



**Anacortes Planning, Community & Economic Development Department**  
 904 6<sup>TH</sup> Street / P.O. Box 547, Anacortes, WA 98221  
 (360) 299-1984 - Office Hours: Mon-Fri 8:00 AM – 5:00 PM

<b>LETTER OF EXEMPTION</b>			
<b>From the Requirement for a Shoreline Substantial Development Permit</b>			
<b>File Number</b>	SLX-2021-0016	<b>Application Date</b>	September 14, 2021
<b>Project Title</b>	Flounder Bay Piling Replacements	<b>Report Date</b>	October 19, 2021
<b>Project Locations</b>	Location 1: 5305 Doon Way – P59635 Location 2: 5307 Doon Way – P59634 Location 3: 2008 Cove Place – P60017		
<b>Request</b>	The agent on behalf of the property owners is requesting the replacement of creosote pilings with steel pilings at (3) locations within the Skyline Subdivision.		
<b>Property Owners</b>	Location 1: Dennis & Pamela Dundas – 5305 Doon Way, Anacortes, WA 98221 Location 2: William Stinson – 5307 Doon Way, Anacortes, WA 98221 Location 3: Ron Giard - 2005 Cove PI, Anacortes, WA 98221		
<b>Agent</b>	Tyler Zimmerman, PE of TZ Engineering, LLC 16980 Sargent Ln Burlington, WA 98233		
<b>SEPA Review</b>	Pursuant to WAC 197-11-800(3), <b>Repair, remodeling, and maintenance activities</b> , the proposed project is exempt from SEPA Review as the project is for <i>the repair, remodeling, maintenance, or minor alteration of existing private or public structures, facilities or equipment, including utilities, recreation, and transportation facilities involving no material expansions or changes in use beyond that previously existing; except that, where undertaken wholly or in part on lands covered by water, only minor repair or replacement of structures may be exempt (examples include repair or replacement of piling, ramps, floats, or mooring buoys, or minor repair, alteration, or maintenance of docks)</i>		
<b>Shoreline Exemption Type</b>	SMP 2.4(E)(2) & WAC 173-27-040(2)(b), <i>Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.</i>		

<b>Critical Areas</b>	<p>Pursuant to Appendix “A” of the Shoreline Master Program (SMP) regulating critical areas, the subject development was reviewed for proximity to critical areas. The subject property is subject to the following:</p> <p><b>SMP A-1: Frequently Flooded Areas</b></p> <p>Based on FEMA’s National Flood Hazard Mapping, the project locations are within FIRM panels 5303170060A; this area is identified as Zone AE.</p> <p>Comment received from the City’s Floodplain Administrator that a Floodplain Development Permit (FDP) is required for the proposed work if pilings are between low-low water mark and top of flood zone; the need for a FDP would be determined at time of building permit review.</p> <p><b>SMP A-3: Geologically Hazardous Areas</b></p> <p>Based on the City mapping system, the project locations are in an identified area of tsunami hazard; however, the proposed pilings are to be installed waterward/outside of the identified hazard area. Therefore, this section would not apply to the proposed piling replacement project.</p>
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**SHORELINE INFORMATION**

<b>Shoreline Environment</b>	The project locations are located within the Shoreline Residential shoreline environment designation with all of the work occurring within the Aquatic shoreline environment designation.
<b>Water Body</b>	Flounder Bay / Burrows Bay

**VICINITY MAP**



## FINDINGS OF FACT

1. The agent, on behalf of the property owners, has requested a Shoreline Exemption for the replacement of existing creosote pilings with steel pilings at (3) locations within the Skyline Subdivision.
  - 1.1. Location 1 proposes the removal of (4) existing creosote pilings to be replaced with (2) 12" galvanized steel pilings; no changes to the dock or gangway are proposed.
  - 1.2. Location 2 proposes the removal of (3) existing creosote pilings to be replaced with (2) 12" galvanized steel pilings; no changes to the dock or gangway are proposed.
  - 1.3. Location 3 proposes the removal of (4) existing creosote pilings to be replaced with (2) 12" galvanized steel pilings; no changes to the dock or gangway are proposed.
2. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.
  - 2.1. Repair via replacement is a common method for pilings as the creosote pilings are environmentally damaging and are prone to erosion. Steel or other non-toxic piling materials are required.
  - 2.2. The removal of the creosote pilings to be replaced with less and dimensional smaller steel pilings are not anticipated to cause adverse impacts to the shoreline resources or environment.
3. The proposed work would not result in a new impact or overwater coverage.

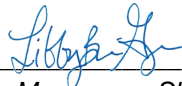
## CONCLUSIONS OF LAW

1. The proposed maintenance project, as conditioned, are consistent with SMP 2.4(E)(2) & WAC 173-27-040(2)(b).
2. As conditioned, the proposal is consistent with the policies of the Shoreline Management Act.
3. As conditioned, the proposal is consistent with the Shoreline Master Program.

## DECISION

**Approved**

**Denied**

 For: \_\_\_\_\_  
*Don Measamer, Shoreline Administrator*

October 20, 2021

*Date*

## CONDITIONS OF APPROVAL

1. Pursuant to WAC 173-27-040(1)(e), the applicant must comply with all work as described within the provided narrative, JARPA, and site plan, or as modified by other agency requirements.
  - 1.1. This exemption is based only on the plans and application materials, noted within the file of record, received from the applicant. Any changes shall be reviewed by the City of Anacortes Planning Department to ensure that the exemption is still valid.
2. The applicant must adhere to the applicable policies and development regulations contained in the City of Anacortes's 2010 Shoreline Master Program including but not limited to those in: Chapter 5, Shoreline Environment & Associated Policies & Regulations; Chapter 6, Environmental Protection General Regulations; and other applicable provisions of the Shoreline Master Program.
3. Pursuant to SMP DR-9.5.14, if cumulative repairs of the existing docks over three years would make a proposed repair exceed the threshold established above, the repair proposal shall be reviewed as a new pier or dock.

4. Pursuant to RCW 27.53.020 and COASMP 6.4 for Archaeological/Historic/Cultural Impacts, if any artifacts or human remains are found upon excavation, the Samish Indian Nation; the City of Anacortes' Department of Planning, Community, & Economic Development; the City of Anacortes' Police Department; and the State of Washington's Department of Archaeology and Historic Preservation (DAHP) shall be immediately notified and the work in the immediate area cease.
  - 4.1. Pursuant to RCW 27.53.060 it is unlawful to destroy any historic or prehistoric archaeological resources.
5. Best Management Practices (BMPs) must be implemented at all times during the proposed maintenance and repair activities.
6. All applicable local, state, and federal permits and authorizations must be secured prior to work beginning on the site. Copies shall be provided to the city.
  - 6.1. A building permit shall be required for **each** project location, as issued by the City of Anacortes Building Dept.
  - 6.2. The need for a Floodplain Development Permit (FDP) shall be determined at time of building permit review.
7. The applicant /landowner must comply with federal statutes including but not limited to: The Endangered Species Act, Clean Water Act, Marine Mammal Protection Act, and other federal statutes.
8. Pursuant to WAC 173-27-040(1)(e), a copy of this exemption and attached conditions must be kept on-site and provided to the applicant or contractor and all others working within the shoreline area at all times. The applicant, contractor, machinery operators and all others working within the shoreline area shall have read this exemption and attached conditions and shall follow its conditions at all times.

**Note:** An exemption from the Substantial Development Permit requirements does not constitute an exemption from the policies and use regulations of the Shoreline Management Act, the provisions of the Shoreline Master Program, or other applicable City, state, or federal permit requirements.

## APPEALS

Per AMC Table 19.20.030-1 and 19.20.210, the Administrator's decision may be appealed to the Hearing Examiner. Appeals must be delivered to the City Clerk by mail or personal delivery before 5:00 PM on the last business day of the appeal period (14 days). Appeals received by mail after 5:00 PM on the last day of the appeal period will not be accepted, regardless of when such appeals were mailed or postmarked. Contents of any appeal shall contain the information and items as listed in AMC 19.20.210(F).

## CITY STAFF CONTACT

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