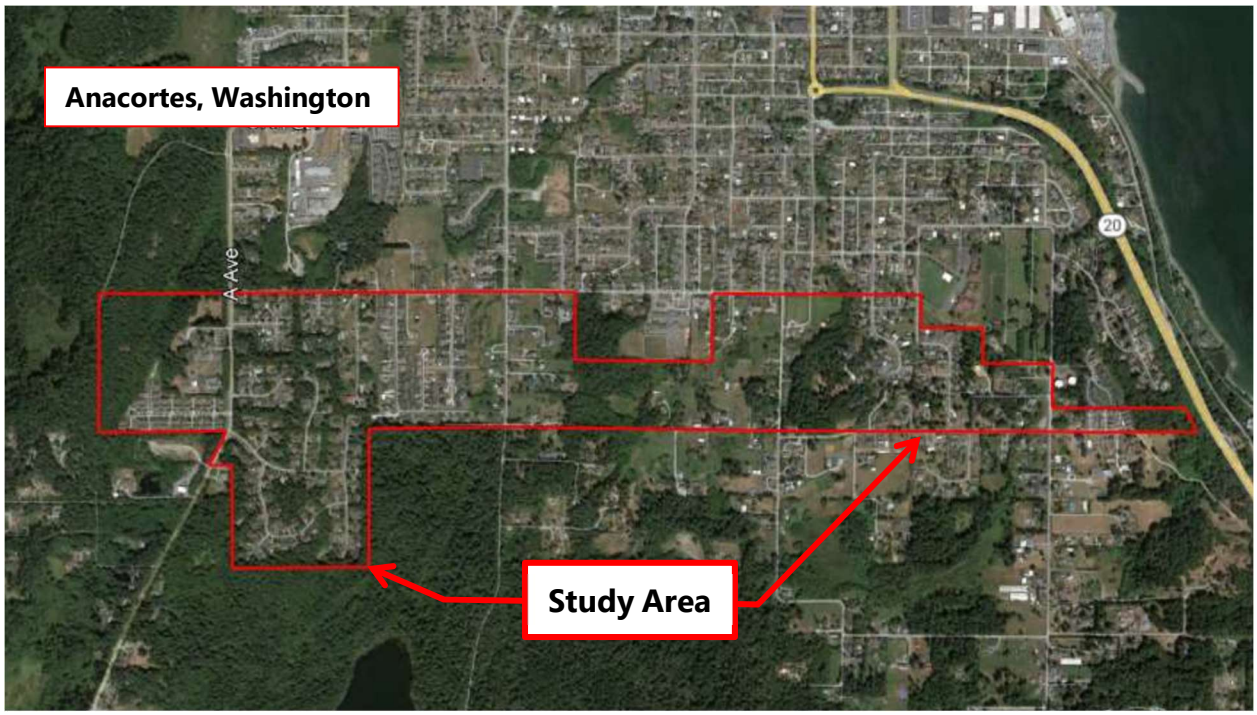


Figure 1. Site Map

1.1 Project Description

The study area consists of approximately 297 acres along the southerly edge of the city of Anacortes urban area located on Fidalgo Island. The entirety of the study area is zoned as R1- residential low density. It is bordered by large lot public use sectors to the south and east that are considered habitats of local importance. To the north of the study area is the R2A- residential low-density zoning and old town Anacortes zoned to the east.

The R1-residential low-density zone provides the City of Anacortes with low density residential development in the southern end of the city that is inappropriate for more intensive urban development due to topography, the frequent presence of wetlands, the high cost and difficulty in extending public facilities, and the desire to create a lower intensity transitional area between the city and the surrounding forest and hillsides. Under Anacortes Municipal Code (AMC) 19.70, any critical areas within the R1 zone are protected in order to maintain and restore healthy, functioning ecosystems through the protection of unique, fragile, and valuable elements of the environment, including, but not limited to, ground and surface waters, wetlands, and fish and wildlife and their habitats, and to conserve the biodiversity of plant and animal species.

2. CRITICAL AREA REVIEW

Facet staff conducted background research using a variety of online sources, literature, and maps to identify wetlands, streams, and site characteristics indicative of critical area features in the study area (Appendix II). Key sources of information included the following:

- Department of Ecology Water Quality Atlas
- Department of Natural Resources (DNR) Natural Heritage Program (NHP) Mapper
- City of Anacortes Critical Areas Map
- National Wetlands Inventory (NWI) Mapper
- Natural Resources Conservation Service (NRCS) Web Soil Survey
- Washington Department of Fish and Wildlife's (WDFW) Priority Habitats and Species (PHS) Mapper
- WDFW Statewide Washington Integrated Fish Distribution (SWIFD) Mapper
- Stream Buffer Best Available Science Review and Buffer Recommendations Report
- Bachman Environmental 2019 Critical Area Report

2.1 Level of Development

The level of development in Anacortes, Washington, reflects a balance between urban growth and the preservation of its natural environment. Specifically, within the R1 zone, homes are on large lots with a maximum density of two units per acre. The R1 zone fosters a sense of an intimate residential sector that preserves the area's open space for its well-known natural habitats.

2.2 Fish and Wildlife Habitat Conservation Areas

There are two streams mapped within the study area that are considered Fish and Wildlife Conservation Areas (FWHCA) per AMC 19.70.330. Ace of Hearts Creek is mapped as a Type F (fish-bearing) stream. It passes north to south through the center of the R1 zone. The second stream, Happy Valley Stream, is a non-classified stream that also runs north to south through the west side of the study area. Happy Valley Stream is not classified by the City of Anacortes or the DNR. FWHCAs require a fifty-foot buffer, on each side of the creek, measured from the top of the bank per AMC SMP A-5.1(7)(b).

According to the Stream Buffer Best Available Science Review and Buffer Recommendations Report conducted by GeoEngineers for the City of Anacortes in 2019, FWHCA's serve as critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors, and areas with high relative population density or species richness.

Priority Habitats and Species (PHS) Mapper (2024) depicts the study area to potentially contain freshwater emergent wetlands and the bat species, Yuma myotis. There are no known habitats or species of local importance per AMC 19.70.315(A)(9) within the study area. The DNR Natural Heritage Mapper (2024) does not depict any critical habitats within the study area.

2.3 Wetlands

Wetland maps prepared by NWI (2024), depict the presence of one 0.26-acre freshwater emergent wetland, located in the central region of the study area. Anacortes Critical Area Map (2024) depicts nine wetlands within the study area. Two additional wetlands were identified in the 2019 Bachman Environmental Report. A summary of these wetlands is provided in Table 1 and demonstrated on the map included in Appendix A. Wetland buffers were based on wetland category and a high intensity land use as the study area is residential (AMC 19.70.235).

Table 1. Wetland Overview

#	ID	Location	Category/Type*	Buffer (ft)		
				Habitat Score 8 or 9	Habitat Score 6 or 7	Habitat Score ≤5
1	WET-044	Westwood/Forest Ridge Lowland	III	300	150	80
2	WET-075	41st ST & H Ave SW side	Palustrine Emergent	50 – 300		
3	WET-010	Quail Drive South	III	300	150	80
4	WET-011	Quail Drive North	III	300	150	80
5	WET-012	Quail Drive East	III	300	150	80
6	Wetland A	Quail Drive & H Ave	III	300	N/A	N/A
7	Wetland B	Quail Drive & H Ave	IV	50	50	50
8	WET-014	41st Street	III	300	150	80
9	WET-013	SW Corner of 41st St & O Ave	IV	50	50	50
10	WET-015	West of R Ave. & 41st Place	III	300	150	80
11	WET-042	4820 Whistle Lake Rd	Palustrine Emergent	50 – 300		
12	WET-043	Fir Crest West Wetland	III	300	150	80

*Category or type of wetland is based on data provided by the City.

Buildings, structures, paving, and other hard surfacing must be set back a minimum distance of 10 feet from the edge of the wetland buffer, or edge of the wetland if no buffer is required, per AMC 19.70.235. This setback is to avoid conflicts with tree branches and/or critical root zones of trees that are in the buffer or will be planted in the buffer. Landscaping, uncovered decks, roof eves and overhangs may be allowed in the building setback from the buffer if they do not cause damage to the critical root zone of trees in the buffer. Landscaping can be defined as areas that consist of grade level or elevated planting beds featuring trees, shrubs, flowers, ferns, groundcover, lawn grass, and other vegetation.

2.3.1 Soils

The NRCS soil survey map identifies 17 soil types within the study area. 15 of which are listed as hydric per the Skagit County Hydric Soils List. A summary of the map unit is provided in Table 1. The DNR Washington Natural Heritage Program Data Explorer does identify the center section of the study area as containing hydric soils.

Table 2. Soil Unit Hydric Ratings

Map Unit Symbol	Map Unit Name	Unit Considered Hydric in Skagit County
10	Bellingham silt loam	Yes
11	Bellingham mucky silt loam	Yes
17	Bow gravelly loam, 3 to 8 percent slopes	Yes
18	Bow gravelly loam, dry, 0 to 3 percent slopes	Yes
19	Bow gravelly loam, dry, 3 to 8 percent slopes	Yes
20	Bow-Urban land complex, 0 to 8 percent slopes	Yes
26	Catla gravelly fine sandy loam, 8 to 15 percent slopes	Yes
29	Clallam gravelly loam, 0 to 8 percent slopes	Yes
30	Clallam gravelly loam, 8 to 15 percent slopes	Yes
35	Coveland gravelly loam, 0 to 3 percent slopes	Yes
55	Fidalgo-Lithic Xerochrepts-Rock outcrop complex, 3 to 30 percent slopes	No
78	Keystone loamy sand, 0 to 8 percent slopes	Yes
79	Keystone loamy sand, 8 to 30 percent slopes	Yes
102	Norma silt loam	Yes
106	Pits	No
140	Swinomish-Fidalgo-Rock outcrop complex, 3 to 30 percent slopes	Yes
156	Whistle-Fidalgo-Rock outcrop complex, 30 to 65 percent slopes	Yes

2.4 Geologically Hazardous Areas

The Anacortes Critical Areas Map (2024) does not identify any geologically hazardous areas per AMC 19.70.410. The most easterly portion of the study area is along the shoreline and identified as stable.

2.5 Critical Aquifer Recharge Areas

Per AMC 19.70.535, areas with soils that have moderate to rapid permeability (greater than two inches per hour) and sources for identifying drinking water supply wells identified by agencies such as Washington Department of Ecology and Skagit County Health Department are considered critical aquifer recharge areas.

The Anacortes Critical Areas Map (2024) identifies the easterly half of the study area as containing soils with high permeability. These areas have a critical recharging effect on aquifers used for potable water, including areas where an aquifer that is a source of drinking water, like a well, is vulnerable to contamination that would affect the potability of the water, or is susceptible to reduced recharge.

Per AMC 19.70.520, areas designated as "wellhead protection areas" are groundwater contribution areas pursuant to WAC 246-291-125(3)(d)(iii). These areas include a 1,000-foot radius for individual private drinking water supply wells. The Anacortes Critical Areas Map (2024) identifies the majority of the study area as being located within 1,000 feet of a well.

Regulated activities/facilities may be permitted in a critical aquifer recharge area only if the applicant can demonstrate that the proposed activity will not cause contaminants to enter the aquifer and that the proposed activity will not adversely affect the recharging of the aquifer per AMC 19.70.530.

2.6 Frequently Flooded Areas

Flood maps prepared by FEMA do not identify any frequently flooded areas within the study area.

3. SPECIES INFORMATION

The following species listed under the federal Endangered Species Act may occur in the vicinity of the study area:

1. Puget Sound Steelhead Trout (*Oncorhynchus mykiss*)
2. Puget Sound Chinook (*Oncorhynchus tshawytscha*)
3. Hood Canal Summer Chum Salmon (*Oncorhynchus keta*)
4. Puget Sound/Georgia Basin Yelloweye Rockfish (*Sebastes ruberrimus*)
5. Puget Sound/Georgia Basin Bocaccio (*Sebastes paucispinis*)
6. Coastal Puget Sound Bull Trout (*Salvelinus confluentus*)
7. Marbled Murrelet (*Brachyramphus marmoratus*)
8. Yellow-billed Cuckoo (*Coccyzus americanus*)
9. Dolly Varden (*Salvelinus malma)*

3.1 Puget Sound Chinook and Steelhead Trout

Most Chinook in the Puget Sound are "ocean-type" and migrate to the marine environment during their first year (Myers et al. 1998). They may enter estuaries immediately after emergence as fry from March to May or they may enter the estuaries as fingerling smolts during May and June of their first year (Healey, 1982). Chinook use estuaries as rearing areas and are the most dependent of all salmon species on estuaries for survival. There are estuaries present in the action areas. As they grow and move into neritic habitats, they feed on decapod larvae, larval and juvenile fish, drift insects, and euphausiids (Simenstad et al., 1982).

Steelhead trout exhibits perhaps the most complex suite of life-history traits of any of the Pacific salmon. Steelhead can be anadromous or freshwater residents and, in some circumstances, yield offspring of the opposite life-history form. The anadromous form can spend up to seven years in freshwater prior to smoltification, although two years is most common, and then spend up to four years in saltwater prior to first spawning. Unlike the Pacific salmon species, steelhead are iteroparous (individuals can spawn more than once). The adult winter steelhead run is generally from December to February, and spawning occurs from March through June (Wydoski and Whitney, 1979). Juvenile steelhead out-migrate from April through June and are not anticipated in the nearshore in large

numbers because the majority of steelhead smolts migrate directly to the open ocean (i.e., they are not nearshore dependent) and do not rear extensively in the estuarine or coastal environments (Burgner et al., 1992).

Critical habitat was designated for Puget Sound Chinook salmon on February 16, 2000, and Puget Sound steelhead on March 25, 2016 (Federal Register / Vol. 65, No. 32 / 2000; Federal Register / Vol. 81, No. 36 / 2016). Critical habitat is designated for areas containing the physical and biological habitat features, or PCEs (Primary Constituent Elements) essential for the conservation of the species or which require special management considerations. PCEs include sites that are essential to supporting one or more life stages of the species and that contain physical or biological features essential to the conservation of the species.

3.2 Hood Canal Summer Chum Salmon

Chum Salmon may historically have been the most abundant of all Pacific Salmonids. They are an anadromous fish, which means they can live in both fresh and saltwater. Chum Salmon typically weighs on average 8-15 pounds and are up to 3.6 feet long with a lifespan of about 4 years (NOAA, 2024). Chum salmon have a relatively complex life history that includes spawning and juvenile rearing in rivers followed by migrating to saltwater to feed, grow, and mature before returning to freshwater to spawn (NOAA, 2024). Chum can be found in virtually every small coastal stream. In the fall, large numbers of Chum can often be seen in the lower reaches of these streams. Chum fry do not rear in freshwater for more than a few days. Shortly after they emerge, Chum fry move downstream to the estuary and rear there for several months before heading out to the open ocean (WDFW, 2024).

3.3 Coastal Puget Sound Bull Trout

The Coastal Puget Sound bull trout population is thought to contain the only anadromous forms of bull trout in the contiguous United States (Federal Register / Vol. 64, No. 210 / 1999). Spawning occurs typically from August to November in streams and migration to the open sea (for anadromous populations) takes place in the spring. Following this season, Bull Trout migrate to freshwater river systems to overwinter. Bull trout prefer colder water temperatures than most salmonids, and clean water substrates for spawning and rearing. They require complex habitats such as streams with riffles, deep pools, and undercut banks.

Critical habitat was designated for the bull trout was designated on November 17, 2010 (Federal Register / Vol. 75 No. 200 / 2010). Critical habitat is designated for areas containing the physical and biological habitat features, or PCEs essential for the conservation of the species or which require special management considerations. PCEs include sites that are essential to supporting one or more life stages of the species and that contain physical or biological features essential to the conservation of the species.

3.4 Marbled Murrelet

Marbled murrelets are small marine birds in the Alcidae family that nest in the coastal old-growth forests of the Pacific Northwest. The breeding season of the marbled murrelet generally begins in April, with most egg laying occurring in late May and early June. By the end of August, chicks have fledged and dispersed from nesting areas Marbled murrelets differ from other seabirds in that their primary

nesting habitat is old-growth coniferous forest within 50 to 75 miles of the coast. The nest typically consists of a depression on a moss-covered branch where a single egg is laid. When not nesting, the birds live at sea, spending their days feeding and then moving several miles offshore at night (Marks and Bishop, 1999).

3.5 Yellow-Billed Cuckoo

The yellow-billed cuckoo is a relatively large riparian bird that is distributed throughout the U.S., however, due to reductions in habitat, are very rare in Washington State (WDFW, 2024). Breeding season typically occurs in late spring to early summer. During this period, they tend to move around and have large home ranges but are mostly found in areas with more than 200 acres of deciduous forests (USFWS, 2024). Nesting habitat usually occurs at lower elevation riparian woodlands that contain willow trees, alders, or cottonwoods that are close to streams or rivers. Though there are no recent documents of yellow-billed cuckoo nesting in Washington, it can occur anywhere in the state as much would be considered generally good habitat for nesting.

4. CRITICAL AREA FINDINGS

The study area provides unique and critical area ecological functions the R1 – low density residential area, including two streams, 12 wetlands, and 16 well-head protection areas. These areas serve as essential habitats for various species, including fish, birds, and other wildlife. They provide nesting, breeding, and foraging grounds that support local biodiversity and ecosystem health. Wetlands and stream riparian zones act as natural filters, absorbing pollutants and sediment from runoff before it enters the major water bodies surrounding Anacortes. This helps improve the overall water quality of the area. Buffers should not be encroached on unless the action is unavoidable or has been determined to have no impact on the function of the critical area. Based on the analysis of this document, further and more condensed project development within the R1 zone may have a significant impact on the identified critical areas, species, or vegetation. It is recommended that the R1 zone is thoughtfully and carefully developed at the current density of two units per acre.

Within the limitations of schedule, scope of work, and seasonal constraints, Facet warrants that this study was conducted in accordance with generally accepted investigation practices, including the technical guidelines and criteria in effect at the time this study was performed.

**Disclaimer – Additional critical areas may be present if the area were to be fully delineated by a qualified professional.*

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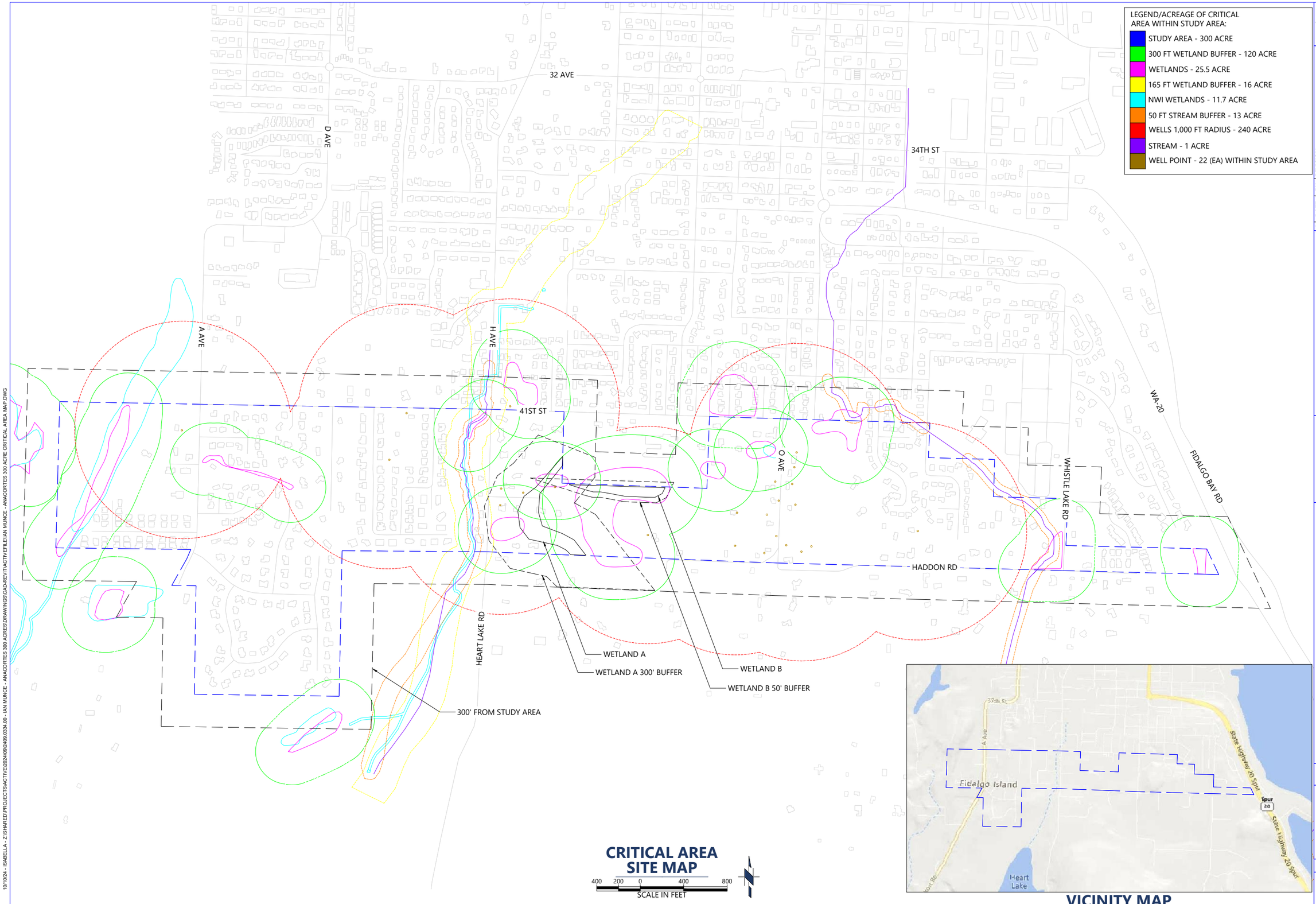
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APPENDIX I: Critical Area Map Overlay



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(UTILITY LOCATIONS ARE APPROX.)

#	DATE	BY	REVISION

BASE MAP/TOPOGRAPHY PROVIDED BY OTHERS. FACET CANNOT BE HELD LIABLE FOR ACCURACY. CONTRACTOR SHALL FIELD VERIFY GRADES, UTILITIES, AND ALL OTHER EXISTING FEATURES AND CONDITIONS. ALL EASEMENTS SHOWN ARE APPROXIMATE AND/OR PLANS CANNOT BE CONSTRUCTED AS SHOWN. CONTACT FACET PRIOR TO CONSTRUCTION.

FACET
www.facetnw.com
9706 4th Ave NE, Suite 300
Seattle, WA 98115
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STEVEN MICHAEL ROBERT
STATE OF WASHINGTON
47721
REGISTERED
PROFESSIONAL ENGINEER

ANACORTES 300 ACRE

CRITICAL AREA SITE PLAN
QUAIL DR
ANACORTES, WA 98221

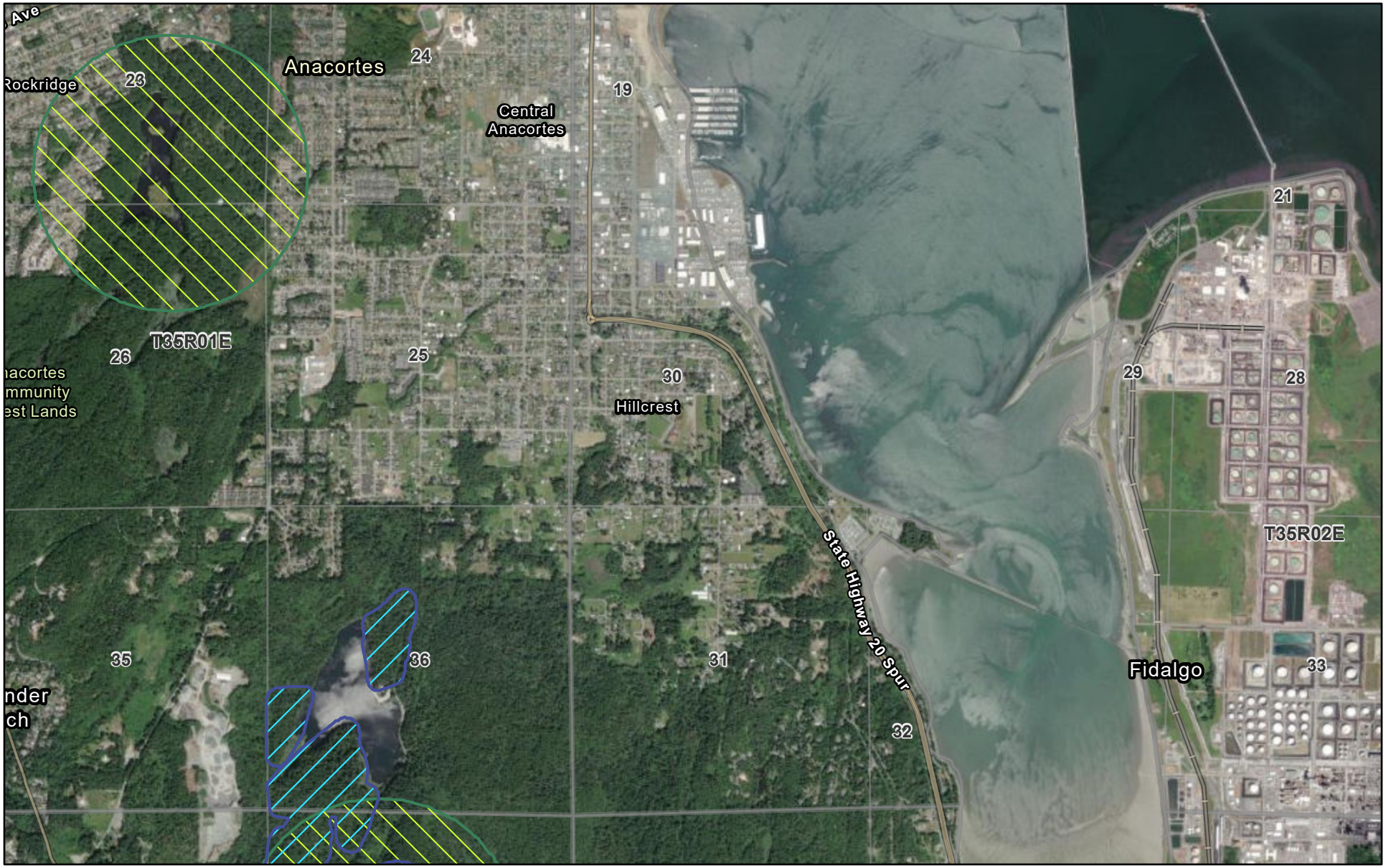
ISSUED FOR PERMIT

CRITICAL AREA SITE PLAN

DATE: OCT. 2024
PLAN NUMBER: S1.01
SHEET: 2 OF 6

APPENDIX II: Critical Area Review

WNHP Rare Plant and Ecosystem Locations



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0 0.25 0.5 1 mi

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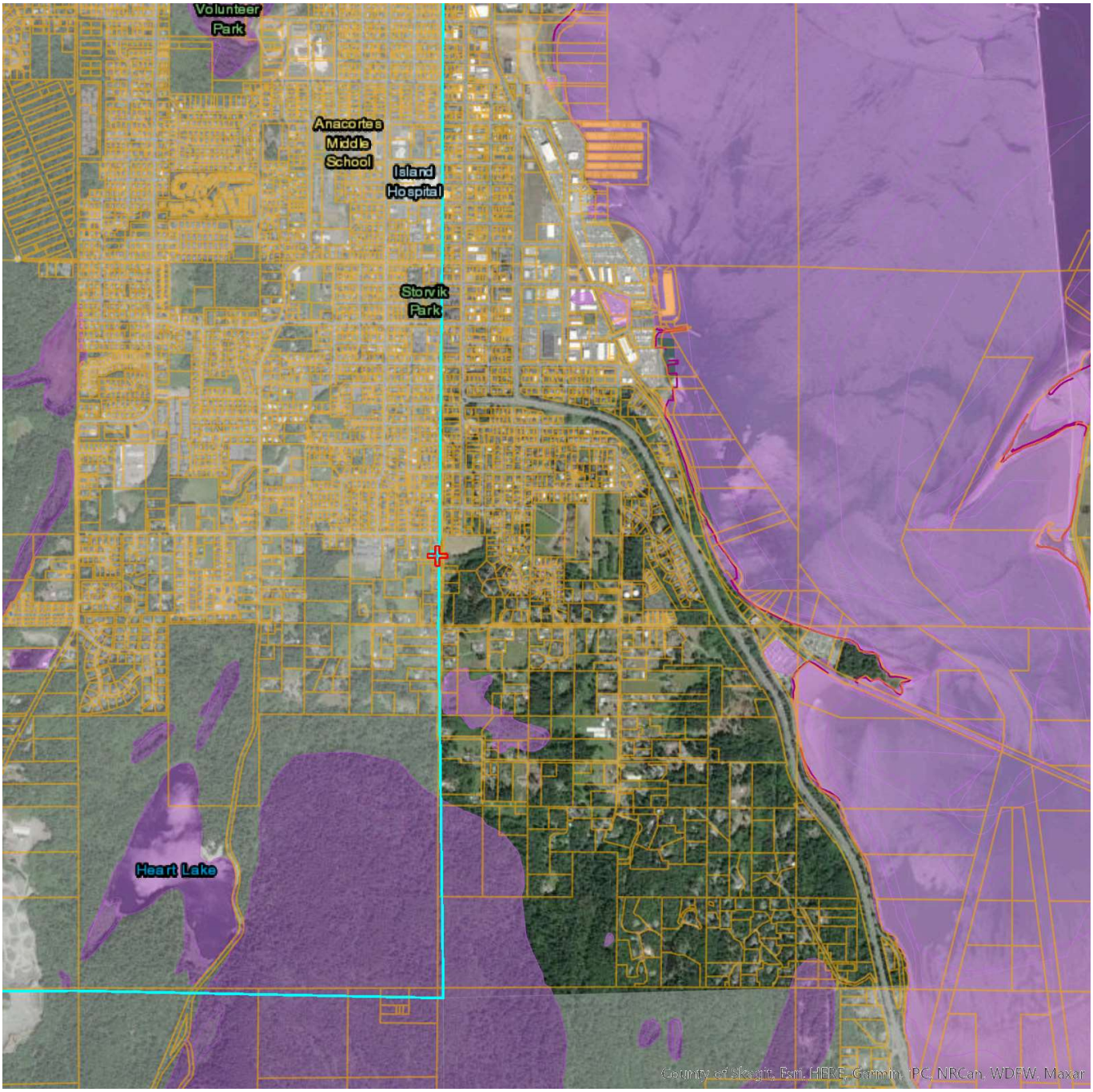
Known Rare Plants and Rare & High-quality Ecosystems

- Rare Plant
- Rare and/or High Quality Ecosystem
- Public Land Survey Sections
- Public Land Survey Townships
- State Boundary
- County Boundaries

County of Skagit, WA State Parks GIS, Esri Canada, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land

WNHP Plant & Ecosystem Map Viewer

KNOWN PLANT AND ECOSYSTEM LOCATIONS REFLECT KNOWN OCCURRENCE LOCATIONS BUT MAY NOT REFLECT ALL OCCURRENCES OF RARE PLANTS OR ECOSYSTEMS.



Report Date: 10/01/2024

PHS Species/Habitats Overview:

Occurence Name	Federal Status	State Status	Sensitive Location
Freshwater Emergent Wetland	N/A	N/A	No
Yuma myotis			Yes

PHS Species/Habitats Details:

Freshwater Emergent Wetland	
Priority Area	Aquatic Habitat
Site Name	N/A
Accuracy	NA
Notes	Wetland System: Freshwater Emergent Wetland - NWI Code: PEM1C
Source Dataset	NWIWetlands
Source Name	Not Given
Source Entity	US Fish and Wildlife Service
Federal Status	N/A
State Status	N/A
PHS Listing Status	PHS Listed Occurrence
Sensitive	N
SGCN	N
Display Resolution	AS MAPPED
ManagementRecommendations	http://www.ecy.wa.gov/programs/sea/wetlands/bas/index.html
Geometry Type	Polygons

Yuma myotis	
Scientific Name	*Myotis yumanensis*
Notes	This polygon mask represents one or more records of the above species or habitat occurrence. Contact PHS Data Release at phsproducts@dfw.wa.gov for obtaining information about masked sensitive species and habitats.
PHS Listing Status	PHS Listed Occurrence
Sensitive	Y
Display Resolution	TOWNSHIP
ManagementRecommendations	http://wdfw.wa.gov/publications/pub.php?id=00605

DISCLAIMER. This report includes information that the Washington Department of Fish and Wildlife (WDFW) maintains in a central computer database. It is not an attempt to provide you with an official agency response as to the impacts of your project on fish and wildlife. This information only documents the location of fish and wildlife resources to the best of our knowledge. It is not a complete inventory and it is important to note that fish and wildlife resources may occur in areas not currently known to WDFW biologists, or in areas for which comprehensive surveys have not been conducted. Site specific surveys are frequently necesssary to rule out the presence of priority resources. Locations of fish and wildlife resources are subject to variation caused by disturbance, changes in season and weather, and other factors. WDFW does not recommend using reports more than six months old.

APPENDIX V: Author Qualifications

Statement of Qualifications

ALLISON (MARTIN) LISI, ECOLOGIST

Professional Experience: 9 years

Allison Lisi is an Ecologist for Facet. Allison provides a wide range of consulting experience in environmental compliance, permitting, planning, restoration, and management. She has worked on a variety of habitat restoration projects throughout the Midwest, Tennessee, and Washington.

Allison earned a Bachelor of Science degree in Biology and Environmental Studies from the University of Cincinnati. She holds credentials as an ISA Certified Arborist and a Qualified Hydrologic Professional In-Training. Allison has also completed her certification in wetland delineations and watershed management.

HILARY HAHN, ENVIRONMENTAL COORDINATOR

Hilary Hahn is an Environmental Coordinator for Facet with ten years of experience in the engineering, development, and surveying sector. Hilary is currently pursuing a bachelor's degree in environmental science, where she has demonstrated an understanding of key environmental principles, such as biodiversity conservation, ecological systems, and environmental policy. Her studies have also exposed her to various scientific research techniques and methodologies, further fueling her drive to find innovative solutions to pressing environmental challenges.

Hilary is currently a certified wetland delineator and is looking forward to continuing her education by obtaining advanced credentials and professional certifications in the environmental field.

JAY DALLY, ECOLOGIST

Jay Dally is an Ecologist for Facet who recently graduated from Western Washington University with a Bachelor of Science degree in Environmental Science with a Freshwater and Terrestrial Ecology emphasis. His degree included a wide range of exposure to ecological principles and skills such as Pacific salmon habitat assessment, watershed delineation, soil science, aquatic toxicology, and wetland plant identification. Being in the early stages of his career as an ecologist, Jay is excited to build his skillset by participating in training to gain relevant credentials and by putting his education to use to provide excellent services to the Facet client base.

Outlook

Comments for the Permit Process Hearing Tuesday Sept 15th - R1 Zone

From Mark Nihart <marknihart@gmail.com>
Date Fri 9/11/2026 5:59 PM
To Libby Grage <libbyb@anacorteswa.gov>; John Coleman <johnc@anacorteswa.gov>
Cc Mark Nihart <marknihart@gmail.com>

3 attachments (4 MB)

SGA_R1_Zone_Protection Final 9-5-2026 (4).pdf; 10172024_Reconnaissance Report FACET Zone 1 BAS (1).pdf; Shoreline Master Program Compliance Assessment_FACET 2024.06.21 (1).pdf;

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

Libby and John:

Here are more comments to be added to the comments for the Permit Processing hearing at the Planning Commision meeting.



Smart Growth Anacortes

To: John Coleman, Libby Grange
cc: Planning Commission, City Council, Mayor Ryan
Subject: SGA's Position on Protecting and Restoring Critical Areas in the R1 Low Density Residential Zone
Date: September 8, 2026

To all concerned:

Smart Growth Anacortes supports the City's goal of improving the development permit process to be more predictable, efficient, and easier for staff to administer. However, a quality process must include meaningful public participation and adherence to Best Available Science. In SGA's September 3, 2026 comments we offered a three-stage model that invites public input at key checkpoints during permit review. Public engagement and transparency are essential to responsible housing choices and protection of the ecological systems that serve the whole community.

Today, SGA speaks to protect the 298-acre R1 Low Density Residential Zone from piecemeal development that will undermine its value and the City's climate resiliency. The R1 Zone is not a typical urban development area and should not be reduced to a simple calculation of how many houses can fit on each lot. Its streams, wetlands, habitat, drainage systems, and trees help buffer, protect, and beautify the City. Its value has been recognized since Anacortes' first Growth Management Act Comprehensive Plan in 1993. It is a valuable and scarce asset that must be preserved.

Before approving more development in R1, the City should determine how much the R1 landscape can absorb without losing the ecological functions that make it valuable. This is not opposition to all R1 development. It is a responsible and practical request to establish the environmental and infrastructure baseline first, then decide what development can proceed with no net loss of critical-area functions and values. R1 must be evaluated not only for housing capacity, but also for its ecological functions that make the City more climate resilient, livable, and better prepared for future growth. R1 development applications need early, meaningful, and recurring public comment. Neighborhood meetings should be required, and residents should have prompt access to the information behind City decisions.

Smart Growth Anacortes offers our attached proposal in the spirit of collaboration and to build community trust. Should the enhanced review require additional staff time, we recommend that any associated costs be incorporated into permit fees paid by applicants rather than by City taxpayers and ratepayers.

SGA authored, Respectfully submitted by,

Mark B. Nihart
President, Smart Growth Anacortes
https://smartgrowthanacortes.com

SGA POSITION - Protecting and Restoring Critical Areas in the R1 Low Density Residential Zone

Executive Summary — What This Means for Residents

Piecemeal development will erode the long-established neighborhood character and ecological functions of the R1 Low Density Residential Zone (R1). Updates to the Critical Areas Regulations should strengthen protections and mandate restoration for R1 to preserve its contribution to Anacortes' long-term climate resilience and environmental infrastructure.

The City Comprehensive Plan recognizes the unique value of the R1. It states:
(R1) "Provides for low density residential development in the southern end of the city that is inappropriate for more intensive urban development due to topography, the frequent presence of wetlands, the high cost in extending public facilities, and the desire to create a lower intensity transitional area between the city and the surrounding unincorporated rural pasture, forest, and agricultural land."

The R1 should not be evaluated simply by asking how many houses can fit on each lot. The area contains wetlands, streams, drainage pathways, habitat, steep or constrained land, and infrastructure limitations that work together as one system.

The Best Available Science (BAS) Report for the R1 documents these connections and identifies conditions that can make additional clearing, pavement, drainage changes, and buffer encroachment more consequential. So, adding development in one place can affect water, habitat, and flooding conditions somewhere else.

Smart Growth Anacortes (SGA) is not saying that R1 housing development must stop or that every R1 parcel is undevelopable. However, the City should establish the environmental and infrastructure baseline first, then determine what level of additional development can occur while protecting "no net loss" of critical-area functions and values.

Where the science or mapping is uncertain, the City has a duty to verify the facts before relying on an uncertain baseline to justify additional development. Where impacts cannot be avoided, the City should require measurable mitigation, restoration, monitoring, and corrective action.

The R1 landscape should be evaluated not only for residential capacity but also for the ecological functions that contribute to community resilience.

The public must be engaged early and periodically in the process to provide input on all applications in R1. The public must be able to see the technical information used to make decisions and understand why the City accepted, modified, or rejected each material recommendation.

Finally, the costs associated with this level of review belong to the applicant and not to City taxpayers and ratepayers and need to be reflected in permit fees.

Vision Statement
We strive to create a more transparent, collaborative partnership in which Anacortes residents - its owners and financers – set community priorities and help our city implement them.

Smart Growth Anacortes' Position

Before the City allows more residential intensity, it should know what the R1 landscape can absorb without losing the wetlands, streams, habitat, drainage functions, environmental infrastructure capacity, and other critical-area values that make the area different from a conventional urban development site. The R1 status has been recognized since the City's first Growth Management Act (GMA) compliant Comprehensive Plan in 1993.

SGA's position is that any R1 development should be based on the City's own technical record — not on dwelling counts alone. The record shows R1 must be evaluated on a zone-wide basis with cumulative, offsite impacts considered to ensure that the integrity of the zone is preserved.

The R1 landscape should be evaluated not only for residential capacity but also for the ecological functions that contribute to community resilience. There must be "no net loss" of critical-area functions and values.

The public must be engaged early and periodically in the process to provide input on all applications in R1.

The public must be able to see the technical information used to make decisions and understand why the City accepted, modified, or rejected each material recommendation.

Finally, the costs associated with this level of review belong to the applicant and not to City taxpayers and ratepayers and need to be reflected in permit fees.

Science and Legal Support for Smart Growth Anacortes' Position

The Best Available Science (BAS) Report for the R1 (commissioned and paid for by R1 neighbors) strengthens SGA's position.[1] It documents connected stream and wetland systems, variable buffer conditions, existing degradation and fragmentation, impervious-surface and stormwater relationships, fish-passage issues, restoration opportunities, and limitations in some mapping.

Best Available Science surely requires that the City explain, in writing, how its R1 standards account for material BAS findings.

Legal framing is equally important.

SGA's position does not ask the City to choose environmental protection instead of housing. The Growth Management Act (GMA) goals must be read together. Critical-area protection, housing, environmental protection, climate resilience, stormwater, and applicable shoreline requirements must be implemented in a coordinated way.

The technical analysis below identifies the principal GMA requirements and explains how the BAS can be used to build that record.

[1] FACET Online Reconnaissance Report for Anacortes, WA, October 2024.

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Conclusion — A Practical and Transparent Standard

The R1 issue can be reduced to a practical principle: the City should know what must be protected before it decides how much additional development the landscape can carry.

The BAS Report gives the City a stronger scientific record for making that determination. It identifies connected streams and wetlands, buffer functions, stormwater and impervious-surface relationships, existing degradation, restoration opportunities, and areas where mapping still requires verification.

There must be “no net loss” of critical-area functions and values.
SGA therefore asks the City to establish the R1 baseline first; verify material uncertainties; evaluate cumulative and off-site effects; measure impervious surface and stormwater consequences; require avoidance and minimization before mitigation; require restoration and compensation where appropriate; and make mitigation enforceable through monitoring, reporting, maintenance, corrective action, and appropriate financial security.

If the City reaches a different conclusion, the public should be able to see the evidence behind it.
For each material recommendation, Staff should state whether it is accepted, modified, or rejected -- and identify the applicable policy, code, BAS finding, legal authority, data, or professional analysis supporting that result. That approach does not predetermine the outcome. It makes the outcome transparent, scientifically traceable, and more defensible under the GMA.

SGA's position is not 'no housing.' It is 'no unsupported increase in effective intensity.'
Housing, environmental protection, infrastructure, stormwater management, and resilience must be addressed together—and the City's scientific record must be reflected in the standards that govern the R1.

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Technical Analysis

1. The R1 BAS Report Changes the Analysis

SGA is asking Staff to reconcile proposed R1 standards with the City's current scientific record. The BAS expressly identifies Happy Valley Stream, Ace of Hearts Creek, Beaver Brook, Cranberry Creek, Clyde Creek, Anaco Bourn, Cedar Springs, and other streams as riparian management zones (RMZ) or waters of the state within the City's critical-area framework. It further identifies multiple wetlands, forested wetland headwaters, and stream/wetland complexes. The BAS explicitly lists Ace of Hearts Creek and Happy Valley Stream as Riparian Management Zones (RMZs) and Fish and Wildlife Habitat Conservation Areas (FWHCAs). This listing is stronger than a generalized 'wetland concern.' The R1 record should therefore identify every BAS-mapped critical-area feature occurring in, draining from, or functionally connected to the R1 study area and show how proposed development standards protect those functions.

The BAS also acknowledges that some stream alignments were derived from GIS, LiDAR, and aerial photography without field-based ground truthing. That limitation is important rather than incidental. Where mapped constraints are incomplete or not field verified, the City should not convert mapping uncertainty into a presumption of development capacity. Instead, applications in potentially affected areas should require field verification by qualified professionals before approval.

GMA / ADMINISTRATIVE-RECORD NOTE. RCW 36.70A.172(1) requires the City to include BAS in policies and development regulations protecting critical-area functions and values. WAC 365-195-905 calls for a BAS review proportionate to the scope of the amendment and requires scientific information to be weighed for validity, methods, quantitative analysis, context, and references.

2. BAS Supports a Zone-Scale, Not Merely Parcel-Scale, Analysis

The BAS states that a multi-function riparian buffer should be sized to meet all functions identified as locally important and that buffer effectiveness depends on watershed characteristics and adjacent land-use intensity. This is direct scientific support for evaluating R1 as a connected landscape rather than as unrelated development lots.

The BAS documents existing cumulative alterations: numerous stream reaches have been ditched or piped; several creek mouths have long piped sections; some residential stream reaches receive lawn and roadside runoff; and some stream corridors have narrow or degraded buffers. These are precisely the circumstances in which additional incremental clearing, impervious surface, drainage concentration, and buffer encroachment can compound existing impairment. Accordingly, the City's project review should include a cumulative-effects accounting framework. At minimum, each materially intensifying proposal should identify existing and proposed impervious surface; clearing and tree removal; wetland and buffer disturbance; stormwater discharge points; drainage changes; stream crossings; access improvements; and the relationship of those impacts to upstream and downstream critical areas. The City should explain how the aggregate effect remains compatible with the R1 purpose.

GMA / ADMINISTRATIVE-RECORD NOTE. RCW 36.70A.030 (12) defines multiple critical-area categories, while RCW 36.70A.060(2) requires development regulations to protect them. RCW 36.70A.070 identifies land-use requirements concerning stormwater, flooding, and drainage. A parcel-scale zoning decision should therefore demonstrate that the critical-area and stormwater functions affected by the regulation have been considered.

3. Wetland Buffer Science Supports Stronger R1 Protection

The BAS Report indicates that wetland buffers vary with habitat function and adjacent land-use intensity, with cited ranges of 25–75 feet for minimal habitat functions and low-intensity adjacent uses, 50–150 feet for moderate functions or higher-intensity adjacent uses, and 150–300 feet for high habitat functions. It also reports that water-quality protection may require substantially wider buffers for higher pollutant-removal performance.

The BAS further reports research showing increasing nutrient-removal effectiveness as riparian buffer width increases. The reported study found substantially greater nitrogen and phosphorus reductions at approximately 40- and 60-meter buffers than at 20 meters. SGA does not propose importing those study widths automatically into the Anacortes code. Instead, the City should require the applicable wetland and buffer function, adjacent land-use intensity, and water-quality objectives to be documented before a buffer reduction or averaging decision is made.
This is particularly important for R1 because the Comprehensive Plan itself identifies frequent wetlands as a reason that more intensive urban development is inappropriate. A proposal that relies on buffer reduction, averaging, or development near a wetland should therefore demonstrate why the reduction will not compromise the wetland's identified functions and should document feasible alternatives considered and rejected.

GMA / ADMINISTRATIVE-RECORD NOTE. RCW 36.70A.172(1) requires BAS to protect critical-area functions and values; WAC 365-195-905 requires evaluation of scientific validity and applicability. When Staff selects a buffer width, reduction, or averaging standard, the record should identify the scientific basis and explain why it protects the functions at issue.

4. Stream and Riparian Conditions Demand Restoration, Not Merely Avoidance

The BAS describes existing degraded and fragmented stream conditions and states that the City's long-term goal is to restore riparian corridors and protect salmon passage where scientifically justified through buffer restoration, buffer mitigation, and stream daylighting. This converts restoration from a generalized policy preference into an objective identified in the City's own scientific record.

For R1, the implication is straightforward: where new development affects a degraded riparian corridor, the City should not treat the existing degraded condition as a reason to permit further incremental loss. Instead, the regulatory framework should establish restoration obligations commensurate with the proposed impact and should prioritize removal of invasive vegetation, replanting native trees and shrubs, reconnection of hydrology where feasible, and restoration of degraded buffer functions.

The BAS also describes Ace of Hearts Creek as a combination of wetland, ditched stream, and natural channel, with generally 25-foot buffers in some shrub/forest areas and limited 50-foot areas, while a portion within the Anacortes Community Forest Land (ACFL) has a much larger forested buffer. Cedar Springs includes a wetland/stream complex with substantial flow from an artesian well. These conditions demonstrate why uniform parcel setbacks cannot substitute for site-specific functional analysis.

GMA / ADMINISTRATIVE-RECORD NOTE. There are special considerations for conservation measures necessary to preserve or enhance anadromous fisheries under RCW 36.70A.172(1). Where the BAS identifies fish use, passage barriers, riparian degradation, or restoration opportunities, the R1 record should explain how proposed regulations preserve or enhance those functions.

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5. Happy Valley Stream and Ace of Hearts Creek Should Be Explicit R1 Review Triggers

The BAS identifies Happy Valley Stream as a combination of wetland, ditched stream, and natural channel beginning in a shrub and forest wetland complex. It documents 25–50-foot forested and shrub buffer sections in portions of the watershed and a piped urban section that is mostly impervious. The BAS also identifies fish-passage barriers along the alignment.

The BAS identifies Ace of Hearts Creek as a wetland/stream system extending from Heart Lake through natural, ditched, and stormwater-conveyed reaches. It identifies fish-bearing mapping and a long, piped section before discharge to Fidalgo Bay. These characteristics establish a strong factual basis for treating development affecting these systems as requiring heightened critical-area review, regardless of whether the individual parcel contains only a small visible segment. This is exactly the kind of approach that was taken with the Orchards and Cedar Springs subdivisions.

SGA therefore recommends an explicit R1 rule: any proposal within the mapped drainage, riparian-management, wetland, or functional buffer area of these streams—or any proposal whose stormwater, access, clearing, or grading could materially affect them—should require a documented critical-area analysis addressing upstream/downstream and cumulative effects along with feasible avoidance and restoration measures.

GMA / ADMINISTRATIVE-RECORD NOTE. Because wetlands and fish-and-wildlife habitat conservation areas are statutory critical-area categories under RCW 36.70A.030(12), and RCW 36.70A.060(2) requires protective development regulations, the City should identify whether proposed R1 standards provide adequate review where development affects a connected critical-area system.

6. Impervious Surface Is a Critical R1 Control Variable

The BAS states that stream biological condition declines as impervious area increases and emphasizes that adjacent land use and basin-wide stormwater detention and treatment can have disproportionate effects on stream health. It also notes that impervious surfaces, soil compaction, gullying, and loss of leaf litter or ground cover can reduce the long-term nitrogen-removal effectiveness of buffers.

This supports a stronger R1 requirement to regulate effective imperviousness rather than dwelling count alone. A two-unit parcel and a four-unit parcel may have very different ecological consequences depending on building footprints, driveways, parking, access roads, grading, lawn conversion, and stormwater facilities. The City should therefore require an impervious-surface budget and a stormwater performance demonstration for any proposal that materially increases site intensity.

The City should also explain how its R1 land-capacity assumptions account for these physical constraints. A capacity number derived from gross acreage is not equivalent to feasible environmental capacity if critical areas, buffers, access, stormwater facilities, and infrastructure constraints materially reduce the developable footprint.

The BAS and 2024 Shoreline Master Program (SMP) Compliance Assessment reports independently point toward the same mitigation-sequencing, monitoring, and documentation framework. [2]

GMA / ADMINISTRATIVE-RECORD NOTE. HB 1181 amended RCW 36.70A.070(1) to require the land-use element to review drainage, flooding, and stormwater runoff and provide guidance for corrective actions addressing pollution of waters of the state. Combined with BAS findings on impervious surface and stream condition, this supports a direct R1 impervious-surface and stormwater analysis.

[2] FACET Online Reconnaissance Report for Anacortes, WA, October 2024 (BAS).
FACET Shoreline Master Program Compliance Assessment for Anacortes, WA, June 21, 2024.

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7. Mitigation Sequencing Should Be Operationalized

The BAS describes mitigation sequencing as: avoid; minimize; rectify or restore; reduce or eliminate impacts over time through preservation and maintenance; compensate; and monitor, measure, report, and take corrective measures. It also states that mitigation plans should document existing wetland and buffer conditions, proposed mitigation, construction timing, ongoing management, monitoring, maintenance, and site protections.

The City's 2024 SMP Compliance Assessment independently found that mitigation sequencing was not consistently documented in shoreline permits and recommended clearer sequencing, critical-area reports, as-built documentation, monitoring, checkpoints, and performance bonds where appropriate.

The BAS and SMP assessment therefore converge on the same administrative lesson: environmental protection cannot depend on an undocumented staff judgment that impacts are 'adequately mitigated.'

SGA recommends carrying this documented lesson into the R1 regulatory framework. Every application requiring critical-area mitigation should contain a written sequencing analysis, quantified impacts, mitigation commitments, measurable performance standards, as-built verification, and a defined monitoring period with corrective action.

GMA / ADMINISTRATIVE-RECORD NOTE. RCW 36.70A.172(1) requires BAS to be included in developing protective policies and regulations. WAC 365-195-905 directs jurisdictions to weigh scientific information in the record. Staff should show how BAS findings were translated into actual standards, mitigation, monitoring, and enforcement.

8. Buffer Reductions and Averaging Require a Higher Evidentiary Burden

The BAS notes that Anacortes allows buffer reduction and buffer averaging under specified conditions. It also identifies the ecological functions performed by buffers and explains that effectiveness depends on physical and land-use conditions. SGA therefore recommends that any proposed buffer reduction or averaging in R1 be accompanied by a written alternatives analysis and functional-equivalence demonstration—not merely a statement that the code permits the request.

The record should identify the standard buffer, the proposed reduced/averaged buffer, the functions being protected, the development intensity adjacent to the buffer, existing vegetation condition, expected impervious surface, stormwater pathway, and the mitigation/restoration measures that will maintain or improve function. If the applicant relies on existing degradation, the City should distinguish between documenting existing condition and using degradation as a basis for further loss.

The BAS gives direct support for monitoring/corrective action, while the SMP assessment documents why implementation controls matter in practice.

GMA / ADMINISTRATIVE-RECORD NOTE. WAC 365-195-905 calls for evaluation of scientific validity and applicability. A functional-equivalence record gives Staff a defensible way to show that a reduction protects the relevant critical-area functions.

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9. Monitoring and Adaptive Management Should Be Built Into R1 Approvals

The BAS expressly incorporates monitoring and corrective measures into mitigation sequencing. It also identifies a City recommendation for restoration language that includes a five-year monitoring and maintenance plan for certain degraded riparian-management-zone conditions. The 2024 SMP Compliance Assessment likewise recommended periodic monitoring for up to five years and annual monitoring reports.

SGA therefore recommends that R1 mitigation be enforceable over time. Approval conditions should identify who monitors, what is measured, when reports are due, what constitutes failure, what corrective action is required, and what financial security or checkpoint is available to ensure performance. This is particularly important where ecological performance cannot be verified at the time of permit issuance.

GMA / ADMINISTRATIVE-RECORD NOTE RCW 36.70A.060(2) and RCW 36.70A.172 apply here. Where scientific uncertainty exists and mitigation performance cannot be verified at issuance, measurable monitoring and corrective-action provisions strengthen the City's ability to demonstrate that its development regulations actually protect critical-area functions.

10. The City's Existing Scientific Uncertainty Should Increase Caution, Not Reduce It

The BAS states that some stream mapping was based on GIS, LiDAR, and aerial photography and was not field-ground-truthed. It also identifies complex transitions among wetlands, ditches, natural channels, pipes, and developed areas. That means the City's current map is an important screening tool, but not necessarily a parcel-level substitute for field verification.

SGA therefore recommends an evidence rule for R1: where available mapping indicates a potential critical area but its precise boundary or function has not been field verified, the applicant should provide the qualified-professional verification necessary to establish the actual baseline before approval. The City should not resolve scientific uncertainty by assuming the absence of a critical-area constraint.

GMA / ADMINISTRATIVE-RECORD NOTE. WAC 365-195-905 requires scientific information to be evaluated for validity, methods, quantitative analysis, context, and citations. The City should establish the evidentiary basis for the boundary or function it relies upon before using an uncertain baseline to establish development capacity.

11. R1 Should Be Evaluated as Climate-Resilience and Ecological Infrastructure

The R1 landscape should be evaluated not only for residential capacity but also for the ecological functions that contribute to community resilience. The City’s 2025–2045 Comprehensive Plan calls for protection and restoration of streams, riparian zones, and wetlands to increase resilience of species, habitats, and communities and to achieve a healthy watershed. It also identifies riparian vegetation as important for erosion control, shade, habitat connectivity, and stream resilience. The Comprehensive Plan also recognizes urban tree canopy as a climate-resilience asset because it supports watershed health, carbon sequestration, heat reduction, air quality, stormwater filtration, and biodiversity. These functions are directly relevant to R1 where additional clearing, grading, impervious surface, and fragmentation can reduce the landscape’s ability to perform them.

Accordingly, R1 development capacity should account for the preservation or loss of these functions. Where development would materially reduce riparian vegetation, wetland function, tree canopy, infiltration, or connected habitat, the City should require the impact to be identified and addressed through avoidance, minimization, restoration, enhancement, or other measures supported by the applicable regulatory framework.

12. Public Participation Should Be Elevated in R1 Decision Process and Tied to Technical Record

The R1 issue is not only a technical and regulatory question. It is also a question of how the City makes land-use decisions that can alter the future character, environmental condition, and development pattern of a defined part of Anacortes. The City's 2025–2045 Comprehensive Plan identifies citizen participation as a GMA planning goal and describes public involvement as part of the City's planning practice.

For R1 policy, zoning, critical-area standards, density standards, or other legislative development-regulation changes, meaningful public involvement should occur before the City effectively locks in the policy. The public should have early access to the same technical record used by Staff—including BAS findings, stream and wetland mapping, mapping limitations, land-capacity assumptions, alternatives, proposed code language, and Staff analysis—and should have a genuine opportunity to identify errors, omissions, affected off-site conditions, and alternative safeguards.

The City's public-participation commitment is strengthened when the City provides the public with early notification and the same technical record that Staff uses to make R1 policy and code and application recommendations. SGA requests that the R1 review identify the BAS findings relied upon, the mapping used, the assumptions behind capacity calculations, and the reasons for accepting or rejecting recommendations.

A defensible public process should permit the public to test the technical record before the City locks in development standards. Where a BAS finding identifies a function, constraint, uncertainty, or recommended code change, Staff should either incorporate it or explain why it is not applicable to R1.

Proper public participation requires early notice with opportunity for two-way dialogue. Neighborhood meetings early and periodically in the application process are a good mechanism in addition to the SEPA-required public hearings.

SGA recommends early notification with at least 45 days for public review and response to the initial technical and policy material, followed by neighborhood meetings at meaningful points throughout the process. Meetings should occur early enough to influence the baseline and alternatives, after material technical or policy changes, and before final adoption. Material revisions should be disclosed with enough time for meaningful review.

Public comments should not be treated as a simple vote and should not replace technical evidence. Instead, the City should use a transparent decision protocol: identify the material issue raised; determine whether it supplies new factual or technical information, identifies a policy or implementation conflict, or identifies a material community impact; evaluate the issue against the BAS, Comprehensive Plan, CAO, stormwater requirements, and applicable SMP provisions; modify the Staff recommendation when the comment identifies a material deficiency or better-supported alternative; and, when the recommendation is not changed, explain the evidence and criteria supporting that decision.

This approach gives neighbors a direct and meaningful influence on decisions without converting public participation into a substitute for professional judgment. It also creates a traceable record showing how public input was considered, what changed, and why.

GMA / ADMINISTRATIVE-RECORD NOTE. Add RCW 36.70A.140 states that the City must provide for early and continuous public participation in the development and amendment of comprehensive plans and development regulations. The public should be able to evaluate the BAS, capacity assumptions, mapping, and proposed R1 standards for an application before adoption.

13. Requested R1 Decision Framework

Before approving materially greater effective residential intensity, SGA requests the following sequence:

(1) assemble the City's current R1 critical-area and infrastructure baseline;
(2) field-verify material mapping uncertainties;
(3) identify functional wetland, stream, riparian, recharge, habitat, stormwater, and hazard connections;
(4) establish development-specific impact metrics;
(5) require avoidance and minimization before mitigation;
(6) require restoration and compensatory mitigation where applicable;
(7) establish monitoring and corrective-action requirements;
(8) reconcile the resulting constraints with the City's land-capacity model; and
(9) conduct meaningful public review before finalizing code changes.

If Staff concludes that a less protective framework is sufficient, SGA requests a written reconciliation identifying the specific BAS evidence, City technical study, adopted policy, code authority, or professional analysis supporting that conclusion. A generalized statement that existing regulations are 'adequate' should not be treated as sufficient without identifying the criteria and evidence used to reach that conclusion.

GMA / ADMINISTRATIVE-RECORD NOTE. RCW 36.70A.130 requires periodic review and update of comprehensive plans and development regulations, including consideration of CAOs under RCW 36.70A.130(1)(d). The requested sequence is a method for demonstrating GMA consistency.

14. Staff Response Standard Requested by SGA

For each recommendation in this paper, SGA requests that the Staff report identify one of three outcomes: (A) accept the recommendation and identify the proposed code, policy, map, or procedure change; (B) modify the recommendation and explain the modification using adopted policy, code, BAS, or other technical evidence; or (C) reject the recommendation and identify the specific evidence, legal authority, or technical analysis supporting rejection.

For any statement that additional R1 intensity is compatible, adequately mitigated, within capacity, or unlikely to affect critical-area functions, Staff should identify the underlying baseline, assumptions, applicable criteria, and supporting technical record. This response structure is intended to improve the administrative record and allow the public and decision-makers to evaluate whether the City's conclusions follow from its own evidence.

GMA / ADMINISTRATIVE-RECORD NOTE. Staff should respond to each recommendation using the applicable GMA section —RCW 36.70A.060(2), RCW 36.70A.070, RCW 36.70A.130, RCW 36.70A.140, RCW 36.70A.172, and, where applicable, RCW 36.70A.480. This creates a traceable record showing which statutory obligation Staff believes is satisfied and what evidence supports that conclusion.

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Integrated BAS Evidence Matrix — Core Questions for the R1 Record

R1 Issue	What the City should document	Decision implication
Connected landscape	Watershed/drainage relationship; offsite and cumulative effects of clearing, impervious surface, and drainage.	Do not evaluate capacity solely by dwelling count.
Buffer reduction or averaging	Protected function, standard and proposed buffer, alternatives, enhancement, and evidence of functional equivalence.	Require function-specific justification.
Existing degraded stream	Baseline condition, impact analysis, restoration/mitigation plan.	Avoid compounding impairment; prefer restoration or enhancement where feasible.
Impervious surface	Existing/proposed impervious area, runoff pathways, treatment, infiltration, and downstream effects.	Treat impervious surface as a core intensity metric.
Mapping uncertainty	Map source, uncertainty, field verification, and qualified-professional evidence.	Do not treat mapping uncertainty as available development capacity.
Fish use/passage	Fish-use source, barriers, passage analysis, and mitigation.	Preserve or enhance function where scientifically justified.
Public participation	Technical record disclosed early; comments and responses documented before decision.	Public involvement should influence the record and recommendation, not merely follow it.

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FACET
Formerly DCG / Watershed

Shoreline Master Program Compliance Assessment

CITY OF ANACORTES

JUNE 21, 2024

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APPENDIX A: Review of Permit Findings
APPENDIX B: Shoreline Permit Checklist

1. Project Overview

1.1 Background

In 2022, the Washington State Department of Ecology (Ecology) awarded funding to jurisdictions across the state under the Shoreline Planning Competitive Grant Program to be used to support local government shoreline planning efforts. The City of Anacortes (City) elected to use awarded funds to implement a Shoreline Permit Monitoring Program to better assist the City with tracking and implementation of shoreline permits. The City contracted Facet[1] to assist with the project and determine if development within shoreline jurisdiction is being authorized consistent with regulations of the City's Shoreline Master Program (SMP) and whether completed authorized projects are compliant with issued permits.

The primary focus of the project was to ascertain whether SMP requirements are achieving no net loss of shoreline ecological functions (NNL). To determine this, shoreline authorizations issued over the past 14 years (since SMP adoption in 2010) were reviewed for SMP compliance and compensatory mitigation. A summary of findings from this review was compiled into a spreadsheet and analyzed to help identify compliance gaps. A permit tracking system was developed to collect important project details, assist City staff in determining if mitigation sequencing and compensatory mitigation are required, track receipt of as-built and monitoring reports (when required), and ultimately help to ensure no net loss of shoreline ecological functions.

1.2 Applicability

The current SMP is the September 2010 City of Anacortes Shoreline Master Program. The SMP applies to the waters within City limits, all lands extending landward 200 feet in all directions from the ordinary high-water mark (OHWM), and associated wetlands. Waterbodies and shorelines regulated under the City's SMP include the following:

- Lake Shannon
- Little Cranberry Lake
- Heart Lake
- Lake Erie
- Whistle Lake
- Burrows Bay
- Fidalgo Bay
- Flounder Bay
- Guemes Channel
- Padilla Bay

[1] *Formerly DCG/Watershed*

1.3 SMP No Net Loss Standards

No net loss provisions are located throughout the City's SMP, including the following sections:

- 6.3 – Impacts, Mitigation, Bonding
- 6.5 – Vegetation Conservation
- 6.6 – Critical Areas – General
- 6.7 – Fish and Wildlife Habitat Conservation Areas
- 6.8 – Frequently Flooded Areas and Tsunami Inundation Areas
- 6.9 – Geologically Hazardous Areas
- 6.10 – Wetlands
- Chapter 9 – Specific Shoreline Modification Policies and Development Regulations

2. Methodology

Shoreline permits issued within the past 14 years were selected using a randomized Microsoft Excel spreadsheet. A total of 35 issued permits were reviewed, including six pilot permits to establish a permit evaluation methodology, followed by 29 additional permits. A review of all permit documents provided by the City, such as site plans, supplemental reports, findings of fact, and issued permits, was completed to assess whether issued permits have been meeting the no net loss standards established in the City's 2010 SMP. The results of each permit review were compiled into a spreadsheet for consistency. Information collected included permit number, permit type, project description, if mitigation sequencing was necessary/provided, if mitigation was required/provided, if as-built documentation was provided, and no net loss observations. It should be noted that of the permits reviewed, one was denied (SDP-2015-0004a), one permit has not yet been issued (SLX-2022-0030), and two permits have not been started/completed to date (SDP-2020-0002 and SDP-2015-0001). Upon reviewing permits, information gathered was analyzed and documented in a Memo of Shoreline Permit Review Findings (Appendix A) and further used to develop a permit tracking spreadsheet using Microsoft Excel.

3. Compliance Assessment

3.1 Permit Review Findings

Of the 35 permits reviewed, 20 were substantial shoreline development permits and 15 were letters of shoreline exemption. Issued letters of shoreline exemption were found to meet the exemption criteria listed in SMP Section 2.4. Twenty-five permits required a demonstration of mitigation sequencing based on the type of development, proposed impacts, and/or presence of critical areas; however, 68%

of these permits did not include documentation that demonstrated mitigation sequencing was performed. Submitted site plans generally lacked existing and proposed conditions, identification of critical areas, and/or quantified impacts, making project-related impact assessments difficult to determine. When landscape and mitigation plans were included with the permit application, they did not consistently meet landscaping standards outlined in the Vegetation Conservation Regulations subsection (SMP 6.5(C)), specifically Development Regulations (DR) DR-6.5.7 and DR-6.5.8.

Many of the projects reviewed appeared to be within 300 feet of a Fish and Wildlife Habitat Conservation Area (FWHCA), though it was unclear from the application packages whether this possible critical area impact was fully understood. Per the Critical Areas Regulations in Appendix A of the SMP, a critical areas report is required for projects located within 300 feet of a critical area. Pursuant to SMP Appendix A, Section A-5.2.C.(5), a critical area report for projects adjacent to FWHCAs require a discussion addressing avoidance, minimization, and mitigation measures proposed to preserve existing habitats and restore any habitat that was degraded prior to the current proposed land use activity. Further, SMP DR-6.7.6 relies on a critical area report to establish the extent of additional vegetated buffer areas adjacent to FWHCAs. Based on our review, critical area reports were infrequently required by the City and were often not included in the application materials to determine whether there was a species with primary association to or adjacent to a given project site. While some permit submittals included a Biological Evaluation (BE) or Habitat Assessment, these reports inconsistently provided an impact analysis and/or mitigation recommendations. BEs generally assess project impacts associated with federally listed and endangered species and are not a substitute for a critical areas report to demonstrate compliance with the SMP.

Based on the SMP development regulations (SMP Section 6.3), mitigation for shoreline impacts was required for 21 permits. However, mitigation plans and as-built reports were inconsistently provided. Further, DR-6.3.10 requires periodic monitoring for up to five years as a condition of approval. These requirements appear to be lumped into a blanket condition of approval that states, "*The* P*roject shall comply with all applicable SMP regulations, including Chapter 5, Shoreline Environments and Associated Polies and Regulations, Chapter 6, Environmental Protection General Regulations, Chapter 8, Specific Use Policies and Development Regulations and Chapter 9, Specific Shoreline Modification Policies and Development Regulations."* Given these requirements do not appear to be consistently met from project to project, it may be beneficial to clearly require as-built documentation within six months of installation (tied to the project's clearing and grading or construction permit) and periodic monitoring reports for up to five years as individual conditions of permit, rather than grouped into a general statement.

3.2 Project Tracking Spreadsheet

The permit tracking spreadsheet was designed to capture project details and specific information to help City staff consistently administer SMP standards through shoreline permit approvals and ensuring no net loss of ecological functions. Some of the fields listed in the permit tracking spreadsheet can be included as required fields on the permit application so the onus of providing the information is on the applicant. See Section 3.3 below for suggestions on information to be collected by applicants. While

completing the project tracking spreadsheet will require additional work from City staff, in the long term it will help ensure the City is receiving required documentation consistent with SMP provisions and no net loss standards.

Additionally, the spreadsheet has a tab dedicated to tracking monitoring requirements. As built documentation and monitoring reports were inconsistently provided to the City. Based on the response to *Mitigation Required* in the permit database tab, the permits requiring as built and monitoring reports will populate in the Monitoring Tracking tab with additional details to be filled in. Should the City upgrade to a different permitting software in the future, this information could be used to send email or notification reminders to permit applicants whose projects require mitigation monitoring for up to five years.

3.3 Permit Applications

The City uses SmartGOV software for permit applications. SmartGOV allows the City to add custom fields, additional text, or drop-down options for the applicant to fill out. Some of the required fields that are currently under the Details tab include:

- Present zone designation
- Are there critical areas or buffers on site?
- Shoreline Environment Designation
- Shoreline Substantial Development type
- Flood Zone

Based on our review of recent permits and development of the permit tracking spreadsheet, modifications to the Details tab that would benefit City staff and help ensure no net loss of shoreline ecological functions could include the following:

- An additional field that asks for the waterbody (For example: *List the waterbody the project is within or adjacent to*.)
- A drop down to the question, *Are there critical areas or critical area buffers on site?* If the answer is Yes, a Yes/No drop down asking *Has a Critical Areas Report been prepared by a Qualified Professional? s*hould follow. If an applicant selects No to this question, a second drop-down asking, *Explain why a Critical Areas Report is not applicable* could follow.
- An additional field that asks, *Does the project have unavoidable impacts to the shoreline setback?* If the answer is Yes, a Yes/No drop-down asking, *Has a mitigation plan been prepared to compensate for unavoidable impacts?* If an applicant selects No to this question, a second drop-down asking, *Explain why mitigation is not required* could follow.
- An additional field that asks, *Does the project result in new clearing of vegetation within a critical area buffer or shoreline setback?* If the applicant selects Yes to this question, a drop-down asking, *Explain*, should follow.

Ultimately, the City could require the applicant to provide some or all of the details identified on the permit tracking spreadsheet. The more information the City requires the applicant to provide during the applicant process, the more efficient filling out the spreadsheet will be for City staff. However, the application process should be fairly straightforward so that it does not become burdensome to applicants. Handout type documents like Frequently Asked Questions, permit flow charts, and other guidance documents may be useful in assisting applicants with providing the necessary information and submitting the appropriate documentation.

3.4 SMP Review

SMP Section 6.5 – Vegetation Conservation

The vast majority of upland development requires some form of clearing and grading to establish a development footprint. For development (including replacement of structures) of any kind within 200-feet of a marine or lake OHWM, a landscape plan must be provided unless explicitly waived by the City. This is supported by DR—6.5.7 stating, *"Clearing and grading within shoreline jurisdiction shall only be permitted upon approval of a detailed landscape plan for revegetation."*

Based upon the review of shoreline permits, the City is not consistently requiring or receiving landscape plans. Separate standards under DR-6.5.8 dictate that for any project abutting a shoreline, a project's length in total linear feet must provide a 10-foot wide by 10-foot long minimum vegetation conservation area within 15-feet of the OHWM consisting of native plantings that are saltwater tolerant if adjacent to marine shorelines. For new development, this includes 50% of project's shoreline length in linear feet and 25% of project's shoreline length for redevelopment projects. The DR 6.5.8 requirement only occurs when a project 'abuts' or is adjacent to the OHWM, whereas clearing and grading requires a landscape plan for any new development within shoreline jurisdiction, per DR-6.5.7. Abut is not defined within the SMP, whether this is exclusively within the shoreline setback or not.

Further, DR-6.5.7 includes specific revegetation landscaping standards, such as nursery stock requirements and survival standards. However, much of the project work is varied in how mitigation is considered. For example, there were several projects including derelict creosote-treated pile removal that were considered self-mitigating, and spawning gravel placement for bulkhead repair where no landscape plan was submitted. Based on the provision above, a landscape plan was required in 61% of the permits reviewed; with 42% of permits reviewed included a landscape or planting plan. The remaining 39% of permits (14 total) reviewed were either self-mitigating, repair, or included beach nourishment and did not appear to trigger mitigation within the vegetation conservation area or waterward of the OHWM.

To establish a more bright line standard improving degraded shoreline vegetation City-wide, the City could also be more explicit in the status of shoreline vegetation (or lack thereof) and establish that degraded shoreline setbacks represent a nonconforming situation relating to the policies and development regulations within SMP 6.5 Vegetation Management. A definition would need to be more readily established for what this condition constitutes, followed by more specific instructions for revegetation plans, including whether the entire shoreline setback (save for proposed development)

should be revegetated to alleviate a nonconforming condition. This has parallels with the existing Critical Areas Appendix A (SMP A-5.3(G)), specifically establishment of Fish and Wildlife Habitat Conservation Area buffers by a qualified professional's critical areas report establishing that, "*…buffer widths shall reflect the nature of existing vegetation, sensitivity of the habitat, and the type and intensity of human activity proposed to be conducted nearby.*"

SMP Section 5.9 – Shoreline Residential

For developments within the shoreline residential environment, DR-5.9.11 requires lots where riparian vegetation does not exist or is degraded to replant or retain at least 15 percent of the total lot area with native vegetation. This regulation further specifies that for lots that border the OHWM, all revegetation must take place within the shoreline setback. Of the permits reviewed, eight were within the shoreline residential environment. Only one permit included riparian plantings and the plantings did not constitute 15 percent of the lot size. Submitted site plans did not contain comprehensive existing conditions and vegetation was not included; therefore, determining existing riparian conditions and compliance with the above regulations was not possible.

To ensure no net loss of shoreline ecological functions, it is good practice to require native vegetation to be maintained or planted within shoreline setbacks. For example, the Restoration and Permitting Program for Lake Washington and Lake Sammamish in King County requires a minimum of two trees and three shrubs to be planted within 10 feet of the OHWM for all shoreline related projects. Based on aerial photographs and site plans that were submitted, residential shorelines in the City generally lack riparian vegetation and are often already developed, which could be interpreted as degraded conditions.

The City may consider amending the SMP to include a simpler requirement for riparian revegetation in the shoreline residential environment. Additionally, the City should require a separate revegetation calculation that quantifies 15 percent of the lot area and demonstrates compliance with the standards of DR-5.9.11 through retention or replanting. Until this amendment/clarification to the SMP is made, the City should require site plans to include existing vegetative conditions for all projects within the shoreline residential environment, regardless of impacts proposed to clearly establish baseline conditions.

SMP Section 6.3 – Impacts, Mitigation, and Bonding

SMP Section 6.3 includes development regulations that state all shoreline development and activity must be located, designed, constructed, and managed in a manner that avoids, minimizes and/or mitigates adverse impacts to the environment and that the preferred mitigation sequence shall follow that listed in WAC 173-26-201((2)(e) [DR-6.3.1]. Additionally, Section DR-6.3.2 states, "*If impacts cannot be avoided through design modifications, the City shall require mitigation commensurate with the project's adverse impacts*." However, the SMP is not clear on *when* a demonstration of mitigation sequencing and no net loss is required. The lack of mitigation sequencing and mitigation plans received by the City from permit applicants indicates this is likely unclear for both applicants and City staff.

Per Shoreline No Net Loss and Mitigation guidance published by Ecology (May 2023), applicants must demonstrate how mitigation sequencing will be applied to achieve no net loss. Further, unavoidable impacts within the shoreline setback generally require compensatory mitigation. Project categories that require a NNL analysis because they do not typically avoid all impacts include:

- Use or development occurring waterward of the OHWM;
- Use or development occurring within a shoreline buffer (or setback);
- Use or development occurring on a site with a critical area or critical area buffer;
- Use or development requiring a shoreline conditional use permit or shoreline variance; and
- Use or development required by the SMP to document mitigation sequencing.

A demonstration of mitigation sequencing can be documented through a number of means but is most commonly provided through a combination of application materials, such as site plans, project narratives, and SEPA checklists. For some projects, the City may want to require a more robust demonstration of how mitigation sequencing was applied to achieve no net loss, such as a No Net Loss Analysis. The City should consider including an amendment to the SMP that clearly states a demonstration of mitigation sequencing is always required for shoreline developments to ensure the proposal meets no net loss standards. The SMP should also specify when a more detailed demonstration, such as a NNL Analysis, is required. The City could consider adding similar language to its SMP to provide clarity and guidance on when an analysis of no net loss is required and what the report shall entail.

4. Conclusions

Overall, the City does not always receive appropriate documentation that demonstrates mitigation sequencing or addresses critical areas pursuant to the SMP. Several existing permits within initial permit review note that conditioning SMP mitigation requirements is inconsistently done. Finally, few as-built reports and no monitoring reports verifying mitigation installation, maintenance, and monitoring were included in the permit materials, though they may exist within other e-mail accounts at the City. The SMP itself is not clear on when a demonstration of mitigation sequencing and no net loss is required, nor does it describe what a no net loss analysis should include. As a result, City compliance with no net loss standards of the SMP is inconclusive but is most likely not being achieved.

The City can begin implementation of the permit tracking spreadsheet and make adjustments to the permit application itself in SmartGOV to require more specific information and project details that will ultimately assist the City in determining if a project is meeting no net loss of shoreline ecological functions. Specifically, the SmartGOV application must require applicants to enter existing conditions, quantified impacts, subsequent mitigation area, and details regarding landscape or planting plans. Further, the developed permit monitoring spreadsheet can track and remind staff of as-built and maintenance and monitoring deadlines.

Finally, the City may consider amendments to the SMP in its Periodic Update to provide clarity on what is considered a nonconforming situation regarding vegetation conservation areas within the shoreline setback, as well a demonstration of mitigation sequencing for all new shoreline development and addressing no net loss of shoreline ecological function for critical area reports.

5. Recommendations

1. Amend the SMP to clearly state that a demonstration of how mitigation sequencing will be applied to achieve no net loss is always required and when a more detailed demonstration of how a project meets no net loss is required.
2. Require necessary documentation during application submittal:
    a. Critical Area Reports for projects adjacent to or within Fish and Wildlife Habitat Conservation Areas (and other projects with critical areas) in order to assess impacts to species that have a primary association to the project area.
    b. Site plans must include a description of existing conditions, including existing vegetation.
    c. Landscaping plans for revegetation.
3. Require a project's length in total linear feet to meet compliance with vegetation conservation standards for new development (50% of project's shoreline length in linear feet) and redevelopment (25% of project's shoreline length) (DR-6.5.8).
4. Require a revegetation calculation for projects in the shoreline residential environment to demonstrate retention or planting area that equates to 15 percent of the lot size.
    a. Consider establishing a clear nonconforming definition as it relates to degraded vegetation conservation areas within shoreline setbacks, and what constitutes conformance with the SMP in development scenarios.
5. Require as-built documentation and annual monitoring reports as separate conditions of permit to ensure mitigation was implemented according to the approved plans, including installation of native plantings.
    a. Consider requiring performance bonds, as necessary.
    b. Establish checkpoints within the permitting documentation to ensure monitoring performance standards are met prior to release of maintenance bonds, as applicable.
6. Add fields to permit application to collect additional details from the applicant.
7. Develop handouts like Frequently Asked Questions, permit submittal checklists, permit flow charts, and other guidance documents.

References

City of Anacortes Shoreline Master Program. September 2010. (anacorteswa.gov/1095/SMP-Update).

Washington State Department of Ecology. Shoreline No Net Loss and Mitigation Guidance for Local Governments. May 2023.

APPENDIX A: Review of Permit Findings

TECHNICAL MEMORANDUM

DCG WATERSHED

Date: February 26, 2024

To: Libby Grage, City of Anacortes Planning Manager

From: Alex Capron, AICP, Senior Planner | Devin Melville, Environmental Planner

Project Name: City of Anacortes SMP Permit Monitoring

Project Number: 2108.0182.00

Subject: Shoreline Permit Review Findings

The City of Anacortes contracted DCG/Watershed to assist with implementation of the City's Shoreline Permit Monitoring Program project to determine if development within shoreline jurisdiction is being authorized consistent with regulations of the City's Shoreline Master Program (SMP) and whether completed authorized projects comply with the issued permits. The project primarily focuses on whether SMP requirements are achieving no net loss of shoreline ecological functions (NNL). Information gathered during permit review was analyzed for compliance with the SMP and to help identify compliance gaps. Ultimately, the City will develop a final report that documents methods and results for the proposed permit tracking system, as well as adaptive management techniques to address any compliance gaps identified.

Methodology

Shoreline permits issued within the past five years were selected using a randomized Microsoft Excel spreadsheet. A review of all permit documents, including site plans, supplemental reports, findings of fact, issued permits, as-builts, and monitoring reports was completed to assess whether the issued permits have been meeting no net loss standards established in the City's 2010 SMP. The results of each review were compiled into a spreadsheet for consistency.

Findings

A total of 36 issued permits were reviewed, including six pilot permits and 30 additional permits. Of the 36 permits, 21 were substantial shoreline development permits and 15 were shoreline exemption permits. Issued shoreline exemptions met the exemption criteria listed in Section 2.4 of the SMP. 26 permits required mitigation sequencing based on the type of development, proposed impacts, and presence of critical areas. Our review found that 42% of the permits included documentation that demonstrated mitigation sequencing, while 58% of the permits did not. It should be noted that one of these permits was denied (SDP-2015-0004a).

Site plans generally lacked existing and proposed conditions, identification of critical areas, and/or quantified impacts, making project-related impact assessments difficult to determine. When landscape and mitigation plans were included in the permit application, they did not always appear to meet species and density criteria outlined in the Environmental Protection General Regulations section of the SMP. Based on the SMP development regulations, mitigation for shoreline impacts was required for 21 permits. However, mitigation was infrequently included in the conditions for approval and only a handful of as-built reports were provided. Further, Development Regulation 6.3.10 of the SMP requires periodic monitoring for up to five years as a condition of approval. This requirement was not included as a condition of approval on any of the shoreline permits reviewed. It should be noted that of these permits, one permit has not yet been issued (SLX-2022-0030) and two permits have not been started/completed to date (SDP-2020-0002 and SDP-2015-0001). Thus, no as-built or monitoring reports would even be possible for these permits. This may also be the case for other projects.

Most of the projects reviewed were within 300 feet of a Fish and Wildlife Habitat Conservation Area (FWHCA). Per the Critical Areas Regulations in Appendix A of the SMP, a critical area report is required for projects located within 300 feet of a critical area. Pursuant to SMP Appendix A, Section A-5.2(C)(5), a Critical Area Reports for projects adjacent to FWHCAs require a discussion addressing avoidance, minimization, and mitigation measures proposed to preserve existing habitats and restore any habitat that was degraded prior to the current proposed land use activity. Further, SMP DR-6.7.6 relies on a Critical Areas Report to establish the extent of additional vegetated buffer areas adjacent to FWHCAs. Based on our review, Critical Area Reports were infrequently required by the City and therefore were not often included in the application materials. Some permit submittals included a Biological Evaluation (BE) or Habitat Assessment, however these reports inconsistently provided an impact analysis and/or mitigation recommendations. BEs typically assess project impacts associated with federally listed and endangered species and do not address project impacts specific to shoreline ecological functions.

Conclusions

The City is not always consistently receiving documentation that demonstrates mitigation sequencing or addresses critical areas pursuant to the SMP. Further, conditioning these requirements within shoreline authorizations is also inconsistently done. Submitted documents sometimes lack required information, such as quantified impacts, subsequent mitigation, and landscape or planting plans. Finally, few as-built reports and no monitoring reports verifying

mitigation installation, maintenance, and monitoring were included in the permit materials. Therefore, it cannot be concluded that the City is meeting no net loss standards of the SMP.

Recommendations

To ensure no net loss of shoreline ecological functions during future development activities, the following recommendations should be considered:

1. Require that mitigation sequencing be clearly demonstrated for the entire shoreline environment, or reasons why it isn't applicable.
2. Require Critical Area Reports for projects adjacent to Fish and Wildlife Habitat Conservation Areas in order to assess impacts to species that have a primary association to the project area.
3. Require as-built documentation as a condition of permit to ensure mitigation was implemented according to the approved plans, including installation of native plantings.
    a. Consider requiring performance bonds, as necessary.
4. Require periodic monitoring for up to five years and annual monitoring reports to ensure success of the required mitigation.
    a. Establish checkpoints within the permitting documentation to ensure monitoring performance standards are met prior to release of maintenance bonds, as applicable.

APPENDIX B: Shoreline Permit Checklist

APPLICATION CHECKLIST

Please use the following checklist to ensure you provide all the items required under the City of Anacortes SMP (2010 Adopted SMP, and Shoreline Environment Designation Map). If you believe that an item is not applicable, write N/A and explain why in the blank. All of the blanks under "Applicant Use" must be filled in for this application to be accepted as complete and for the review process to begin.

Applicant Use	Application Requirements	City Use Only
☐	Assessor's Map that clearly identifies the subject site and any contiguous properties in the same ownership. To find your parcel, click here to go to the City's interactive map gallery page.	
☐	Site Plan no larger than 11" x 17" on paper showing the following: (See attached example) ☐ Drawn to standard engineering scale, e.g., 1"= 20". Provide scale bar and north arrow ☐ Parcel/property boundaries, lot dimensions, and area of lot (square feet or acres) _____ Square footage of new or replaced impacts (i.e. vegetation conversion, construction, impervious surface) to shoreline setback (landward of Ordinary High Water Mark (OHWM)) _____ Square footage of new in-water impacts _____ Linear feet distance between OHWM and proposed landward development _____ Square footage of mitigation area proposed _____ Linear feet of new or replaced shoreline stabilization ☐ Name of all roads bordering the property and beach access if applicable ☐ Where appropriate, proposed land contours using five-foot intervals in water area below the OHWM and ten-foot intervals on areas beyond the OHWM, if development involves grading, filling, or other alteration of land contours. ☐ Location of existing and proposed utilities such as sewer, septic tank(s), drainfield(s), water, gas, electric, etc. ☐ Location of the OHWM of the regulated waterbody ☐ Waterbody buffer, steep slope buffer, and shoreline setback relevant to the shoreline designation for the parcel(s) ☐ Location and square footage of all existing and proposed structures (including decks) ☐ Distance from any existing and proposed structures to the OHWM and property lines ☐ If reduced setback is proposed, structures on adjacent lots must be shown ☐ Source, composition, and volume of fill materials ☐ Composition and volume of any extracted materials and proposed disposal area. ☐ Location of known wetlands, wildlife habitats, or other critical areas ☐ Top of toe of all slopes/bluffs and distance of proposed development to these features ☐ Existing and proposed impervious surfaces: Location and amount (includes building footprint, roof overhangs, driveways, walkways) within 200 feet of the OHWM. ☐ Show which areas are within shoreline jurisdiction. Click here to view the Shoreline Jurisdiction and Environment Designation Map.	
☐	Vicinity Map ☐ Indicated site location using natural points of reference (roads, state highways, etc.) ☐ If the development involves the removal of any soils by dredging or otherwise, identify the proposed disposal site on the vicinity map. If the disposal site is beyond the confines	

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	of the map, provide another vicinity map showing the locations of the site and its distance to the nearest city or town. ☐ Provide a brief narrative description of the general nature of the improvements and land use within 1000 feet in all directions from the development site (i.e. residential to the north, commercial to the south, etc).	
☐	Basic Elevation/Cross Section drawings that provide a visual diagram of the finished project (paper size no larger than 11”x17”). Elevation drawings need to include: • Existing ground elevations • Proposed ground elevations • Height of existing structures • Height of proposed structures	
☐	Septic System: For septic systems, Skagit County Health Department Permit.	
☐	Shoreline Buffer Enhancement may be required for proposed developments within the river buffer and/or shoreline setbacks, including addition of 200 + sf of impervious areas.	
☐	Shoreline designations for subject parcel(s): (Click.here.for..map) _____	

*Please contact CED for assistance locating the Ordinary High Water Mark

In filing this checklist, the applicant agrees to notify CED if, during excavation or development, objects or materials of possible historical or archaeological significance are uncovered; and to cease all work in the discovery area, until such time as a site inspection can be accomplished by a licensed archaeologist or qualified historian.

FACET

Formerly DCG/Watershed

Online Reconnaissance

ANACORTES, WA

OCTOBER 2024



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ACRONYMS AND ABBREVIATIONS

AMC	Anacortes Municipal Code
BMP	Best Management Practices
City	Anacortes
DNR	Washington Department of Natural Resources
ESA	Endangered Species Act
FWHCA	Fish and Wildlife Habitat Conservation Area
NHP	Natural Heritage Program
NMFS	National Marine Fisheries Service
NRCS	Natural Resources Conservation Service
NWI	National Wetlands Inventory
PHS	Priority Habitats and Species
PS	Puget Sound
SMP	Shoreline Master Program
SWIFD	Statewide Washington Integrated Fish Distribution
USFWS	U.S. Fish and Wildlife Service
WAC	Washington Administrative Code
WDFW	Washington Department of Fish and Wildlife

1. INTRODUCTION

The purpose of this report is to present the best available science and findings of an online reconnaissance conducted for a study area located in Anacortes, Washington. The study area is located in the southern portion of the city and is approximately 297 acres (Figure 1). The investigation, performed by Facet, was limited to the study area in question and the immediate surrounding area.

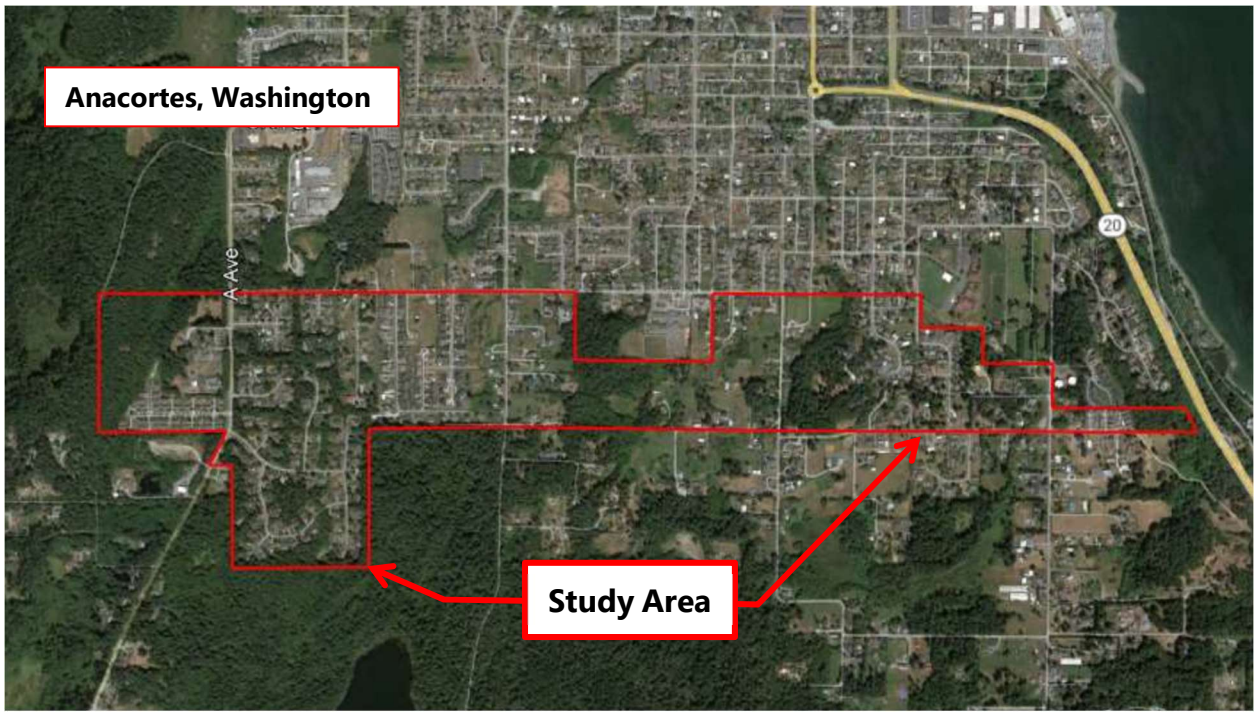


Figure 1. Site Map

1.1 Project Description

The study area consists of approximately 297 acres along the southerly edge of the city of Anacortes urban area located on Fidalgo Island. The entirety of the study area is zoned as R1- residential low density. It is bordered by large lot public use sectors to the south and east that are considered habitats of local importance. To the north of the study area is the R2A- residential low-density zoning and old town Anacortes zoned to the east.

The R1-residential low-density zone provides the City of Anacortes with low density residential development in the southern end of the city that is inappropriate for more intensive urban development due to topography, the frequent presence of wetlands, the high cost and difficulty in extending public facilities, and the desire to create a lower intensity transitional area between the city and the surrounding forest and hillsides. Under Anacortes Municipal Code (AMC) 19.70, any critical areas within the R1 zone are protected in order to maintain and restore healthy, functioning ecosystems through the protection of unique, fragile, and valuable elements of the environment, including, but not limited to, ground and surface waters, wetlands, and fish and wildlife and their habitats, and to conserve the biodiversity of plant and animal species.

2. CRITICAL AREA REVIEW

Facet staff conducted background research using a variety of online sources, literature, and maps to identify wetlands, streams, and site characteristics indicative of critical area features in the study area (Appendix II). Key sources of information included the following:

- Department of Ecology Water Quality Atlas
- Department of Natural Resources (DNR) Natural Heritage Program (NHP) Mapper
- City of Anacortes Critical Areas Map
- National Wetlands Inventory (NWI) Mapper
- Natural Resources Conservation Service (NRCS) Web Soil Survey
- Washington Department of Fish and Wildlife's (WDFW) Priority Habitats and Species (PHS) Mapper
- WDFW Statewide Washington Integrated Fish Distribution (SWIFD) Mapper
- Stream Buffer Best Available Science Review and Buffer Recommendations Report
- Bachman Environmental 2019 Critical Area Report

2.1 Level of Development

The level of development in Anacortes, Washington, reflects a balance between urban growth and the preservation of its natural environment. Specifically, within the R1 zone, homes are on large lots with a maximum density of two units per acre. The R1 zone fosters a sense of an intimate residential sector that preserves the area's open space for its well-known natural habitats.

2.2 Fish and Wildlife Habitat Conservation Areas

There are two streams mapped within the study area that are considered Fish and Wildlife Conservation Areas (FWHCA) per AMC 19.70.330. Ace of Hearts Creek is mapped as a Type F (fish-bearing) stream. It passes north to south through the center of the R1 zone. The second stream, Happy Valley Stream, is a non-classified stream that also runs north to south through the west side of the study area. Happy Valley Stream is not classified by the City of Anacortes or the DNR. FWHCAs require a fifty-foot buffer, on each side of the creek, measured from the top of the bank per AMC SMP A-5.1(7)(b).

According to the Stream Buffer Best Available Science Review and Buffer Recommendations Report conducted by GeoEngineers for the City of Anacortes in 2019, FWHCA's serve as critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors, and areas with high relative population density or species richness.

Priority Habitats and Species (PHS) Mapper (2024) depicts the study area to potentially contain freshwater emergent wetlands and the bat species, Yuma myotis. There are no known habitats or species of local importance per AMC 19.70.315(A)(9) within the study area. The DNR Natural Heritage Mapper (2024) does not depict any critical habitats within the study area.

2.3 Wetlands

Wetland maps prepared by NWI (2024), depict the presence of one 0.26-acre freshwater emergent wetland, located in the central region of the study area. Anacortes Critical Area Map (2024) depicts nine wetlands within the study area. Two additional wetlands were identified in the 2019 Bachman Environmental Report. A summary of these wetlands is provided in Table 1 and demonstrated on the map included in Appendix A. Wetland buffers were based on wetland category and a high intensity land use as the study area is residential (AMC 19.70.235).

Table 1. Wetland Overview

#	ID	Location	Category/Type*	Buffer (ft)		
				Habitat Score 8 or 9	Habitat Score 6 or 7	Habitat Score ≤5
1	WET-044	Westwood/Forest Ridge Lowland	III	300	150	80
2	WET-075	41st ST & H Ave SW side	Palustrine Emergent	50 – 300		
3	WET-010	Quail Drive South	III	300	150	80
4	WET-011	Quail Drive North	III	300	150	80
5	WET-012	Quail Drive East	III	300	150	80
6	Wetland A	Quail Drive & H Ave	III	300	N/A	N/A
7	Wetland B	Quail Drive & H Ave	IV	50	50	50
8	WET-014	41st Street	III	300	150	80
9	WET-013	SW Corner of 41st St & O Ave	IV	50	50	50
10	WET-015	West of R Ave. & 41st Place	III	300	150	80
11	WET-042	4820 Whistle Lake Rd	Palustrine Emergent	50 – 300		
12	WET-043	Fir Crest West Wetland	III	300	150	80

*Category or type of wetland is based on data provided by the City.

Buildings, structures, paving, and other hard surfacing must be set back a minimum distance of 10 feet from the edge of the wetland buffer, or edge of the wetland if no buffer is required, per AMC 19.70.235. This setback is to avoid conflicts with tree branches and/or critical root zones of trees that are in the buffer or will be planted in the buffer. Landscaping, uncovered decks, roof eves and overhangs may be allowed in the building setback from the buffer if they do not cause damage to the critical root zone of trees in the buffer. Landscaping can be defined as areas that consist of grade level or elevated planting beds featuring trees, shrubs, flowers, ferns, groundcover, lawn grass, and other vegetation.

2.3.1 Soils

The NRCS soil survey map identifies 17 soil types within the study area. 15 of which are listed as hydric per the Skagit County Hydric Soils List. A summary of the map unit is provided in Table 1. The DNR Washington Natural Heritage Program Data Explorer does identify the center section of the study area as containing hydric soils.

Table 2. Soil Unit Hydric Ratings

Map Unit Symbol	Map Unit Name	Unit Considered Hydric in Skagit County
10	Bellingham silt loam	Yes
11	Bellingham mucky silt loam	Yes
17	Bow gravelly loam, 3 to 8 percent slopes	Yes
18	Bow gravelly loam, dry, 0 to 3 percent slopes	Yes
19	Bow gravelly loam, dry, 3 to 8 percent slopes	Yes
20	Bow-Urban land complex, 0 to 8 percent slopes	Yes
26	Catla gravelly fine sandy loam, 8 to 15 percent slopes	Yes
29	Clallam gravelly loam, 0 to 8 percent slopes	Yes
30	Clallam gravelly loam, 8 to 15 percent slopes	Yes
35	Coveland gravelly loam, 0 to 3 percent slopes	Yes
55	Fidalgo-Lithic Xerochrepts-Rock outcrop complex, 3 to 30 percent slopes	No
78	Keystone loamy sand, 0 to 8 percent slopes	Yes
79	Keystone loamy sand, 8 to 30 percent slopes	Yes
102	Norma silt loam	Yes
106	Pits	No
140	Swinomish-Fidalgo-Rock outcrop complex, 3 to 30 percent slopes	Yes
156	Whistle-Fidalgo-Rock outcrop complex, 30 to 65 percent slopes	Yes

2.4 Geologically Hazardous Areas

The Anacortes Critical Areas Map (2024) does not identify any geologically hazardous areas per AMC 19.70.410. The most easterly portion of the study area is along the shoreline and identified as stable.

2.5 Critical Aquifer Recharge Areas

Per AMC 19.70.535, areas with soils that have moderate to rapid permeability (greater than two inches per hour) and sources for identifying drinking water supply wells identified by agencies such as Washington Department of Ecology and Skagit County Health Department are considered critical aquifer recharge areas.

The Anacortes Critical Areas Map (2024) identifies the easterly half of the study area as containing soils with high permeability. These areas have a critical recharging effect on aquifers used for potable water, including areas where an aquifer that is a source of drinking water, like a well, is vulnerable to contamination that would affect the potability of the water, or is susceptible to reduced recharge.

Per AMC 19.70.520, areas designated as "wellhead protection areas" are groundwater contribution areas pursuant to WAC 246-291-125(3)(d)(iii). These areas include a 1,000-foot radius for individual private drinking water supply wells. The Anacortes Critical Areas Map (2024) identifies the majority of the study area as being located within 1,000 feet of a well.

Regulated activities/facilities may be permitted in a critical aquifer recharge area only if the applicant can demonstrate that the proposed activity will not cause contaminants to enter the aquifer and that the proposed activity will not adversely affect the recharging of the aquifer per AMC 19.70.530.

2.6 Frequently Flooded Areas

Flood maps prepared by FEMA do not identify any frequently flooded areas within the study area.

3. SPECIES INFORMATION

The following species listed under the federal Endangered Species Act may occur in the vicinity of the study area:

1. Puget Sound Steelhead Trout (*Oncorhynchus mykiss*)
2. Puget Sound Chinook (*Oncorhynchus tshawytscha*)
3. Hood Canal Summer Chum Salmon (*Oncorhynchus keta*)
4. Puget Sound/Georgia Basin Yelloweye Rockfish (*Sebastes ruberrimus*)
5. Puget Sound/Georgia Basin Bocaccio (*Sebastes paucispinis*)
6. Coastal Puget Sound Bull Trout (*Salvelinus confluentus*)
7. Marbled Murrelet (*Brachyramphus marmoratus*)
8. Yellow-billed Cuckoo (*Coccyzus americanus*)
9. Dolly Varden (*Salvelinus malma)*

3.1 Puget Sound Chinook and Steelhead Trout

Most Chinook in the Puget Sound are "ocean-type" and migrate to the marine environment during their first year (Myers et al. 1998). They may enter estuaries immediately after emergence as fry from March to May or they may enter the estuaries as fingerling smolts during May and June of their first year (Healey, 1982). Chinook use estuaries as rearing areas and are the most dependent of all salmon species on estuaries for survival. There are estuaries present in the action areas. As they grow and move into neritic habitats, they feed on decapod larvae, larval and juvenile fish, drift insects, and euphausiids (Simenstad et al., 1982).

Steelhead trout exhibits perhaps the most complex suite of life-history traits of any of the Pacific salmon. Steelhead can be anadromous or freshwater residents and, in some circumstances, yield offspring of the opposite life-history form. The anadromous form can spend up to seven years in freshwater prior to smoltification, although two years is most common, and then spend up to four years in saltwater prior to first spawning. Unlike the Pacific salmon species, steelhead are iteroparous (individuals can spawn more than once). The adult winter steelhead run is generally from December to February, and spawning occurs from March through June (Wydoski and Whitney, 1979). Juvenile steelhead out-migrate from April through June and are not anticipated in the nearshore in large

numbers because the majority of steelhead smolts migrate directly to the open ocean (i.e., they are not nearshore dependent) and do not rear extensively in the estuarine or coastal environments (Burgner et al., 1992).

Critical habitat was designated for Puget Sound Chinook salmon on February 16, 2000, and Puget Sound steelhead on March 25, 2016 (Federal Register / Vol. 65, No. 32 / 2000; Federal Register / Vol. 81, No. 36 / 2016). Critical habitat is designated for areas containing the physical and biological habitat features, or PCEs (Primary Constituent Elements) essential for the conservation of the species or which require special management considerations. PCEs include sites that are essential to supporting one or more life stages of the species and that contain physical or biological features essential to the conservation of the species.

3.2 Hood Canal Summer Chum Salmon

Chum Salmon may historically have been the most abundant of all Pacific Salmonids. They are an anadromous fish, which means they can live in both fresh and saltwater. Chum Salmon typically weighs on average 8-15 pounds and are up to 3.6 feet long with a lifespan of about 4 years (NOAA, 2024). Chum salmon have a relatively complex life history that includes spawning and juvenile rearing in rivers followed by migrating to saltwater to feed, grow, and mature before returning to freshwater to spawn (NOAA, 2024). Chum can be found in virtually every small coastal stream. In the fall, large numbers of Chum can often be seen in the lower reaches of these streams. Chum fry do not rear in freshwater for more than a few days. Shortly after they emerge, Chum fry move downstream to the estuary and rear there for several months before heading out to the open ocean (WDFW, 2024).

3.3 Coastal Puget Sound Bull Trout

The Coastal Puget Sound bull trout population is thought to contain the only anadromous forms of bull trout in the contiguous United States (Federal Register / Vol. 64, No. 210 / 1999). Spawning occurs typically from August to November in streams and migration to the open sea (for anadromous populations) takes place in the spring. Following this season, Bull Trout migrate to freshwater river systems to overwinter. Bull trout prefer colder water temperatures than most salmonids, and clean water substrates for spawning and rearing. They require complex habitats such as streams with riffles, deep pools, and undercut banks.

Critical habitat was designated for the bull trout was designated on November 17, 2010 (Federal Register / Vol. 75 No. 200 / 2010). Critical habitat is designated for areas containing the physical and biological habitat features, or PCEs essential for the conservation of the species or which require special management considerations. PCEs include sites that are essential to supporting one or more life stages of the species and that contain physical or biological features essential to the conservation of the species.

3.4 Marbled Murrelet

Marbled murrelets are small marine birds in the Alcidae family that nest in the coastal old-growth forests of the Pacific Northwest. The breeding season of the marbled murrelet generally begins in April, with most egg laying occurring in late May and early June. By the end of August, chicks have fledged and dispersed from nesting areas Marbled murrelets differ from other seabirds in that their primary

nesting habitat is old-growth coniferous forest within 50 to 75 miles of the coast. The nest typically consists of a depression on a moss-covered branch where a single egg is laid. When not nesting, the birds live at sea, spending their days feeding and then moving several miles offshore at night (Marks and Bishop, 1999).

3.5 Yellow-Billed Cuckoo

The yellow-billed cuckoo is a relatively large riparian bird that is distributed throughout the U.S., however, due to reductions in habitat, are very rare in Washington State (WDFW, 2024). Breeding season typically occurs in late spring to early summer. During this period, they tend to move around and have large home ranges but are mostly found in areas with more than 200 acres of deciduous forests (USFWS, 2024). Nesting habitat usually occurs at lower elevation riparian woodlands that contain willow trees, alders, or cottonwoods that are close to streams or rivers. Though there are no recent documents of yellow-billed cuckoo nesting in Washington, it can occur anywhere in the state as much would be considered generally good habitat for nesting.

4. CRITICAL AREA FINDINGS

The study area provides unique and critical area ecological functions the R1 – low density residential area, including two streams, 12 wetlands, and 16 well-head protection areas. These areas serve as essential habitats for various species, including fish, birds, and other wildlife. They provide nesting, breeding, and foraging grounds that support local biodiversity and ecosystem health. Wetlands and stream riparian zones act as natural filters, absorbing pollutants and sediment from runoff before it enters the major water bodies surrounding Anacortes. This helps improve the overall water quality of the area. Buffers should not be encroached on unless the action is unavoidable or has been determined to have no impact on the function of the critical area. Based on the analysis of this document, further and more condensed project development within the R1 zone may have a significant impact on the identified critical areas, species, or vegetation. It is recommended that the R1 zone is thoughtfully and carefully developed at the current density of two units per acre.

Within the limitations of schedule, scope of work, and seasonal constraints, Facet warrants that this study was conducted in accordance with generally accepted investigation practices, including the technical guidelines and criteria in effect at the time this study was performed.

**Disclaimer – Additional critical areas may be present if the area were to be fully delineated by a qualified professional.*

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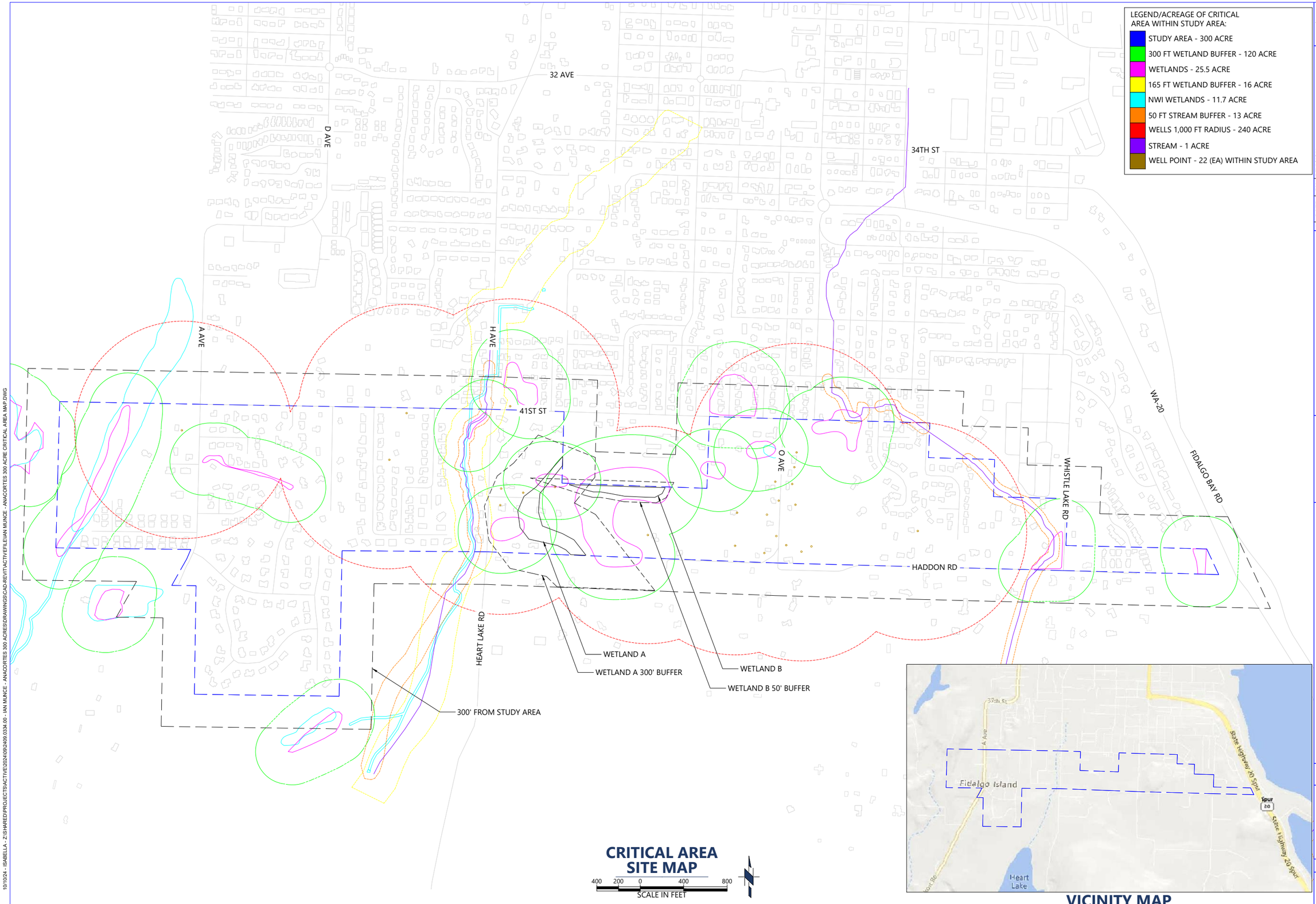
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APPENDIX I: Critical Area Map Overlay



10/10/24 - ISABELLA - Z:\SHARED\PROJECTS\ACTIVE\2024\09\24099.0334.00 - IAN MUNCE - ANACORTES 300 ACRES\DRAWINGS\CAD-REVIT\ACTIVE\IAN MUNCE - ANACORTES 300 ACRE CRITICAL AREA MAP.DWG

CALL 811
2 BUSINESS DAYS BEFORE YOU DIG
(UTILITY LOCATIONS ARE APPROX.)

#	DATE	BY	REVISION

BASE MAP/TOPOGRAPHY PROVIDED BY OTHERS. FACET CANNOT BE HELD LIABLE FOR ACCURACY. CONTRACTOR SHALL FIELD VERIFY GRADES, UTILITIES, AND ALL OTHER EXISTING FEATURES AND CONDITIONS. LOCATIONS OF UTILITIES ARE SHOWN AS APPROXIMATE AND/OR PLANS CANNOT BE CONSTRUCTED AS SHOWN. CONTACT FACET PRIOR TO CONSTRUCTION.

FACET
www.facetnw.com
9706 4th Ave NE, Suite 300
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P: 206.523.0024
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STEVEN MICHAEL ROBERT
STATE OF WASHINGTON
47721
REGISTERED
PROFESSIONAL ENGINEER

ANACORTES 300 ACRE

CRITICAL AREA SITE PLAN
QUAIL DR
ANACORTES, WA 98221

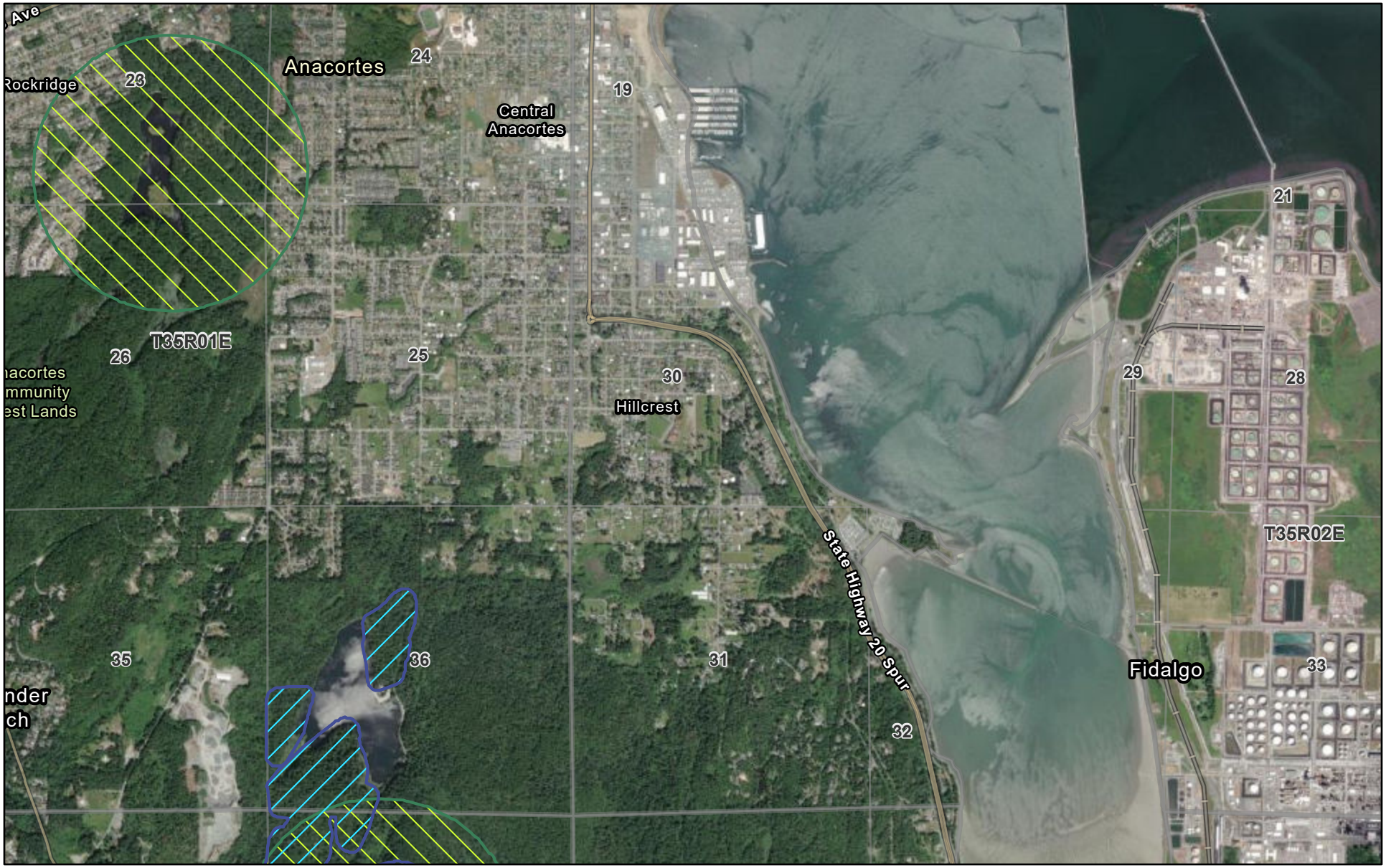
ISSUED FOR PERMIT

CRITICAL AREA SITE PLAN

DATE: OCT. 2024
PLAN NUMBER: S1.01
SHEET: 2 OF 6

APPENDIX II: Critical Area Review

WNHP Rare Plant and Ecosystem Locations



10/1/2024, 1:42:09 PM

1:44,131

0 0.25 0.5 1 mi

0 0.4 0.8 1.6 km

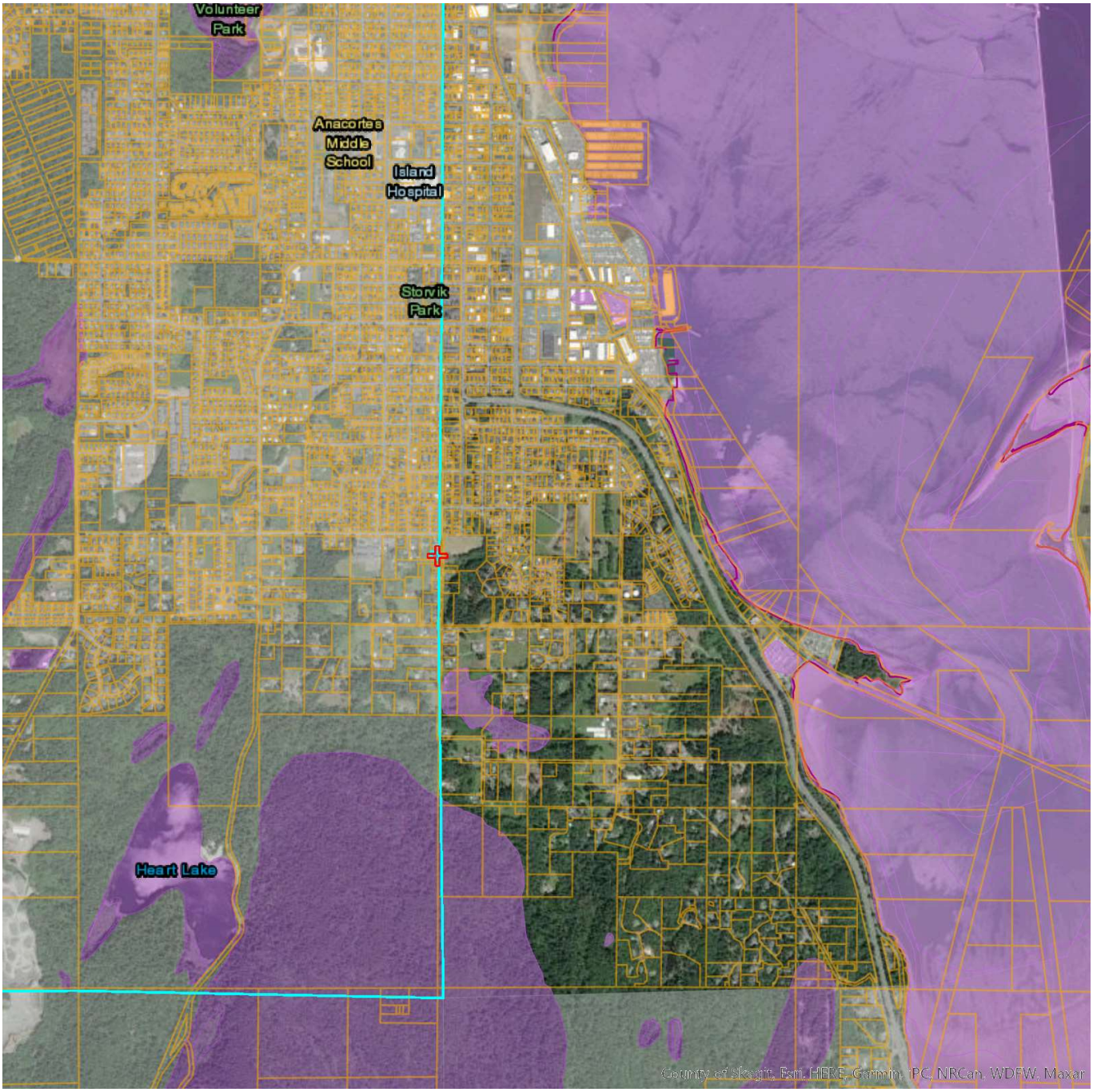
Known Rare Plants and Rare & High-quality Ecosystems

- Rare Plant
- Rare and/or High Quality Ecosystem
- Public Land Survey Sections
- Public Land Survey Townships
- State Boundary
- County Boundaries

County of Skagit, WA State Parks GIS, Esri Canada, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land

WNHP Plant & Ecosystem Map Viewer

KNOWN PLANT AND ECOSYSTEM LOCATIONS REFLECT KNOWN OCCURRENCE LOCATIONS BUT MAY NOT REFLECT ALL OCCURRENCES OF RARE PLANTS OR ECOSYSTEMS.



Report Date: 10/01/2024

PHS Species/Habitats Overview:

Occurence Name	Federal Status	State Status	Sensitive Location
Freshwater Emergent Wetland	N/A	N/A	No
Yuma myotis			Yes

PHS Species/Habitats Details:

Freshwater Emergent Wetland	
Priority Area	Aquatic Habitat
Site Name	N/A
Accuracy	NA
Notes	Wetland System: Freshwater Emergent Wetland - NWI Code: PEM1C
Source Dataset	NWIWetlands
Source Name	Not Given
Source Entity	US Fish and Wildlife Service
Federal Status	N/A
State Status	N/A
PHS Listing Status	PHS Listed Occurrence
Sensitive	N
SGCN	N
Display Resolution	AS MAPPED
ManagementRecommendations	http://www.ecy.wa.gov/programs/sea/wetlands/bas/index.html
Geometry Type	Polygons

Yuma myotis	
Scientific Name	*Myotis yumanensis*
Notes	This polygon mask represents one or more records of the above species or habitat occurrence. Contact PHS Data Release at phsproducts@dfw.wa.gov for obtaining information about masked sensitive species and habitats.
PHS Listing Status	PHS Listed Occurrence
Sensitive	Y
Display Resolution	TOWNSHIP
ManagementRecommendations	http://wdfw.wa.gov/publications/pub.php?id=00605

DISCLAIMER. This report includes information that the Washington Department of Fish and Wildlife (WDFW) maintains in a central computer database. It is not an attempt to provide you with an official agency response as to the impacts of your project on fish and wildlife. This information only documents the location of fish and wildlife resources to the best of our knowledge. It is not a complete inventory and it is important to note that fish and wildlife resources may occur in areas not currently known to WDFW biologists, or in areas for which comprehensive surveys have not been conducted. Site specific surveys are frequently necesssary to rule out the presence of priority resources. Locations of fish and wildlife resources are subject to variation caused by disturbance, changes in season and weather, and other factors. WDFW does not recommend using reports more than six months old.

APPENDIX V: Author Qualifications

Statement of Qualifications

ALLISON (MARTIN) LISI, ECOLOGIST

Professional Experience: 9 years

Allison Lisi is an Ecologist for Facet. Allison provides a wide range of consulting experience in environmental compliance, permitting, planning, restoration, and management. She has worked on a variety of habitat restoration projects throughout the Midwest, Tennessee, and Washington.

Allison earned a Bachelor of Science degree in Biology and Environmental Studies from the University of Cincinnati. She holds credentials as an ISA Certified Arborist and a Qualified Hydrologic Professional In-Training. Allison has also completed her certification in wetland delineations and watershed management.

HILARY HAHN, ENVIRONMENTAL COORDINATOR

Hilary Hahn is an Environmental Coordinator for Facet with ten years of experience in the engineering, development, and surveying sector. Hilary is currently pursuing a bachelor's degree in environmental science, where she has demonstrated an understanding of key environmental principles, such as biodiversity conservation, ecological systems, and environmental policy. Her studies have also exposed her to various scientific research techniques and methodologies, further fueling her drive to find innovative solutions to pressing environmental challenges.

Hilary is currently a certified wetland delineator and is looking forward to continuing her education by obtaining advanced credentials and professional certifications in the environmental field.

JAY DALLY, ECOLOGIST

Jay Dally is an Ecologist for Facet who recently graduated from Western Washington University with a Bachelor of Science degree in Environmental Science with a Freshwater and Terrestrial Ecology emphasis. His degree included a wide range of exposure to ecological principles and skills such as Pacific salmon habitat assessment, watershed delineation, soil science, aquatic toxicology, and wetland plant identification. Being in the early stages of his career as an ecologist, Jay is excited to build his skillset by participating in training to gain relevant credentials and by putting his education to use to provide excellent services to the Facet client base.

TO: Anacortes Planning Commission
CC: John Coleman, Libby Grage
RE: Comments on Proposed Amendments to AMC Title 19 Development Review & Permitting
DATE: Sept 11, 2026 for Anacortes Planning Commission Public Hearing: Sept 15, 2026

Dear Planning Commission Members,

Please withhold your recommendation on the proposed Title 19 amendments until Staff addresses comments from Smart Growth Anacortes, Evergreen Islands, and residents. These amendments have no state-mandated deadline, so there is time to get them right. They will shape how Anacortes develops and functions as a community.

Title 19 permitting can be both efficient and effective. It should improve decision quality, transparency, and predictability without limiting meaningful public participation or weakening environmental protections. The process must reflect the Comprehensive Plan's priorities for public participation, environmental protection, climate resilience, and infrastructure. As drafted, the proposed amendments do not yet translate those goals into clear procedures that residents and applicants can rely on. Here are key gaps to address.

1. Strengthen Public Participation

Public engagement and transparency are essential to responsible housing choices and to protecting the ecological systems that serve the whole community.

One-way public hearings create an "us vs. them" setup. There is no dialogue to resolve issues. Outcomes are better when neighbors can review information early and as it develops, ask questions and get answers, flag missing facts, offer suggestions and understand how concerns are addressed before key decisions are effectively locked in.

I support Smart Growth Anacortes' request to require early neighborhood meetings and less formal, two-way dialogue. Public hearings alone are not enough, and neighbors should not be excluded from decisions that affect their property rights and neighborhoods.

2. Protect and Restore the R1 Residential Low Density Transition Zone (R1)

The R1 Zone is not a typical urban development area and should not be reduced to a simple count of houses per lot. Its roughly 300 acres of streams, wetlands, habitat, drainage systems, and trees help buffer, protect, and beautify the City while supporting climate resilience, water quality, groundwater recharge, and livability. The ecological value of this area has been recognized since 1993 when Anacortes aligned its Comprehensive Plan with the Growth Management Act to address environmental sustainability as well as land use and housing. R1 is a scarce asset - its ecological value will increase over time.

Before approving more development in R1, the City should determine how much the R1 landscape can absorb without losing the ecological functions that make it valuable.

This is not opposition to all R1 development. It is a practical request to establish the environmental and infrastructure baseline first, then decide what can proceed with no net loss of critical-area function and value. R1 applications need early, meaningful, recurring public comment and prompt public access to the information behind City decisions.

Anacortes Municipal Code 19.20.030 should require early and ongoing neighborhood meetings for all R1 projects. Even small projects can raise SEPA, drainage, habitat, infrastructure, and neighborhood-impact questions. Public involvement should not be at Staff's "discretion" as my experience is that the meetings just don't happen. Recently, Staff's decision not to hold a neighborhood meeting created unnecessary rework for the applicant, City, and neighbors – and it has strained neighborhood relations. Instead, let's talk to one another – and work together to find solutions that enhance our community.

3. Adopt a Gate-Check Model for Streamlining and Better Decisions

I support Smart Growth Anacortes' (SGA) proposed gate-check model because it would improve information quality, reduce late-stage surprises, and avoid rework while giving residents a meaningful voice throughout the process.

The process SGA proposed includes three checkpoints that include the public:
1) early baseline validation,
2) mid-process design and assumption validation, and
3) pre-construction validation.

At each point, Staff ask whether new information, changed assumptions, or material changes require more analysis, mitigation, notice, or reconsideration. This is not meant to reopen every decision, but to confirm at predictable points that the facts and assumptions remain valid and that new information does not substantively change decisions.

The amendments should also require early public notice, issue identification, real-time public access to the record, and substantive Staff responses to public comments.

There is Time to Do This Right

I ask the Planning Commission not to recommend approval until these gaps are addressed so that residents have a meaningful voice in decisions affecting critical areas, infrastructure, neighborhood character, ecological systems and climate resilience.

Sincerely,

Janet Peargin, Ward 2 – R1 Zone

To: Planning Commission, John Coleman, Libby Grage
Cc: City Council, Mayor Ryan
From: Janet Andrews
Re: Title 19 Permit Process Streamlining Amendments
Date: September 13, 2026

Building permits are an important part of a city's growth and economy. The removal of conflicting permit requirements could reduce frustration for applicants and contractors. But I am concerned that a more 'efficient', 'streamlined' permit process may result in harm to our environment, our infrastructure and the quality of life for residents.

After reading the many comments to the city on this issue, I am impressed by the non-profit organizations and talent residing within our town. These concerned residents play a role of oversight in our community but they also have relevant expertise and experience to share with the city for better long-term results. They are willing to invest their time to solve issues.

Anacortes has clean air, bay access, reliable rainwater, shorelines, forests, and wildlife along with active resident involvement. Surely these resources are worthy of open engagement which may strengthen community self-reliance, especially now, during this era of global warming, pandemic damage, inflation and political upheaval. Together we may uncover new opportunities to improve our financial health as well.

I agree with written comments to first evaluate what we have and what is needed to protect our natural resources like wetlands and drainage not yet overburdened. Once we establish what we have and what is needed to maintain it, then we can proceed to develop a more effective permit process. That way, we can rest assured that the responsibility for permit approval does not land on any one city employee but instead becomes a process with a beginning, middle and end that can be checked along the way. Best Available Science (BAS) needs to be utilized.

While the R1 Zone has not been eliminated, it appears to be reduced in importance throughout permit streamlining amendments put forth by the city. For residents uncertain about this zone, it encompasses the area south of 41st street,

north of Haddon Road, primarily west of Whistle Lake Road and east of Fir Crest Court including the Lake Park complex. Whistle Lake Road, Grandview Cemetery, St Mary's grassy knolls and 41st Street are likely areas many residents have walked, biked, pushed a baby carriage or taken a run. The area is a reminder of what it's like to live in "the country". The R1 Zone is labeled "less dense" for a reason and is higher in elevation than other parts of the city. This Zone includes huge trees, important wildlife habitat (owls, etc.) home septic systems plus wetlands and streams that drain into lower lying areas. The health of R1 impacts us all and its effects are important down-stream, all the way to the bay.

'Fast permits' should **not** be allowed in the R1 Zone and **should include** "neighborhood meetings" early and at checkpoints in the application process. Meetings with residents are an avenue to avoid costly and time-consuming legal suits which transfer money from the city coffers to lawyers' pockets. This strip of land earned a special designation which is even more important today.

City government has the difficult job of seeing the 'big picture'. But this 'job' can be shared with others to create a vision of what Anacortes can become. Many small cities are either suffering financially or reinventing themselves. Working ***with*** nature, wildlife, wetland areas and streams, and ***with*** concerned residents is worth the effort.

Our natural resources are important and we are lucky to still have them. Let's identify what works, protect it, then move forward to 'streamline' rules to improve permit flow and find creative solutions to our financial challenge.

* * *

Smart Growth Anacortes

To: City of Anacortes Planning Commission and Planning Staff
Date: September 14, 2026
Subject: Thurston County Growth Management Hearings Board Final Decision and Order, Case No. 26-2-0013c, August 17, 2026

Introduction:

Smart Growth Anacortes (SGA) respectfully submits this comment/analysis for inclusion in the Title 19 Permit Process Improvement comments, the Critical Areas Ordinance Update comments and the Shoreline Master Program Update comments. The SGA analysis provides an opportunity, a perspective on how, what, where the GMHB ruling will affect each one of these processes that are in-work.

Most importantly SGA's analysis informs the City where issues that should be resolved via an open, documented, transparent, public involvement in the decision process, and/or a conversation with the resident to find a compromise before it ends up at a Growth Management Hearing and/or in Superior Court with the City losing. SGA intends to continue to submit comments using and improving this framework with the goal of having win-win solutions and reducing litigation.

SGA's position is if an issue ends up at the GMHB or Superior Court, the City failed to find a way, to negotiate an amicable solution – a lose, lose – for the City and the Resident.

Purpose

This condensed analysis places the Thurston County Growth Management Hearings Board's August 17, 2026, Final Decision and Order (Thurston FDO, Case No. 26-2-0013c) in the context of Anacortes' 2025 Comprehensive Plan Climate Resilience Sub-Element and the City's related Critical Areas Ordinance (CAO), Shoreline Master Program (SMP), stormwater, and Title 19 permit processes.

It is not an assertion that Anacortes has the same deficiencies found in Thurston County. Rather, the decision provides an early indication of how Washington's new climate-resilience requirements may be tested when a local government's adopted policies are challenged.

Executive Summary

The central lesson of the Thurston FDO is that adopting climate-resilience policies is different from demonstrating that those policies are actually implemented. The Board treated the requirements of RCW 36.70A.070(9)(e)(i) as action-forcing and examined the relationship among the comprehensive plan, development regulations, programs, and the administrative record.

That distinction matters to Anacortes because its 2025 Comprehensive Plan contains specific commitments in CE-11 through CE-13, while several of the regulations and programs that give those commitments practical effect is currently being updated or implemented. The relevant question is therefore less whether a policy appears in the Comprehensive Plan and more whether the record can show how the policy affects regulations, permit review, programs, funding, schedules, and decisions.

This becomes particularly important when the CAO, SMP, stormwater requirements, or other Title 19 provisions are used in a permit decision. If an adopted climate-resilience commitment is relevant to a decision but the applicable regulation, implementation pathway, factual basis, or record does not clearly connect the policy to that decision, an appeal may focus on the gap between the City's adopted plan and its implementation.

The practical legal risk is not that every challenged City decision would automatically be overturned. The greater concern is that an incomplete or internally inconsistent record can make a decision substantially harder to defend under the GMA, the SMA, SEPA where applicable, or other governing standards. Where an applicant can demonstrate that the City relied on a policy without a clear regulatory or evidentiary basis—or failed to apply an applicable requirement—the applicant's position on appeal can become considerably stronger.

1. What the Thurston FDO Established

- The Board characterized the climate-resilience provisions of RCW 36.70A.070(9)(e)(i) as "action-forcing requirements," rather than provisions satisfied solely by broad or aspirational language.
- The Board considered the comprehensive plan and development regulations as an integrated system; implementation may occur through development regulations, programs, funding commitments, or other concrete measures.
- The Board examined the administrative record for evidence of implementation, analysis, and consideration—not merely the words contained in the comprehensive plan.
- The decision illustrates the risk created when a jurisdiction's adopted policies are more specific than the implementation demonstrated in the record.

Source: Thurston FDO, Issue 2(i)–(ii), pp. 24–29; Issue 2(i), pp. 27–28.

2. Why the Decision Is Relevant to Anacortes

Anacortes already has a substantial climate-policy and implementation framework. The 2025 Comprehensive Plan includes CE-11 through CE-15; the City has critical-area, floodplain, shoreline, stormwater, SEPA, and Title 19 development regulations; and the City is undertaking updates to the

CAO and SMP. Its stormwater program also includes a 2025 Stormwater Master Plan, modeling, habitat assessment, fish-passage analysis, capital projects, and implementation programs.

The relevance of Thurston is therefore structural. The City's policies and its regulatory programs need to operate together in a way that can be demonstrated in the record. A policy may be present in the Comprehensive Plan while its practical effect on a particular permit or development regulation remains unclear.

3. The Anacortes Connection: Plan → Regulation → Permit

The most consequential connection is between the Comprehensive Plan and the regulations applied to individual development decisions. CE-11.1 addresses urban forests and implementing ordinances. CE-12.1 addresses climate-sensitive siting. CE-12.2 addresses shoreline resilience and is principally implemented through the SMP. CE-12.3 calls for development regulations addressing wildfire, extreme heat, flooding, and other climate-exacerbated hazards. CE-13.3 addresses watershed planning, redevelopment, low-impact development, stormwater, and climate-informed culvert priorities.

When these policies intersect with the CAO, SMP, stormwater rules, SEPA review, or Title 19 permit processing, the record may become the place where the City must demonstrate that the adopted policy has a legally recognizable implementation pathway.

This does not mean every permit must contain a separate climate analysis. It does mean that, where an adopted policy or implementing regulation is relevant to the decision, the relationship should be sufficiently clear that an outside reviewer can understand what standard was applied, what evidence supported it, and how the decision followed the City's adopted framework.

4. Where the Principal Risk May Arise

- CAO update: If critical-area regulations are revised without a clear connection to applicable climate-resilience policies and best available science, later challenges may question whether the adopted policy has been adequately implemented.
- SMP update: Because CE-12.2 expressly connects shoreline resilience to sea-level rise and other climate hazards, the SMP record may be examined for consistency between shoreline policies, regulations, science, and actual permit standards.
- Permit processing: A permit decision can become more vulnerable if the City invokes a Comprehensive Plan policy but cannot identify the regulation, factual evidence, or decision criterion through which that policy affects the permit.
- SEPA and related review: Where climate, critical-area, shoreline, stormwater, or hazard information is relevant, an incomplete record can create additional grounds for an appellant to argue that the decision did not adequately consider governing requirements.
- Administrative record: The Thurston decision suggests that reconstructing the rationale after a decision is made is materially less defensible than having the relevant analysis in the record when the decision occurs.

5. CE-11 Through CE-13: The Key Record Questions

Plan commitment	Related Anacortes framework	Record vulnerability if unclear
CE-11 — Resilient Urban Forests	Urban forest/tree-canopy work; stormwater; tree-preservation framework; related land-use policies.	The plan contains specific commitments, but the record may need to show the operative ordinance, program, standard, or schedule implementing them.
CE-12.1 — Climate-Sensitive Siting	CAO; floodplain and geologic-hazard regulations; Title 19; capital and transportation planning.	A permit or land-use decision may be challenged if hazard exposure is identified but the decision criteria do not show how the adopted resilience policy was applied.
CE-12.2 — Shoreline Resilience	SMP, AMC 19.72; shoreline permitting.	A decision may be vulnerable where sea-level rise or other shoreline hazards are relevant, but the record does not clearly connect science, SMP standards, and the decision.
CE-12.3 — Resilient Development Regulations	CAO, floodplain, SMP, stormwater, SEPA, Title 19 and related regulations.	The Thurston standard makes the connection between climate policy and development regulations particularly important.
CE-13.3 — Stormwater, Watersheds, LID, Culverts	2025 Stormwater Master Plan; municipal stormwater permit; capital and O&M programs.	This appears comparatively strong, but permit-level decisions may still require a clear explanation when these programs or standards are directly relevant.

6. The Appeal Consequence

The most important consequence is evidentiary and legal, not rhetorical. In an appeal, the question is generally whether the challenged decision was supported by the applicable law, the evidence, and the administrative record. A decision is easier to defend when the record shows a continuous chain from adopted policy to applicable regulation, factual findings, decision criteria, and the ultimate decision.

Conversely, if the record shows an adopted climate commitment but does not identify how that commitment was implemented, an appellant may be able to frame the issue as a failure to follow the City's own plan, a failure to apply an applicable development regulation, inadequate consideration of required information, or inconsistency among the Comprehensive Plan, CAO, SMP, and permit decision. The Thurston FDO gives that type of argument greater significance because it emphasizes implementation rather than policy language alone.

For an applicant challenging a City decision, that can be consequential. A well-supported appeal may not need to prove that the City's entire climate framework is deficient. It may be enough to demonstrate that the particular decision lacks a sufficiently documented connection between the governing requirement, the evidence, and the decision. The strength of that argument will depend on the specific permit, regulation, record, and applicable appeal standard.

7. What This Means for the Current CAO, SMP, and Permit Work

The CAO and SMP updates, and the Title 19 permit-process work, are occurring at a useful point in time: before the City's climate commitments are repeatedly tested through individual decisions. The Thurston FDO provides a judicial/administrative benchmark against which the coherence of those systems can be viewed.

The issue is not whether every process must be redesigned. The issue is whether the City's existing documents, regulations, and decision records remain sufficiently connected that a future reviewer can follow the City's reasoning without having to reconstruct it.

A useful way to view the resulting risk is:

Best Available Science → Hazard/Impact → Comprehensive Plan Policy → Development Regulation → Permit Criterion → Evidence → Findings → Decision → Administrative Record

8. Bottom Line

Anacortes has many of the components needed for a defensible climate-resilience framework. The Thurston FDO does not establish that Anacortes is out of compliance, nor does it determine the outcome of any future Anacortes appeal.

Its significance is that it provides an early, concrete indication of what may matter when those commitments are tested: specific implementation, integration with development regulations, evidence, and an administrative record showing how the adopted framework was actually used.

The greatest exposure arises where the City's adopted policy is specific but the regulatory or permit record is not. In that circumstance, a future appellant may have a relatively direct path to argue that the City either did not implement its own policy or did not adequately establish the legal and factual basis for the decision.

For that reason, the Thurston FDO is particularly relevant to the current SMP, CAO, stormwater, and permit-processing work—not because it commands a particular policy outcome, but because it changes the risk profile of leaving the connections among those systems unclear.

Source Note

Primary source: Thurston County Growth Management Hearings Board, Final Decision and Order, Case No. 26-2-0013c (Aug. 17, 2026), as summarized and cited in the SGA source document. Anacortes-specific statements are drawn from the submitted SGA analysis and its identified 2025 Comprehensive Plan, regulations, and stormwater materials.

AMC Title 19 Code Amendments - Permit Process Streamlining

City file #: LEG-26-07

Public Hearing

September 15, 2026

Planning Commission Special Meeting

Purpose

- **Implement** the Mayor's **Executive Order 2026-2** regarding permit streamlining
- **Clarify** permit types and responsibilities
- **Improve** sequencing and coordination; reduce duplicate review
- **Provide** limited flexibility for minor adjustments and unanticipated site conditions
- **Maintain** applicable development standards

Procedural history and Legislative Process

Process to Date

- April 7: Mayor issued Executive Order 2026-02.
- Staff developed proposed Title 19 amendments.
- August 17: Draft amendment package released.
- August 19: SEPA Determination of Nonsignificance (DNS) issued.
- Public and agency comments received and evaluated.
- September 15: Planning Commission public hearing.

Next Steps

- Planning Commission considers the record and makes a recommendation.
- Staff prepares revisions responding to Commission direction and comments.
- City Council reviews the proposal and may approve, modify, remand, or deny it.
- Final amendments are adopted by ordinance.

WA requirements for permit processing

Growth Management Act (RCW 36.70A & Local Project Review Act (RCW 36.70B)

- Fair and timely review of project permit applications
- Clear and predictable procedures implementing adopted plans and regulations
- Integrated and consolidated review of related permits and environmental review
- Procedural completeness determination
- Coordinated notice, decisions and appeals
- Statutory decision timelines, tracking, and reporting

AMC Title 19, *Unified Development Code* – What it Does

AMC Title 19:

- Implements the Anacortes Comprehensive Plan and state land use laws
- Establishes allowed uses and development intensity
- Applies site, design, infrastructure and environmental standards
- Defines permit types and approval criteria
- Establishes notice, hearing, decision, and appeal procedures
- Coordinates land use, site construction, and building review

What may be developed? What standards apply? How will the City review it?

AMC Title 19, *Unified Development Code* – Why changes are proposed

Current code issues:

- Unclear permit roles and review boundaries
- Duplicated review and inconsistent sequencing
- Premature engineering requirements
- Unclear departmental handoffs
- Limited flexibility for unusual site conditions

Scope of amendments

The amendments would:

- Clarify permit types, purposes, and review responsibilities.
- Improve sequencing and coordination among land use, site construction, and building permits.
- Reduce duplicated review and premature engineering requirements.
- Update procedures for consistency with state project review law.
- Provide limited flexibility for minor adjustments and unanticipated site conditions.
- Clarify lot status, permit expiration, and fence exemptions

The amendments would not:

- Change allowed uses or zoning designations.
- Increase permitted density, height, or lot coverage.
- Eliminate required public notice, hearings, or appeal rights.
- Reduce critical area, shoreline, stormwater, or other environmental protections.
- Waive building, fire, engineering, infrastructure, or life-safety requirements.
- Transfer Type 3 or Type 4 decision authority to staff.

Table 19.20.030-1 – Permits and review types

Table 19.20.030-1:

- Identifies the permits and reviews administered under Title 19.
- Most listed permits are Project Permits governed by state and local project-review requirements.
- Some entries are supporting reviews or approvals rather than project permits.
- The table assigns each item a review type and decision authority.
- The amendments add clarifying code references but do not change decision-making authority.

Types of Review	Type 1 Administrative Ministerial Actions	Type 2 Administrative Decisions	Type 3 Hearing Examiner Decisions	Type 4 City Council Decisions
	• Expiration of application (AMC 19.28) • Extension of time for approval (AMC 19.28) • ~~Fence permits~~ • Lot status determination (AMC 19.20) • Minor permit revisions (AMC 19.28) • Shoreline exemptions (AMC 18.16) • Site construction permit (AMC 19.35) • Sign permits (AMC 19.14 & 19.67) • Site plan review – Level 1 (AMC 19.30), less than 10 dwelling units, less than 12,000 sq. ft. of nonresidential gross floor area, or less than site improvements (AMC 19.30)	• Preliminary short subdivisions • SEPA threshold determinations (AMC 18.04) • Shoreline substantial development permits (SSDPs) (AMC 18.16) • Site plan review – Level 2 (AMC 19.3X) – 10 or more dwelling units, 12,000 sq. ft. or more of nonresidential gross floor area, or 20,000 sq/ ft. or more of nonresidential site improvements (AMC 19.30) • Stormwater Management Manual exceptions (AMC 19.76)	• Level 2 variances (AMC 19.38) • Preliminary long subdivisions (AMC 19.32) • Shoreline conditional use and variance permits (AMC 18.16) • Zone boundary determination (AMC 19.40)	
Pre-Application Conference (AMC 19.20.090)	Optional, unless required by the Director ~~At discretion of Director~~	Optional, unless required by the Director ~~At discretion of Director~~	Optional, unless required by the Director ~~At discretion of Director~~	Yes
Pre-Application Neighborhood Meeting (AMC 19.20.100)	~~No~~ Optional	Optional, unless required by the Director ~~At discretion of director~~	Optional, unless required by the Director ~~At discretion of director~~	Yes
Notice of Application	No	Yes	Yes	Yes

Partial excerpt (August 17 Draft)

Existing Type 3 and Type 4 permits remain subject to public hearings.

Permit Types

Permit Type	Project Permit*	Site Construction Permit (new)	Building Permit
What it does	Decides whether and under what conditions a project may proceed	Approves detailed civil and site construction	Approves building construction
Examples	Land use and site planning (project-level site plan review, CUPs, land divisions, critical area permits, shoreline permits)	Grading, drainage, utilities, streets, and landscaping	Building, structural, energy and life-safety requirements

*Project permits are defined by RCW 36.70B

A Project Permit approval does not authorize construction.

Available permit review paths

Projects may require multiple permits, which may be processed in the sequence appropriate for the project.

Sequential review

- Project Permit approval precedes detailed construction review

Consolidated review

- Related Project Permits use coordinated notice, review, hearing, and decision procedures

Concurrent technical review

- Site construction and building plans may be reviewed while Project Permits are pending.

Required project permits must be approved before Site Construction and Building Permits are issued.

Permit coordination and sequencing

8/17 Draft

- Adds an overview of development permits and the review process in AMC 19.20.025

Recommended refinements

- Remove the proposed overview
- Revise AMC 19.20.040 to include provisions for the review paths listed on the previous slide
- Practical effect = One operative section would govern how permits are coordinated without duplicating requirements stated elsewhere.

Site Plan Review approval (AMC 19.30)

August 17 Draft

- Expands its purpose, applicability, approval criteria, and effect.
- Allows approval before Building and Site Construction Permits.
- Establishes an approved site framework for later permits.
- Exempts specified minor work and qualifying interior alterations.
- Reserves final engineering and construction details for later permits.

Recommended Refinements:

- Rename to “Project Site Plan” approval.
- Use a separate Project Site Plan when an independent site decision is needed or requested.
- Review routine objective zoning standards with the Building Permit.

Lots status and development eligibility

August 17 Draft

- Add Legal Lot Status review to the permit table
- Distinguish pre-1937 and post-1937 lots
- Recognize qualifying preexisting lots
- Address commonly owned pre-1937 lots
- Exclude unlawful land divisions

Administrative flexibility tools

August 17 Draft

- Allowed limited flexibility for eligible development standards.
- Covered numeric reductions of **5–10%** and other modifications.
- Required the minimum change necessary.
- Required consistency with Title 19 and the Comprehensive Plan.
- Prohibited material adverse impacts.
- Could not replace an expressly authorized departure.

Recommended refinement

- Separate numeric reductions from administrative waivers /modifications.
- Retain authority to waive or modify eligible development requirements.
- Limit that authority to the two circumstances in the Executive Order.
- Establish clear criteria, exclusions, findings and procedural safeguards.

Administrative flexibility tools – comparison of concepts

	Numeric reduction	Administrative Waiver or Modification
Eligible	Identified numeric standards	Identified design standards – further narrow
Threshold	Numeric standard cannot be reasonably achieved	Code did not reasonably anticipate the particular conditions on the property ; or Direct conflict with adopted city policy
Criteria	Minimum necessary Remains consistent with overall purposes of title 19	Minimum necessary Remains consistent with overall purposes of Title 19 Relief directly addresses condition or conflict
Limits	• 10% cumulative maximum • No changes to uses, density, environmental, infrastructure, or life-safety standards	• No changes to uses, density, environmental, infrastructure, or life-safety standards
Decision	Type 1 with written findings	Type 1 with written findings
Example	An infill project cannot reasonably provide the full required amount of open space because of existing lawful development or fixed infrastructure. The Director could reduce the numeric open-space requirement by up to 10 percent if reasonable design alternatives have been considered, the reduction is the minimum necessary, and the remaining open space remains usable.	A commercial design standard requires the primary entrance to face the street. Unusual grade and the location of existing lawful development make a street-facing entrance impracticable, a condition the code did not anticipate. The Director could modify the entrance-location requirement while requiring safe pedestrian access and maintaining the standard's overall street-orientation purpose.

Other proposed changes

Preapplication meetings

- Generally optional unless specifically required or warranted by project complexity

Permit expiration

- Clearer milestones tailored to each permit.

Fence permits

- Building Permit exemption for qualifying fences up to 7 feet

Coordination

- Clearer sequencing, extension, and modification procedures

Public comments and staff response

Comment theme	Staff response
Loss of public hearings	Existing Type 3 and Type 4 authority and process remains
Reduced environmental review	Environmental requirements remain applicable
Impacts to the R1 zone	Uses and principal intensity standards do not change
Excessive staff discretion	Add criteria, findings, limits, and exclusions
Unclear permit terminology	Clarify permit names, applicability, and effect

Additional recommended refinements

Staff recommends changes to the August 17 Draft:

- Remove the proposed permit process overview (19.20.025)
- Revise AMC 19.20.040 to govern permit coordination and sequencing (sequential, consolidated, concurrent technical review)
- Rename Site Plan Review to Project Site Plan and clarify applicability
- Refine administrative flexibility applicability and criteria

The Commission may recommend general modifications without drafting specific ordinance text.

Staff recommendation

Staff recommends approval with modifications

The recommendation could:

- Incorporate the refinements presented tonight

Planning Commission options:

- Recommend approval
- Recommend approval with modifications
- Recommend rejection
- Continue deliberations for additional information

Public Hearing



Thank you!

Questions?