

PLANNING COMMISSION
STUDY SESSION
Shoreline Master Program
April 11, 2012 - 12 noon

Commissioners Present: Todd Voth, Vicki Heimark, Steve Schield, and Todd Lengenfelder

Staff Present: Anne Henning, Billie Jo Muñoz, Daniel Leavitt, and Sue Mahaney

The study session was called to discuss the Shoreline Master Program.

There was discussion by the Commission and the following changes were made to Chapter 6, General Polices and Regulations:

6-30-070-C Regulations

- 5.g. Signs and fencing of wetlands: During construction, the outer perimeter of the wetland buffer and the clearing limits identified by an approved permit or authorization shall be marked in the field with temporary "clearing limits" fencing in such a way as to ensure that no unauthorized intrusion will occur. The marking is subject to inspection by the Community Development Department prior to commencement of permitted activities. This temporary marking shall be maintained throughout construction and shall not be removed until permanent signs and fencing, if required, are in place. As a condition of any permit or authorization pursuant to this chapter, the administrator may require permanent signs and/or fencing along the perimeter of a wetland or buffer in order to protect the functions and values of the wetland, or to minimize future impacts of encroachment upon the wetland or buffer.

There was discussion on the possible requirement to place a permanent fence or signs to delineate the perimeter of a wetland buffer but no changes were made.

- 5.h.i. Table 6.1 Wetland Buffer Widths - The widths of the buffers for the various wetland categories were discussed and it was recommended that the buffer width for the Category III and IV be 25' and the additional buffer be eliminated for those two categories.

Table 6.2 Required Measures to Minimize Impacts to Wetlands

It was suggested that the language addressing lighting be changed to read "Lighting should be minimally invasive to wetland areas".

There was discussion on the Stormwater Runoff and clarification was requested for "Retrofit stormwater detention and treatment for roads and existing adjacent development"

- 5.h.iii All buffers shall be measured on a horizontal plane from the wetland boundary as surveyed in the field. The width of the wetland buffer shall be determined according to the wetland category and the proposed land use. The same buffer widths and measurement criteria shall apply to any wetland created, restored, or enhanced as compensation for approved wetland alterations. Buffers shall be clearly marked on the ground and the administrator may require temporary or permanent signs and/or fencing along the perimeter of a wetland or buffer in order to protect the functions and values of the wetland, or to minimize future impacts or encroachment upon the wetland or buffer.

It was pointed out that measuring the wetland boundary on a horizontal plane could create problems in areas such as Crestview where there is a very steep drop off to the lake. It was recommended that the wetland boundary follow the topography of the land in those areas.

It was also recommended that to maintain consistency the reference to temporary be deleted.

- 5.h.viii.2. Removal of plants that represent a hazard to safety, security, or shoreline ecological functions (including noxious weeds), provided those plants are replaced under the direction of a qualified wetlands specialist with appropriate native species from the recommended list (See Chapter 14). Trees shall be replaced at a ratio of 2:1 for younger trees and 4:1 for mature trees.

It was decided that “wetland specialist” should be replaced with “professional”.

- 7.b. All development work shall remain stopped until a restoration plan is submitted by the responsible party and approved by the City. Such a plan shall be prepared by a qualified professional using the currently accepted scientific principles and shall describe how the actions proposed meet the minimum requirements described below. The Administrator shall, at the violator’s expense, seek expert advice in determining the adequacy of the plan. Inadequate plans shall be returned to the applicant or violator for revision and resubmittal.

It was requested that “responsible party” be changed to “property owner or authorized agent”.

- 7.e ...The civil penalty shall be assessed at a maximum rate of \$250 per day per violation.

It was requested that rather than having a dollar amount, this provision be changed to reference the Municipal Code section, so that the penalty amount would remain consistent.

6-50 Environmental Impacts and Water Quality

6-50-020 Policies

4. New septic systems and increased load on existing septic systems should not be allowed, due to water quality impacts of septic systems near the lake.

Some Commissioners were in favor of eliminating this requirement due to the unavailability of city sewer systems in some areas and other Commissioners were in favor of keeping it in order to reduce degradation of the quality of the lake.

Staff pointed out that the Department of Ecology requested the city address septic systems in the Shoreline Master Plan.

It was recommended that the requirement be eliminated.

12. All new and expanded uses in shoreline jurisdiction shall be connected to City sewer. Septic tanks and on-site disposal systems shall not be allowed for new or expanded uses within the shoreline jurisdiction.

This should be eliminated to be consistent with the elimination of #4.

6-70 Public Access6-70-020 Policies

1. New or expanded subdivisions or multi-family development or commercial, industrial, or public uses that impair or detract from the public's physical or visual access to the water should provide public access as part of the development.

Consensus was to eliminate this policy.

9. The City should consider the impacts to the public's visual access to the water for all projects, whether the project requires a shoreline permit or is exempt from the requirement to obtain a shoreline permit.

Consensus was to eliminate this policy.

6.90 Subdivision and Property Segregation6-90-020 Policies

3. To prevent encroachment on the shoreline buffer, the buffer should be marked with a long-term visual cue, such as a low fence, to alert present and future property owners of the location of the buffer edge. The marker should be substantial enough that there is clearly a change in circumstances from one side of the marker to the other. Curbing and survey markers have been shown in the past to be insufficient for this purpose.

Some Commissioners felt that a fence to delineate the wetland buffer should not be required and that other delineation structures could be used and some felt the fence was appropriate.

It was requested that this requirement be discussed further at the next study session.

6-90-030 Regulations

4. For new development on steep slopes or bluffs or in shoreline environment designations where the minimum buffer is less than 50', a geotechnical analysis of the site and shoreline characteristics is required to demonstrate that the lots created will not require shoreline stabilization in order for the reasonably-anticipated development to occur.

It was requested that "the City may require" be inserted after "50'" and delete "is required". It was also requested that this requirement be discussed further at the next study session

The study session adjourned at 1:15 p.m.