SHORELINE MANAGEMENT ACT OF 1971
PERMIT FOR SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT, SHORELINE
CONDITIONAL-USE PERMIT, & VARIANCE

TYPE OF ACTION:
☒ Substantial Development
☒ Conditional Use Permit
☒ Variance Permit
☐ Special Use

Application No.: SDP-2014-0003
Administering Agency: City of Anacortes
Date Comp. App. Received: June 13, 2014
Approved: Yes
Decision Date: July 24, 2014

Pursuant to Chapter 90.58 RCW, the permit is hereby granted to:

Name and Address of Applicant:
City of Anacortes
Public Works Department
P.O. Box 547
Anacortes, WA 98221

To undertake the following development:
Shoreline Substantial Development permit, Shoreline Conditional-Use Permit, and Shoreline Variance to construct Phase VII (7) of the Guemes Channel Trail within the existing right-of-way of an abandoned railroad bed, beginning from the existing trail terminus east of the Edwards Way cul-de-sac and running 3,250 ± lineal feet to the east. Additionally, 888 ± lineal feet of gravel access will be constructed from Lovric's Marina to the west. The trail will be 12 feet wide (or less in areas) and have a setback ranging from 0 to 15 ± feet as measured from the Ordinary High Water Mark. Once complete, the final grade will average about 5 feet above the ordinary high water mark.

Upon the following property (please list legal description, i.e., section to the nearest quarter section, township, range):
In a portion of Sections 22 & 23, Township 35 North, Range 01 East, Willamette Meridian.
Guemes Channel, from approximately east of Edwards Way to Lovric's Marina, Anacortes, WA 98221

Within Fidalgo Bay shoreline jurisdiction and/or associated wetlands.
A portion of this project ☒ will be ☯ will not be within shorelines of statewide significance (RCW 90.58.030).
The project is located within the **Conservancy** (shoreline area) environment/designation.

The following master program provisions are applicable to this development (state the master program section or page number). If a conditional use or variance, also identify the portion of the master program which provides that the proposed use may be a conditional use, or that portion of the master program being varied. *(See attached Planning Commission’s Decision)*

**SHORELINE PERMIT #SDP-2014-0003:**

Development pursuant to this permit shall be undertaken pursuant to the following terms and conditions:

1. The scope of the project shall not exceed that as set-out in the shoreline substantial development permit application, shoreline conditional-use permit, and shoreline variance (including attachments), except as amended through the final conditions of approval.

2. The project shall comply with all applicable Shoreline Master Program regulations, including but not limited to, Chapter 5, *Shoreline Environments & Associated Policies and Regulations*, Chapter 6, *Environmental Protection General Regulations*, and Chapter 8, *Specific Use Policies and Development Regulations*.

3. Development shall comply with the eight (8) conditions of approval as listed in the SEPA Mitigated Determination of Non-Significance issued on July 7, 2014, and as follows:
   a) All applicable state, federal, and local permits shall be secured prior to work taking place onsite (MDNS #1).
   b) Site activities shall comply with Northwest Clean Air Agency requirements and erosion control, dust control and best management practices shall be employed as required by the building and public works department during construction (MDNS #2).
   c) A Large Parcel Stormwater Plan and Water Quality Plan shall be developed by the applicant, if applicable, and approved by the Public Works Director and implemented (MDNS #3).
   d) Existing railroad ties shall be removed and disposed of in an appropriate manner (MDNS #4).
   e) Near-shore enhancement shall include the removal of invasive plant species such as English Ivy and Himalayan Blackberry, as determined by the project biologist (MDNS #5).
   f) The project biologist shall monitor construction and determine trees, shrubs and other vegetation that need not be impacted by the trail construction. This may include narrowing the trail in some areas to avoid impacts as determined by the project biologist and Parks Director (MDNS #6).
   g) Native shoreline vegetation pockets shall be provided as feasible along the trail. The consulting project biologist in conjunction with WDFW shall determine planting area location, type and amount of vegetation (MDNS #7).
   h) A consulting archeologist shall be available and contacted in the event artifacts are discovered during construction. Work crews shall obtain appropriate cultural resource...
training prior to ground disturbing activities and all applicable state law and tribal guidelines shall be followed (MDNS #8).

4. The design and construction of the proposed trail and retaining wall(s) shall comply with the recommendations and suggestions of the Geologically Hazardous Area Assessment prepared by GeoEngineers dated May 16, 2014. GeoEngineers will monitor the construction of the proposed trail and retaining wall for conformance with their recommendations and suggestions contained in their Geologically Hazardous Area Assessment and final report provided to the City of Anacortes’ Building Department.

5. Best Management Practices shall be implemented at all times during the proposed maintenance and repairs activities. Once complete, any disturbed shoreline areas shall be restored to pre-existing or better conditions.

6. A building permit(s) and/or clearing & grading permit with the City of Anacortes’ shall be secured prior to work.

7. An erosion and sedimentation control plan shall be submitted to the City with a permit application for activities that involve the removal of vegetation, stockpiling of earth or other materials, or any activity that could result in shoreline erosion or siltation. Said program shall conform to the City of Anacortes’ Engineering Design Standards and shall at a minimum, utilize Best Management Practices (BMPs) to prevent shoreline erosion and siltation.

8. Trees proposed for removal shall be replaced at a minimum of a 1:1 ratio with preference given to native conifers and deciduous species of the Pacific Northwest. The applicant shall coordinate with the Washington State Department of Fish and Wildlife (WDFW) the location of replacement trees along the trail corridor that will have the most beneficial impact. Said replacement of trees shall be replanted within six (6) months of completion of the trail.

9. Prior to commencing clearing and grading, clearing limits shall be marked in the field. The project biologist in conjunction with city staff, the project engineer and appropriate agencies shall conduct a site visit to identify opportunities to minimize impacts to riparian vegetation through trail location and design, which may include meandering the trail to increase space for vegetation retention or re-planting between the trail and the top of bank. The trail alignment shall maximize, to the greatest extent possible, the setback between the shoreline and the trail while remaining within the existing available right-of-way and avoiding impacts to slope stability.

10. Riparian vegetation shall be planted in selected locations along the existing and new sections of trail to increase beach shading as determined by the project biologist, WDFW, and the Parks Department. A vegetation monitoring plan shall be prepared and implemented consistent with city and WDFW standards.
11. Beach nourishment shall be provided consistent with WDFW requirements on a continuing basis. If deemed appropriate, project excavation material shall be utilized for nourishment. Monitoring shall be conducted on a yearly basis consistent with WDFW standards.

This permit is granted pursuant to the Shoreline Management Act of 1971 and nothing in this permit shall excuse the applicant, owner, lessee, agent, successor or assigns from full compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project, but not inconsistent with the Shoreline Management Act (Chapter 90.58 RCW).

This permit may be rescinded pursuant to RCW 90.58.140(8) in the event the permittee fails to comply with the terms or conditions thereof.

Construction pursuant to this permit will not begin or is not authorized until twenty-one days from the date of filing as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one days from the date of such filing have terminated, except as provided in RCW 90.58.140(5)(a),(b) and (c).

\[Signature\] for: [Signature]

Don Measamer, Shoreline Administrator

July 25, 2014

Date

This section for department use only in regard to a Conditional Use or Variance Permit:

Date received by the Department: __________________________

Approved: __________________________ Denied: __________________________

This conditional use/variance permit is approved by the Department pursuant to Chapter 90.58 RCW. Development shall be undertaken pursuant to the following additional terms and conditions:

Date