Anacortes Shoreline Master Program Update

Summary of Changes - 1st Draft and 2nd Draft

Below is a summary of the changes that are proposed to the Shoreline Master Program in each draft.

CHAPTER 1 – INTRODUCTION

1st Draft
- No changes other than those listed under “Global”

2nd Draft
- No new changes proposed.

CHAPTER 2 – SCOPE, JURISDICTION, AND EXEMPTIONS

1st Draft
- 2.3 – a list of waterbodies included in shoreline jurisdiction is added
- 2.4 – Clarification is added that activities that are exempt from critical areas review may still require a shoreline exemption of SDP. Cost thresholds to shoreline exemptions are updated.
- 2.5 – New section added: “Developments Not Required to Obtain Shoreline Permits or Local Reviews”
- 2.7 – New section added: “Moratoria Authority”

2nd Draft
- No new changes proposed.

CHAPTER 3 – ADMINISTRATIVE PROVISIONS

1st Draft
- 3.7 – New section added: “ Permit Filing Procedures”
- 3.8 – New section added: “WSDOT Project Procedures”

2nd Draft
- 3.1 – New section added from AMC Ch. 18.16: “Application Requirements and Procedures”
- 3.2 – New section added from AMC Ch. 18.16: “Shoreline Substantial Development Permits”
- 3.5 – New section added from AMC Ch. 18.16: “Conditions Authorized and Bonds”
- 3.6 – New section added from AMC Ch. 18.16: “Permit Filing Procedures and Appeals”
- 3.7 – New section added from AMC Ch. 18.16: “Permit Revisions”
- 3.10 - Add allowance for redevelopment of State Ferry Terminal within existing developed footprint since the section it’s located in AMC 19.70 is excluded from adoption by reference
3.10.6 – Add State Ferry Terminal redevelopment to Nonconforming Structures provisions to make it applicable in shoreline jurisdiction.

CHAPTER 4 - MASTER PROGRAM ELEMENTS: GOALS & POLICIES FOR THE ANACORTES MASTER PROGRAM

1st Draft
- No changes proposed.

2nd Draft
- No changes proposed.

CHAPTER 5 – SHORELINE ENVIRONMENTS & ASSOCIATED POLICIES AND REGULATIONS

1st Draft
- 5.6 Aquatic – Development regulations updated to include conditionally permitted uses
  o DR-5.6.1.b revised as follows: Water-oriented recreational uses must be low to moderate in intensity.
  o Reuse of historic over-water structures expanded to include water-oriented uses
  o The following development regulation is added: “DR-5.6.5 Re-use of historic structures for aquaculture purposes must be consistent with provisions under SMP Section 8.4, Aquaculture, and WAC 173-26-240(3)(b) Aquaculture Standards, which minimizes overall visual impact to the greatest extent possible.”
- 5.8 Conservancy – Development regulations updated to clarify how lot calculations should be made. Legal description of location of Conservancy is updated as follows:
  o Revised for Guemes Channel – West of Lovrics revised to reflect redesignation of Urban SED to Conservancy SED.
  o Lake Erie is added, with a legal description for a small area of shorelands previously undesignated
- 5.9 Shoreline Residential – Development regulations updated to clarify how lot calculations should be made. Legal descriptions of location of Shoreline Residential SED is updated as flows:
  o Guemes Channel – West of Lovrics revised to reflect redesignation of Urban to Shoreline Residential
  o Guemes Channel – East of Lovrics revised to reflect redesignation of Urban to Shoreline Residential
- 5.10 Urban – DR-5.10.4 revised to require that ground floor residential uses meet zoning code requirements instead of prohibiting them. Legal description of the Urban SED is updated as follows:
  o Ferry Terminal description is deleted to reflect redesignation from Urban to Conservancy and Shoreline Residential
- Guemes Channel – B – H Ave. description deleted to reflect redesignation from Urban to Shoreline Residential
- New legal description for Padilla Bay – South March’s Point Road is added to reflect existing designation.

5.12 Shoreline Use and Modification Matrix and Development Standards
- Exception for re-use of historic overwater structures is added to the requirement that uses in the Aquatic environment be subject to more restrictive permitting processes of upland SEDs
- Shoreline Use and Modification Table (Table 5.1) is revised as follows:
  - Within the Aquatic SED, some over-water aquaculture projects may be allowed as a conditional use in limited circumstances per SMP Section 8.4.
  - Within Shoreline Residential SED, a requirement to provide a public access easement for accessory parking is added as a footnote.
- Clarification on how to calculate building height are added.
- Table 5.2 Shoreline Development Standards Matrix is revised as follows:
  - Footnote for shoreline residential lot coverage updated to exclude parking lots adjacent to pre-developed Aquatic Designations containing overwater structures.
  - Footnote added to maximum height allowances clarifying that heights over 35 feet cannot be approved if they would obstruct the view of a substantial number of residences.

2nd Draft
- 5.9 Shoreline Residential – A new policy (Policy 5.9.3) and regulations (DR-5.9.11) are added to support uses accessory to water-oriented use of adjacent existing overwater structures along Guemes Channel between A and H Avenues. For consistency with WAC 173-27-201(2)(d)(ii).

5.12.B.2 Building Height – Include fixed conveyors in height exceptions and do not require consistency with the shoreline variance criteria for height exceptions.
- Table 5.2 Shoreline Development Standards Matrix
  - Revise footnote #3 for clarity and accommodation of water-dependent uses
  - Reword footnote #6 for clarity that structures over 35-feet (where allowed) must demonstrate they will not obstruct a substantial number of residences.

CHAPTER 6 ENVIRONMENTAL PROTECTION GENERAL REGULATIONS

1st Draft
- 6.1 A duplicate incorporation of the CAO is removed and a reference to 6.6 is included instead
- 6.2 References to the CAO are added.
- 6.3 References to the CAO are added.
- 6.4 References to the City’s stormwater and clearing and grading regulations area added.
- 6.5 Vegetation Conservation
Tree replacement requirements are revised from requiring conifer be at least 5 feet tall to requiring that they be up to 8 feet tall.

A requirement that subdivision of land not require significant vegetation removal is added to shoreline planting plan requirements.

Allowances for tree and vegetation trimming within the shoreline setback are clarified and restrictions are added.

- **6.6 Critical Areas**
  - The City proposed to incorporate the City’s CAO by reference instead of continuing to use shoreline-specific critical areas regulations. The City has revised the CAO and has inserted the Ordinance number and date of adoption. The City will also maintain some shoreline-specific policies and regulations in sections 6.7-6.10.

- **6.7 Fish and Wildlife Habitat Conservation Areas**
  - A reference to report requirements in the Frequently Flooded Areas regulations is added.
  - Provisions for determining the necessary buffer for Fish and Wildlife Habitat Conservation Areas are added.

- **6.8 Frequently Flooded Areas and Tsunami Inundation Areas**
  - References to the critical area regulations, and floodplain regulations are updated.

- **6.9 Geologically Hazardous Areas**
  - References to the critical area regulations are updated.
  - Development standards are added that allow specific activities in certain geological hazard areas without a critical areas report.

- **6.10 Wetlands**
  - References to the critical area regulations are updated.
  - The first two shoreline-specific wetland development regulations, which are rendered unnecessary by the CAO incorporation, are deleted.
  - The third regulations is revised to only allow wetland alterations if they are for water-oriented uses.

**2nd Draft**

- **6.2 Organization** – Unnecessary and possibly confusing language is removed and the SMP’s critical areas regulations are referenced instead of the CAO for CARAs.

- **DR-6.3.5** – Refer to the SMP’s critical areas regulations and not the CAO

- **DR-6.5.9** – Permit type for trimming of trees and vegetation for view preservation is changed from a shoreline exemption to a clearing/grading permit

- **DR-6.6.1** – Stream buffer reduction allowances in the CAO are excluded from incorporation by reference into the SMP.

- **DR-6.9.1** – “Must” is replaced with “may” for clarity.

- **DR-6.10.3.a** – Listed exceptions to complying with wetland standards are removed. The appropriate way for the City to evaluate whether or not complying with the critical area regulations would constitute a violation of constitutional or statutory limitation on regulations of private property is through a shoreline variance.
CHAPTER 7 – SHORELINE PUBLIC ACCESS

1st Draft
- No changes other than those listed under “Global”

2nd Draft
- No changes proposed.

CHAPTER 8 – SPECIFIC USE POLICIES AND DEVELOPMENT REGULATIONS

1st Draft
- 8.4 Aquaculture
  o Policy 8.4.2 revised as follows: “Limit all other aquaculture uses to the Urban and Urban Maritime, environments and adjacent Aquatic environments as a Conditional Use.”
  o DR-8.4.1 revised as follows: “Shellfish seeding/culturing may be permitted when conducted for native population recovery in accordance with a government/Tribal approved plan. All other aquaculture developments and activities, including fish pens and commercial shellfish seeding/culturing, are limited to the Urban, Urban Maritime, shoreline environment and those adjacent Aquatic designated areas over water only”.
  o Clarification added to DR-8.4.2 that aquaculture must avoid impacts to native eelgrass and macroalgae.
  o Standards for fish pens are deleted. Standards for overwater aquaculture and non-commercial in-water aquaculture are added. A requirement that geoduck aquaculture adhere to WAC 173-26-241(3)(b) is added.
- References to other codes are updated.

2nd Draft
- No additional changes proposed.

CHAPTER 9 – SPECIFIC SHORELINE MODIFICATION POLICIES AND DEVELOPMENT REGULATIONS

1st Draft
- 9.5 Docks, Piers and Floats:
  o An allowance for piers widths up to 8 feet for joint use piers is added.
  o Clarifying revisions are made to pile repair regulations
- 9.9 Mooring Buoys
  o Reference to WDFW as an agency with knowledge on mooring buoys is added.
- 9.11 Shoreline Stabilization Measures & Flood Protection Works
  o “dynamic revetment” is added to the list of soft stabilization measures.
2nd Draft
- 9.5 Dock, Piers and Floats
  o DR-9.5.13 – “Float” is changed to “Floating dock”
  o DR-9.5.14 - repair and maintenance thresholds for SFR docks and piers are clarified
  o New DR-9.5.15 - standards for repair of existing legal non-conforming SFR docks and piers are clarified

CHAPTER 10 – ENFORCEMENT AND PENALTIES
1st Draft
- No changes other than those listed under “Global”

2nd Draft
- No additional changes proposed.

CHAPTER 11 – MASTER PROGRAM – REVIEW, AMENDMENTS, AND ADOPTION
1st Draft
- No changes other than those listed under “Global”.

2nd Draft
- No additional changes proposed.

CHAPTER 12 – DEFINITIONS
1st Draft
- 12.1 General Information. References to municipal code chapters are added.
- 12.2 Definitions.
  o Definitions are added for the following words: Average grade level, Impervious Surface, Nonconforming Development or Nonconforming Structure, Nonconforming Lot, Nonconforming Use, Substructure Pier
  o Definitions are revised for the following words: Act, Aquaculture, Building Height, Development, Height, Significant Vegetation Removal, Substantial Development
  o Definitions for the following words are deleted: Accessory Building, Accessory Dwelling Unit, Accessory Use, AKART, Best Management Practices, Building, City, Comprehensive Plan, Non-conforming use or development, Open Space, Parking Space or Parking Stall, Person Shall, Sign
2nd Draft
- No additional changes proposed.

GLOBAL

1st Draft
- Replace “Shall”
- Director – update title
- Replacement of Appendix A Critical Areas regulations references to Section 6.6.

2nd Draft
- Update “must” replacement of “shall” in some circumstances to be more grammatically correct.