

# Anacortes Shoreline Master Program Update

## Summary of Changes - 1<sup>st</sup> Draft and 2<sup>nd</sup> Draft

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

### CHAPTER 1 – INTRODUCTION

#### 1<sup>st</sup> Draft

- No changes other than those listed under “Global”

#### 2<sup>nd</sup> Draft

- No new changes proposed.

### CHAPTER 2 – SCOPE, JURISDICTION, AND EXEMPTIONS

#### 1<sup>st</sup> 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”

#### 2<sup>nd</sup> Draft

- No new changes proposed.

### CHAPTER 3 – ADMINISTRATIVE PROVISIONS

#### 1<sup>st</sup> Draft

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

#### 2<sup>nd</sup> 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**

### **1<sup>st</sup> Draft**

- No changes proposed.

### **2<sup>nd</sup> Draft**

- No changes proposed.

## **CHAPTER 5 – SHORELINE ENVIRONMENTS & ASSOCIATED POLICIES AND REGULATIONS**

### **1<sup>st</sup> Draft**

- 5.6 Aquatic – Development regulations updated to include conditionally permitted uses
  - DR-5.6.1.b revised as follows: Water-oriented ~~recreational~~ uses must be low to moderate in intensity.
  - Reuse of historic over-water structures expanded to include water-oriented uses
  - 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:
  - Revised for Guemes Channel – West of Lovrics revised to reflect redesignation of Urban SED to Conservancy SED.
  - 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 follows:
  - Guemes Channel – West of Lovrics revised to reflect redesignation of Urban to Shoreline Residential
  - 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:
  - 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.

## 2<sup>nd</sup> 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). WAC 173-27-201(2)(d)(ii) requires SMPs to reserve harbor areas for “water-dependent and water-related uses that are associated with commercial navigation”.
- 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

### 1<sup>st</sup> 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.

## **2<sup>nd</sup> 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

### 1<sup>st</sup> Draft

- No changes other than those listed under “Global”

### 2<sup>nd</sup> Draft

- No changes proposed.

## CHAPTER 8 – SPECIFIC USE POLICIES AND DEVELOPMENT REGULATIONS

### 1<sup>st</sup> 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.

### 2<sup>nd</sup> Draft

- No additional changes proposed.

## CHAPTER 9 – SPECIFIC SHORELINE MODIFICATION POLICIES AND DEVELOPMENT REGULATIONS

### 1<sup>st</sup> 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.

## **2<sup>nd</sup> 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**

### **1<sup>st</sup> Draft**

- No changes other than those listed under “Global”

### **2<sup>nd</sup> Draft**

- No additional changes proposed.

## **CHAPTER 11 – MASTER PROGRAM – REVIEW, AMENDMENTS, AND ADOPTION**

### **1<sup>st</sup> Draft**

- No changes other than those listed under “Global”.

### **2<sup>nd</sup> Draft**

- No additional changes proposed.

## **CHAPTER 12 – DEFINITIONS**

### **1<sup>st</sup> 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

## **2<sup>nd</sup> Draft**

- No additional changes proposed.

## **GLOBAL**

### **1<sup>st</sup> Draft**

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

### **2<sup>nd</sup> Draft**

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