

**City of Anacortes
Ordinance No. 3031**

An Interim Zoning Ordinance of the City of Anacortes, Washington, updating certain sections of Titles 16, 17, and 19 to further establish low impact development as the preferred method for controlling stormwater in the City of Anacortes.

Whereas the City of Anacortes is covered and subject to the Western Washington Phase II permit under the Clean Water Act National Pollutant Discharge Elimination System (NPDES) permit program; and

Whereas as a Phase II city, Anacortes is subject to the rules and requirements of the 2012 Stormwater Management Manual for Western Washington, as Amended in December 2014 (the 2014 SWMMWW); and

Whereas the City adopted Ordinance 2991 on November 28th, 2016, which amended certain sections of the Anacortes Municipal Code, and adopted new standards for stormwater management to establish low impact development as the preferred method for controlling stormwater in the City of Anacortes, with the intent of further incorporating low impact development requirements into the City's upcoming rewrite of its development regulations; and

Whereas the City is currently reviewing a draft rewrite of all City development regulations, with the draft currently at the City Planning Commission, and adoption anticipated by the end of the first quarter of 2019; and

Whereas RCW 35A.11.020 and RCW 35A.21.160 provide that the City has all the power of any class of cities; and

Whereas RCW 36.70A.390 allows the City to adopt interim zoning controls effective for up to six months, provided a public hearing is held within sixty days of adoption; and

Whereas the City now wishes to supplement current development regulations to further encourage Low Impact Development while the remaining public process is completed on the new development regulations;

Now, therefore, the City Council of the City of Anacortes does ordain as follows:

Section 1. That certain sections of Titles 16, 17, and 19 are hereby amended as shown in Exhibit A; and


Section 2. This ordinance shall take effect five (5) days from and after its passage, approval and publication in the manner required by law.

Section 3. This ordinance shall be effective for six months from the date of adoption, and the provisions provided in Exhibit A shall expire on May 19, 2019.

Section 4. The City Council shall hold a public hearing within sixty days of adoption of this ordinance, no later than January 18, 2019.

PASSED and APPROVED this 19th day of November, 2018.

CITY OF ANACORTES:



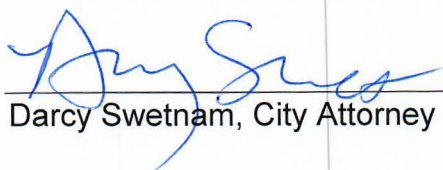
Laurie Gere, Mayor

Attest:



Steve Hoglund, City Clerk-Treasurer

Approved as to Form:



Darcy Swetnam, City Attorney

EXHIBIT A

TITLE 16

16.04.030 Purposes.

Subsection (J) of Section 16.04.030 is hereby amended as follows:

J. To prevent the pollution of air, streams, and ponds; to utilize infiltration of stormwater into project site if feasible; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the city in order to preserve the integrity, stability and beauty of the community and the value of the land;

16.04.080 Definitions.

The following definition is hereby added to section 16.04.080

“Low Impact Development” (LID) is a stormwater and land-use management strategy that strives to mimic the pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing the following techniques:

- Conservation
- Use of on-site natural features
- Site planning
- Distributed stormwater best management practices (BMPs) integrated into a project design

LID BMPs are distributed stormwater management practices, integrated into a project design that emphasize the pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation, and transpiration. Common LID BMPs include, but are not limited to: bio-retention, rain gardens, permeable pavements, roof downspout controls, dispersion, soil quality and depth, minimal excavation foundations, vegetated roofs, water re-use, and rainwater harvesting.

16.08.030 Application process.

A. All short plat applications shall be submitted to the administrator together with the application fee. The administrator shall tentatively approve, disapprove or return the short plat for modification within thirty days of the determination of complete application; however, if the application requires city council action this period may be extended for a further thirty days.

B. If the administrator finds that the proposed short plat is consistent with the comprehensive plan, SEPA requirements, and zoning requirements for the district, and that there is adequate provision for drainage and stormwater infiltration when feasible, sewage disposal, water supply and access for each lot, that requirements of this title are met, and the short plat would not landlock other parcels, he or she shall approve the application. (Ord. 2706 § 2 (part), 2005: Ord. 2315 § 1 (part), 1994)

16.08.050 Application requirements. Subsection A shall be amended to read as follows:

A new subsection (A)(10) shall be added to Section 16.08.050 as follows:

10. The results of a soil analysis of the project site to determine the feasibility of on-site stormwater infiltration.

16.10.050 Requirements for a binding site plan map.

Subsection (Q) of Section 16.10.050 shall be amended as follows:

Q. Other restriction and requirements as deemed necessary by the city subdivision administrator, including those contained in street circulation policies, street standards, stormwater ordinances, including low impact development requirements, geologic hazards and other city standards. (Ord. 2528 Att. B § 4 (part), 2000)

16.10.120 Standards for review of commercial binding site plan.

A new subsection (J) shall be added to Section 16.10.120 as follows:

J. Stormwater infiltration facilities shall be identified and protected with maintenance plan.

16.12.010 Requirements of preliminary plats.

Section 16.12.010 shall be amended as follows:

Any person desiring to subdivide land shall submit, together with the preliminary plat application fee required by the city fee ordinance, a preliminary plat application to the administrator which shall contain:

A. The original and at least fifteen copies of one or more accurately scaled and dimensioned maps of the proposed plat showing the following:

1. The name of the proposed plat;
2. True north point;
3. Horizontal scale acceptable to the city engineer for street and sewer profiles;
4. Names of subdivider(s) and drafter;
5. Legal description and accurate lines to scale showing the parcel to be subdivided, the block lines, and the lot lines;
6. Numbers assigned to each block and lot and dimensions of each lot and dimensions and square footage to each lot;
7. Existing monuments of record and monuments as required;
8. Location, width, and names of all existing and proposed streets or other public ways within or adjacent to the proposed development and other important features,

such as permanent buildings, water courses, wetlands, power lines, telephone lines, railroad lines, municipal boundaries, township lines, and section lines;

9. Location and pipe sizes, of all existing sewers, water mains, culverts, electrical conduits, telephone conduits and other underground installations within the tract and immediately adjacent thereto, all as shown on existing utility drawings;

10. Contours with intervals of five feet or less referenced to either the United States Coast and Geodetic Survey datum, the city of Anacortes datum or such other datum acceptable to the city engineer. Note on plat which one is used;

General information shall be provided relative to:

11. Location, names and tentative grades of streets;

12. Areas proposed to be dedicated or reserved for school, park, playground, open space or aesthetic uses;

13. Locations and tentative sizes of proposed water distribution system, proposed sanitary sewer system and proposed storm drain system;

14. A general tree clearing plan indicating site vegetation to be removed;

15. Plantings required for buffering, screening, or soil erosion protection;

16. A landscaping plan (See Section [16.20.110](#), Landscaping);

17. A large, or small, parcel stormwater plan prepared pursuant to SWMMWW Vol.1 Minimum Technical Requirements December 2014 Chapter 3 – Preparation of Stormwater Site Plans, or comparable requirements in a later SWMMWW as amended by the Washington Department of Ecology.

B. The preliminary plat sheet shall include:

1. Vicinity sketch at the scale of fifty feet or less to the inch which shall show all adjacent subdivisions, streets, tract lines of acreage parcels, with the names of owners or record of such parcels. It shall show how the streets and alleys in the proposed subdivisions may connect with existing and proposed streets and alleys in neighboring subdivisions or unplatted property to produce the most advantageous development of the entire neighborhood;

2. County assessor's or county engineer's map showing the parcel numbers and current assessed owners of the land included in the preliminary plat and of all parcels of land within three hundred feet thereof;
3. Names and addresses of the fee simple owners of all land within three hundred feet of the perimeter of the preliminary plat;
4. Names, addresses and telephone numbers of the contact persons for the preliminary plat and their interest in the land included in the preliminary plat;
5. Title report showing all persons having an interest in the land included in the plat and in the land over which any easements are proposed to serve the plat;
6. A copy of the proposed private restrictions and covenants to be included in the deeds to the lots;
7. A copy of the environment checklist, impact statement or other documents prepared pursuant to the city SEPA ordinance. If an EIS is required the final EIS shall be distributed at least fifteen days prior to any hearing on the proposal;
8. Such other information as the administrator deems necessary for an adequate review of the public use and interest to be served by the plat;
9. Section, township and range (STR);
10. Tax lot numbers;
11. Scale of drawing;
12. Date of drawing;
13. Previous subdivision lots, blocks, streets and easements shown as dotted lines;
14. Proposed lot lines shown as solid lines;
15. Legal description(s) of existing lot(s) shown. Locate and show all encroachments along property boundaries;
16. Location of all existing structures shown on lots and distance to proposed lot lines;

17. Location of all existing easements shown with recording number;
18. Proposed easements;
19. Topography of the land indicated by two-foot contours for slopes less than twenty percent and five-foot contours for slopes greater than twenty percent. Indicate sixty percent breakline on and within fifty feet of the site;
20. Parcels of land intended to be dedicated to the city (detention ponds, open space, pedestrian pathways, water quality treatment facilities, parks etc.);
21. Name, address and phone number of developer and each property owner;
22. Name, address and phone number of professional land surveyor;
23. Professional land surveyor seal and signature;
24. Proposed use and ownership of any non-building tracts.

C. Supplemental application materials:

1. A narrative discussion, prepared by a professional engineer, describing how the proposed project meets the intent of the city's drainage ordinance, including the results of wet and dry season soil analysis, and consideration of infiltration of stormwater on site.
2. A preliminary grading plan showing cuts and fills for public improvements and private development. The grading plan shall be coordinated with the tree clearing plan, landscape and buffering requirements and sensitive area protection;
3. A reconnaissance level geotechnical evaluation of the site with a report characterizing the site and indicating suitability of limitations to development. A full scale geotechnical report identifying detailed design and construction requirements shall be provided upon preliminary approval to aid the engineering review and approval of the development. The reports shall be prepared by a professional engineer. (Ord. 2702 § 3 (part), 2005; Ord. 2592 § 15, 2002; Ord. 2557 (part), 2001; Ord. 2315 § 1 (part), 1994)

16.12.020 Approval criteria.

Subsection (3) of Section 16.12.020 shall be amended as follows:

3. Makes appropriate provisions for:
 - a. Open spaces and landscaping,
 - b. Stormwater infiltration, retention, detention, and control consistent with LID BMPs when feasible,
 - c. Streets, alleys, sidewalks and other public ways,
 - d. Water supplies,
 - e. Sewage disposal,
 - f. Parks and playgrounds,
 - g. Sites for schools and school grounds,
 - h. Other utilities;

16.16.020 Requirements of final plan applications.

A new subsection (B)(11) shall be added to Section 16.16.020 as follows:

11. Completed Stormwater Site Plan, including Stormwater Maintenance Plan for all stormwater elements of the plat.

16.20.060 Streets and roads.

Subsections (A) and (B) of Section 16.20.060 shall be amended to read as follows:

A. All roadway improvements, including pavement, curbs, sidewalks, and drainage, shall be constructed in accordance with these regulations and such other standard construction specifications as may be adopted by the city.

B. The arrangement, type, extent, width, grade, and location of all streets shall be considered in their relation to existing and planned streets, to topographical conditions, to LID design requirements and LID infiltration BMPs, to public convenience and safety, and to the proposed uses of the land to be served by them.

C. *General Street and Road Standards.*

.....

14. All roadway and sidewalk improvements shall comply with LID designs found in the engineering standards.

16.20.070 Grading and drainage.

Subsection (A) of Section 16.20.070 shall be amended to read as follows:

A. The subdivider shall provide a complete grading and drainage plan with accurate dimensions, courses and elevations, showing the proposed grades of streets and drainage improvements. Calculations of pre-development and post-development runoff volumes shall be provided. Soils analyses conducted during wet and dry seasons shall be used to determine the feasibility of street ROWs to utilize LID BMPs for stormwater infiltration.

16.20.110 Landscaping.

Subsection (A) of Section 16.20.110 shall be amended as follows:

A. Each and every new plat shall set aside twenty percent of the gross site area for landscaping under the terms and conditions set forth in Chapter [17.41](#) of the zoning code except that the exclusion for single-family homes in Section [17.41.020\(G\)](#) shall not apply. Landscaped areas shall incorporate LID BMPs for stormwater infiltration if feasible.

16.30.030 Underlying zoning and density.

Manufactured home subdivisions shall conform to the underlying zoning and density, provided in no instance shall the minimum lot size for the subdivision be reduced below five thousand square feet. (Ord. 2756 Att. A (part), 2006)

16.30.040 Standards.

Subsection (A) of Section 16.30.040 is hereby amended as follows:

- A. The developer shall utilize the subdivision regulations.

16.32.010 Minimum street standards.

Section 16.32.010 shall be amended to read as follows:

- A. Functional Classification. The Transportation Element of the Anacortes Comprehensive Plan designates public right-of-way and streets based on their functional classification and must be consulted to determine which standards in this chapter apply.
- B. Unclassified and new streets. Classification of new streets or existing streets not already identified or classified on the Roadway Functional Classification map, for the purpose of determining the appropriate design of a roadway or development, must be done by the public works director.
- C. Conflicts. Any conflicts or ambiguity that arises about the right-of-way or street improvement standards shall be resolved by the public works director based on consideration of public health and safety and facilitating implementation of low impact development preference.

Existing Table 16.32.010 is replaced with the following new table:

Table 16.32.010

Street design standards.

Right-of-way descriptions, standards, and rules of interpretation are in Subsection (C) below.

(A) Low-volume local		<p style="text-align: center;">44' min. right-of-way</p>
(B) Right-of-way	44 ft. minimum	
(C) Landscaped area	6 ft. minimum on each side	
(D) Pavement width	20 ft. except where parking lane(s) are included	
(E) Grade	12% maximum	
(F) Sidewalks	6 ft. minimum	
(G) Bike lanes	NA	
(A) Minor arterial, collectors, or high volume local		<p style="text-align: center;">54' min. right-of-way</p>
(B) Right-of-way	54 ft. minimum	
(C) Landscaped area	6 ft. minimum on each side	
(D) Pavement width	30 ft. except where parking lane(s) are included	
(E) Grade	12% maximum	
(F) Sidewalks	6 ft. minimum	
(G) Bike lanes	Yes	

Note: All residential subdivisions must accommodate provisions for guest parking and applicable service deliveries and activities typical to the size, type, and density of the proposed development. Guest parking may be accommodated by integrating on-street parking lanes and/or pockets, off-street parking areas, or other methods to the satisfaction of the public works director.

Note: On-street parking lanes may be integrated or required along key street segments to support adjacent land uses (including service access and delivery) based on the existing and planned context of the area.

Table 16.32.010

Street design standards.

Right-of-way descriptions, standards, and rules of interpretation are in Subsection (C) below.

(A) Principal arterial		
(B) Right-of-way	80ft. minimum	
(C) Landscaped area	Varies per block	
(D) Pavement width	Varies	
(E) Grade	12% maximum	
(F) Sidewalks	6 ft. minimum	
(G) Bike lanes	Yes	
(A) Alley		
(B) Right-of-way	16-20 ft.	
(C) Landscaped area	No	
(D) Pavement width	12-16 ft.	
(E) Grade	12%	
(F) Sidewalks	No	
(G) Bike lanes	No	
(A) Lane		
(B) Right-of-way	32 ft.	
(C) Landscaped area	6 ft. minimum one side	
(D) Pavement width	20 ft.	
(E) Grade	12%	
(F) Sidewalks	6 ft. minimum (one side)	

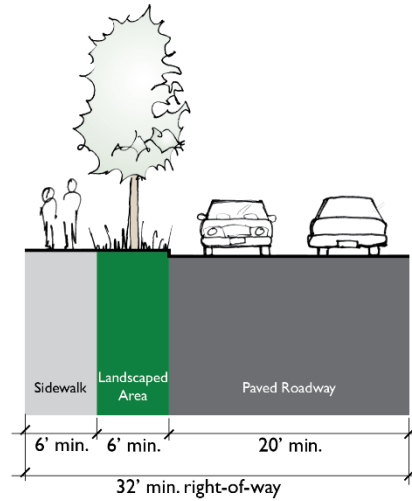
Table 16.32.010

Street design standards.

Right-of-way descriptions, standards, and rules of interpretation are in Subsection (C) below.

(G) Bike lanes

No



For rules of interpretation, see subsection (C) above.

16.50.010 Purpose.

A new subsection (G) is hereby added to Section 16.50.010:
G. Native species shall be preferred for Anacortes tree stock.

TITLE 17

17.05.030 Concurrency facilities and services.

Subsection (C) of Section 17.05.030 is hereby amended as follows:

C. All development approvals shall include a finding as to the application of this chapter, and those approvals for which concurrency improvements are required under this chapter shall be expressly conditioned thereon. If a proposed development would cause the level of service to decline below adopted level of service standards for an affected facility, the proposed development may nonetheless be approved if the zoning administrator finds that an improvement will be completed that will result in meeting adopted level of service standards of all affected concurrency facilities at the time of development, or that a financial commitment is in place to complete the improvement or implement the strategy within six years. This conditional approval shall not apply to stormwater and sanitary sewer systems.

17.16.100 Off-street parking and landscaping requirements.

Section 17.16.100 shall be amended as follows:

Off street parking shall be provided in the industrial district with a minimum of one parking space for each two employees on the largest shift and in accordance with the specifications in Chapter [17.46](#). Floor area calculations may be affected by parking requirements. Landscaping in and abutting parking lots shall be designed to infiltrate stormwater if feasible. (Ord. 2794 § 1 (Att. A), 2008; Ord. 2528 Att. A § 3, 2000: Ord. 2521 Att. A § 3 (part), 2000: Ord. 2353 § 1 (part), 1995: Ord. 2316 (part), 1994)

17.16.110 Basic design standards.

Subsections (D) and (G) of Section 17.16.110 are hereby amended as follows:

D. *Vegetation.* Any vegetation shall be low-water-usage plants or native vegetation. If the lot area exceeds ten thousand square feet, an in-ground irrigation system shall be installed in all landscaped areas. All vegetation shall be maintained in a healthy condition, free of weeds and trash, and damaged or unhealthy plants shall be promptly replaced. A landscaping plan shall be approved by the planning commission. Maintenance of soils and vegetation for stormwater infiltration shall be included in the landscaping plan.

G. *Building Standards*. In order to make large new buildings compatible with the scale of existing city development, and create a pedestrian-friendly environment, the apparent size of buildings and parking areas shall be broken down to relate to human scale by the following means:

If a building facade exceeds fifty feet in length, and is within twenty feet of an esplanade, trail, sidewalk, plaza, courtyard, or similar pedestrian area, it shall be broken down into smaller elements by jogging the wall in or out a minimum of four feet for at least ten feet of length, or by adding an element such as a porch, recessed entry, bay window, projecting trellis, or similar substantial architectural feature at least four feet deep by ten feet wide by one story high, at intervals so that no continuous wall plane is more than fifty feet in length.

If a building exceeds thirty feet in height, its apparent height shall be modulated wherever it is within ten feet of an esplanade, trail, sidewalk, plaza, courtyard, or similar pedestrian area, by adding shorter (twenty feet or less) building elements such as a wing of the building, arcade, trellis, lower roof overhang, horizontal projection at least two feet deep, awning, balcony, or other architectural feature to reduce the apparent height to a more human scale.

If a building wall is within twenty feet of a sidewalk, plaza, courtyard, or similar pedestrian area, it shall incorporate human-scale elements such as windows, arcades, lower roof overhangs, small-scale textural and color changes, moldings, balconies, projecting and recessed elements, doorways, landscaped areas, trellises, artwork, and/or other small-scale architectural features so that people will not be walking past large blank wall surfaces.

Primary building entrances shall be clearly visible from streets, pedestrian ways, and parking areas, with recessed or covered entrance areas to protect people from the rain. Projects shall be designed to facilitate pedestrian access, with pedestrian walkways connecting building entrances to adjacent public ways in locations which provide access to pedestrian street crossings.

Service and loading areas shall be located away from the primary parking and pedestrian areas to minimize conflicts. Dumpsters, loading platforms, storage areas, and similar functions shall be screened from direct view from pedestrian areas by attractive view-obstructing fencing or dense landscaping.

Parking lots in this zone shall provide landscaped areas distributed throughout the parking areas, totaling not less than five percent of the parking lot area, in addition to the perimeter landscaping required by subsection [17.46.080](#)(A). In order to limit impervious surface and avoid excessively large parking areas, parking lots in the industrial zone shall not exceed the minimum number of spaces required for each use under Chapter [17.46](#) by more than ten percent. Landscaping in and abutting parking lots shall be designed to infiltrate stormwater if feasible.

17.17.100 Off-street parking and landscaping requirements.

Section 17.17.100 is hereby amended as follows:

Off-street parking shall be provided in the manufacturing and shipping district with a minimum of one parking space for each one and one-half employees on the largest shift, and in accordance with specifications in Chapter [17.46](#), Parking. (Ord. 2794 § 1 (Att. A), 2008; Ord. 2521 Att. A § 3 (part), 2000)

Landscaping shall include LID infiltration BMPs if feasible.

17.21.110 Basic design standards.

Subsection (G) of Section 17.21.110 is hereby amended as follows:

G. *Building Standards.* In order to make large new buildings compatible with the scale of existing city development, and create a pedestrian-friendly environment, the apparent size of buildings and parking areas shall be broken down to relate to human scale by the following means:

If a building facade exceeds fifty feet in length, and is within twenty feet of an esplanade, trail, sidewalk, plaza, courtyard, or similar pedestrian area, it shall be broken down into smaller elements by joggling the wall in or out a minimum of four feet for at least ten feet of length, or by adding an element such as a porch, recessed entry, bay window, projecting trellis, or similar substantial architectural feature at least four feet deep by ten feet wide by one story high, at intervals so that no continuous wall plane is more than fifty feet in length.

If a building exceeds thirty feet in height, its apparent height shall be modulated wherever it is within ten feet of a sidewalk, plaza, courtyard, or similar pedestrian area, by adding shorter (twenty feet or less) building elements such as a wing of the building, arcade, trellis, lower roof overhang, horizontal projection at least two feet deep, awning, balcony, or other architectural feature to reduce the apparent height to a more human scale.

If a building wall is within twenty feet of a sidewalk, esplanade, trail, plaza, courtyard, or similar pedestrian area, it shall incorporate human-scale elements such as windows, arcades, lower roof overhangs, small-scale textural and color changes, moldings, balconies, projecting and recessed elements, doorways, landscaped areas, trellises, artwork, and/or other small-scale architectural features so that people will not be walking past large blank wall surfaces.

Primary building entrances shall be clearly visible from streets, pedestrian ways, and parking areas, with recessed or covered entrance areas to protect people from the rain. Projects shall be designed to facilitate pedestrian access, with pedestrian walkways connecting building entrances to adjacent public ways in locations which provide access to pedestrian street crossings.

Service and loading areas shall be located away from the primary parking and pedestrian areas to minimize conflicts. Dumpsters, loading platforms, storage areas, and similar functions shall be screened from direct view from pedestrian areas by attractive view-obstructing fencing or dense landscaping.

Parking lots in this zone shall provide landscaped areas distributed throughout the parking areas, totaling not less than five percent of the parking lot area, in addition to the perimeter landscaping required by subsection [17.46.080\(A\)](#). In order to limit impervious surface and avoid excessively large parking areas, parking lots in this zone shall not exceed the minimum number of spaces required for each use under Chapter [17.46](#) by more than ten percent. Parking lot design shall include LID infiltration BMPs if feasible.

17.41.010 Purpose and intent.

A new subsection (F) shall be added to Section 17.41.010 as follows:

F. Reduce erosion and stormwater runoff, and infiltrate stormwater using low impact designs.

17.41.020 General site landscaping.

A new subsection (N) shall be added to Section 17.41.020 as follows:

N. Suitable soil media shall be used and maintained consistent with LID infiltration BMPs if feasible.

17.46.010 General requirements.

A new subsection (L) shall be added to Section 17.46.010 as follows:

L. Parking and building dimension ratios shall be used to reduce impermeable surfaces and increase stormwater infiltration if feasible.

17.46.020 Spaces required.

The minimum number of off-street parking shall be determined in accordance with the following table while incorporating LID BMPs when feasible. One bicycle rack space shall be provided for every five parking spaces.

Use	Parking Spaces Required
Auditorium/assembly room/exhibition hall/theater/commercial recreation	1:4 fixed seats or 10:1,000 net square feet (nsf*) if no fixed seats

Use	Parking Spaces Required
Boat moorage, public or semi-public	1:2 docking slips
Boat storage	1:3 storage spaces
Funeral home/mortuary/religious inst.	1:5 seats
Hospital/in-patient treatment, outpatient surgical facility	1:patient bed
Hotel/motel	1:guest room
Manufacturing/assembly	1.5:1,000 nsf
Adult concessions:	
Adult entertainment	1:3 seats plus 1 space for every 2 employees on largest shift, or 1:100 nsf whichever is greater
Adult panorama theater or arcade	1:2 panorama device, or 1:300 nsf, whichever is greater
Adult retail	5:1,000 nsf
Office	4:1,000 nsf
Personal services:	
Without fixed stations	3:1,000 nsf
With fixed stations	1.5:station
Residential:	

Use	Parking Spaces Required
Single-family detached	2:unit
Multiple-unit structure:	
One-bedroom or studio unit	1.2:unit
Two-bedroom unit	1.6:unit
Three or more bedroom unit	1.8:unit
Restaurant	14:1,000 nsf
Retail/mixed retail/shopping center uses:	
Less than 15,000 nsf	5:1,000 nsf
More than 15,000 nsf	4:1,000 nsf
Senior housing:	
Nursing home	0.33:bed
Congregate care senior housing	0.5:unit
Senior citizen dwelling	0.8:unit
Rooming/board	1:rented room
Wholesale, warehouse	1.5:1,000 nsf

* **Net square feet (nsf)** The total number of square feet within the inside finished wall surface of the outer building walls of a structure, excluding major vertical penetrations of the floor (elevator and other mechanical shafts, stair wells), mechanical equipment, parking areas, common restrooms, common lobbies, and common hallways. Storage area is included in the net square feet calculation unless the property owner demonstrates that it cannot be converted to habitable space.

When a use is established which does not use a building, or which uses a very small building in relation to the number of vehicles reasonably expected, or has other unique parking requirements, the planning commission shall establish the number of spaces required to accommodate the reasonably expected parking demand generated by the

use, with the decision appealable to the city council. Examples of such uses include, but are not limited to, passenger ferry service, boat tours, bicycle tours, car or truck rental, taxi service, boat transport services, cruise boat moorage, park-and-ride lot. (Ord. 2992 § 1 (Att. A), 2016; Ord. 2902 § 7, 2013; Ord. 2794 § 1 (Att. A), 2008)

17.46.040 Off-street parking lot layout for commercial and multifamily areas, construction, and maintenance.

Subsection (D) of Section 17.46.040 shall be amended as follows:

D. *Construction.* All required off-street parking area shall be graded and surfaced to a standard comparable to the street which serves the parking area as determined by the city engineer and shall be developed and completed to the required standards before an occupancy permit for the building is issued. All traffic control devices such as parking strips, designated car stalls, directional arrow or signs, bull rails, curbs, and other developments shall be installed and completed as shown on the approved plans. Hard surfaced parking areas shall use paint or similar devices to delineate car stalls and direction of traffic. Where pedestrian walks are used in parking lots for the use of foot traffic only, they shall be curbed, or raised six inches above the lot surface. Pervious pavement should be used if feasible.

17.46.060 Off-street parking; landscaping plans and documents required; performance assurance.

Subsection (B) of Section 17.46.060 shall be amended as follows:

B. *Landscape Development Plan.* Landscape development plans shall indicate all areas to be preserved and planted including proposed fencing and landscape features. The landscaping plan shall also show locations of individual trees and shrubs; and name, size, spacing and quantity of the plant materials. No permit requiring off-street parking shall be issued without the administrator's approval of landscape development plans. Landscape plans shall include maintenance plans for LID infiltration BMPs on site.

17.46.070 Landscape development—Requirements.

A new subsection (E) shall be added to section 17.46.070 as follows:

E. Landscaping shall incorporate LID BMPs when feasible.

17.70.020 Statutory authorization, findings of fact, purpose, and objectives.

A. *Statutory Authorization.* The legislature of the state of Washington has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the city council of Anacortes, does ordain as follows:

1. *Findings of Fact.*

a. The flood hazard areas of Anacortes are subject to periodic inundation which results in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

b. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

2. *Statement of Purpose.* It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

a. To protect human life and health;

b. To minimize expenditure of public money and costly flood control projects;

c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

d. To minimize prolonged business interruptions;

- e. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
- f. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- g. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- h. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
- i. To incorporate LID BMPs if feasible.

17.70.080 Aquifer recharge areas.

A. *Intent.* This section establishes areas determined to be critical in maintaining both groundwater quantity and quality. This section specifies regulatory requirements to be enacted when development within these areas is proposed to occur and provides a methodology by which the city will determine the level of review and any mitigations required. The intent of this section is to:

1. Define minimum regulatory requirements to protect groundwater quality and quantity for existing and future use;
2. Identify the practices, alternatives, or mitigations that can minimize the adverse impacts of proposed projects; and
3. Ensure adequate design, construction, management, and operations to protect groundwater quality and quantity.
4. To incorporate LID BMPs if feasible.

17.70.340 Performance standards—General requirements.

Subsection 17.70.340(F)(7)(c) is hereby amended as follows:

c. *Stormwater Management Facilities.* Stormwater management outfall facilities, including LID improvements, are allowed in accordance with an approved critical areas report with no net loss of function to the wetland and wetland buffer. However, stormwater facilities beyond those necessary to ensure continued predevelopment stormwater flows to wetlands may only be permitted through the conditional use process.

TITLE 19

19.76.040 Stormwater management manual

Subsection G is hereby amended to read as follows:

G. Exceptions/Variations

1. The director may grant an adjustment to the application of the stormwater management manual and its minimum requirements prior to permit approval and construction consistent with the criteria in the city's NPDES Permit Appendix 1 Section 5, Adjustments.
2. The director may grant an exception/variance from this chapter or the application of the stormwater management manual and its minimum requirements prior to permit approval and construction when consistent with the criteria in the city's NPDES Permit Appendix 1 Section 6, Exceptions and Variations.
3. The director shall keep records, including the written findings of fact, of all local exceptions to the Minimum Requirements.
4. Exceptions/variations (exceptions) to the Minimum Requirements may be granted by the city following legal public notice of an application for an exception or variance, legal public notice of the city's decision on the application, and written findings of fact that documents the city's determination to grant an exception. Project-specific design exceptions based on site-specific conditions do not require prior approval of Ecology. The city must seek prior approval by Ecology for any jurisdiction-wide exception.

5. A request for an adjustment or exception must meet the criteria in the city's NPDES Permit (Appendix 1) and be submitted on a form provided by the department. The city may grant an exception to the minimum requirements if such application imposes a severe and unexpected economic hardship. To determine whether the application imposes a severe and unexpected economic hardship on the project applicant, the director must consider and document with written findings of fact the following:
 - a. The current (pre-project) use of the site, and
 - b. How the application of the minimum requirement(s) restricts the proposed use of the site compared to the restrictions that existed prior to the adoption of the minimum requirements; and
 - c. The possible remaining uses of the site if the exception were not granted; and
 - d. The uses of the site that would have been allowed prior to the adoption of the minimum requirements; and
 - e. A comparison of the estimated amount and percentage of value loss as a result of the minimum requirements versus the estimated amount and percentage of value loss as a result of requirements that existed prior to adoption of the minimum requirements; and
 - f. The feasibility for the owner to alter the project to apply the minimum requirements.

In addition any exception must meet the following criteria:

- g. The exception will not increase risk to the public health and welfare, nor be injurious to other properties in the vicinity and/or downstream, and to the quality of waters of the state; and
- h. The exception is the least possible exception that could be granted to comply with the intent of the Minimum Requirements.