

PLANNING COMMISSION
STUDY SESSION
Shoreline Master Program
June 27, 2013 - 7:20 p.m.

Commissioners Present: Todd Voth, Todd Lengenfelder, Vicki Heimark, Charles Hepburn, Kevin Starcher, Nathan Nofziger, Rick Penhallurick, and David Eck

Staff Present: Anne Henning, Daniel Leavitt, and Sue Mahaney

The study session was called to discuss the comments from the Department of Ecology on the Shoreline Master Program.

Anne Henning, Senior Planner, distributed a memo summarizing the comments from the Department of Ecology.

The Commission discussed the following comments from the Department of Ecology:

Chapter 6, General Policies and Regulations

1. P.2, 6-10-9, policy about maintaining ecological functions over time in certain designations. Ecology says "This language should apply to all environment designations." - accepted
2. P.19, 6-30-070-C-5-e-v & vi: Ecology accepted a 1:1 ratio for mitigating wetland buffers, and provided guidance on appropriate mitigation ratios for the various categories of wetlands. - the 1:1 ratio accepted and remaining to be discussed later
3. P.21. 6-30-070-C-5-h, Table of Wetland Buffer Widths: Ecology provided guidance on buffers for Category III & IV wetlands, and stated that the numbers proposed by the Planning Commission are not supported by the technical literature, and must be changed to match the guidance documents unless the City has developed a supporting technical rationale for smaller buffers. - to be discussed
4. P.23, 6-30-070-C-5-h-viii: Ecology added an item to the list of allowed activities within a wetland buffer: Repair and maintenance of non-conforming uses or structures - accepted
5. P.27, Public Access, 6-70-020 Policy #1: "Public access should be provided as close as possible to the water's edge without adversely affecting shoreline ecological functions." Ecology asks who makes the determination about adverse effects, and says the policy is unclear. - remove "without adversely affecting shoreline ecological functions." and add "as appropriate."
6. P.28, Public Access, 6-70-030 Regulation 3: Ecology changed it from requiring public access for public uses to requiring public access for all non-water-dependent uses, including the subdivision of land into more than 4 parcels, based on WAC 173-26-221(4)(d)(iii). - to be discussed
7. P.28, Public Access, 6-70-030: Ecology added a new Regulation 4 relating to infeasibility of providing public access and alternate methods of providing access, based on WAC 173-26-221(4)(d)(iii)(B). - to be discussed

8. P.28, Public Access, 6-70-030 Regulation 5 (formerly 4): Ecology modified the provisions about vegetation removal. - request clarification from Ecology
9. P.28, Public Access, 6-70-030 Regulation 6 (formerly 5), relating to views and locating development away from the water: Ecology questioned whether this pertained only to public access developments or to all development, and noted that it seems to contradict Policy #1 about providing public access as close as possible to the water's edge. - to be discussed
10. P.28, Public Access, 6-70-030 Regulation 10 (formerly 9): Public access for residential subdivisions. Ecology commented that the draft does not meet the requirements of WAC 173-26-221(4)(d)(iii) (requiring public access for subdivisions of more than 4 parcels). - to be discussed

Chapter 7, Specific Shoreline Uses

11. P.1, 7-10-010 Agriculture: Ecology stated the description is too broad, and needs to be tied to the definition in RCW 90.58.065. - use state definition

P.3, 7-30-010. Boating facilities include marinas, boat launch ramps, boat houses, boat lifts, and similar uses. Boating facilities do not address docks serving four or fewer single family residences. - request clarification

P.5, 7-40 Commercial Uses: Over-water construction should be prohibited exempt in limited instances where they are auxiliary to and necessary in support of water-dependent uses. - "exempt" should be "except"
12. P.6, 7-40-030 Regulation 7: Ecology changed to require public access for all commercial development, not just non-water-dependent. WAC 173-26-221(4)(d)(iii) - to be discussed
13. P.7, 7-50-020 Policy 9: Ecology deleted the policy for every single family residence to be allowed a dock, because it is not consistent with WAC 173-26-231(2)(b) (limit shoreline modifications in number and extent), 173-26-231(2)(d) (ensure that modifications individually and cumulatively do not result in net loss of ecological functions), or 173-26-231(3)(b) (require new residential development of 2 or more dwellings to provide joint use or community dock facilities, when feasible, rather than allow individual docks for each residence). - to be discussed
14. P.7, 7-50-030 -A Regulation 9: Docks limited to 25' or minimum length needed to reach water depth of 3', Ecology changed to whichever is less, rather than the proposal of greater. - provide explanation to Ecology on reason Planning Commission choose "whichever is more" rather than "less", since a 25' long dock may not provide enough water depth for a typical boat
15. P.9, 7-50-030-C Regulation 3: Ecology deleted this regulation related to maximum size for a community dock. - discussion but no changes
16. P.9, 7-50-030-D Regulation 1: Ecology added a subsection requiring joint use or community docks for new residential developments, based on WAC 173-26-231(3)(b) (require new residential development of 2 or more dwellings to provide joint use or community dock facilities, when feasible, rather than allow individual docks for each residence). - to be discussed

17. P.10, 7-60-030 Regulation 1: Ecology questioned whether prohibiting industrial is consistent with zoning and comprehensive planning. Staff explained to Ecology that there is an area zoned and designated Industrial, but the uses do not need a shoreline location, so the Planning Commission felt it appropriate to prohibit industrial uses within 200' of the shoreline. - accepted
18. P.12, 7-80, Municipal Offices: Ecology questioned whether this needed to be a separate section or could be combined with commercial. - because of public access component, municipal offices should be a separate section
19. P.12-15, 7-90, Recreational Uses: Ecology made some edits relating to removing vegetation and minimizing ground disturbance. - accepted
20. P.14, 7-90-030 Regulation 7: Ecology added a clarification that new golf courses are not allowed in shoreline jurisdiction. This provision already exists in the Planning Commission's draft of Chapter 9, so this change does not add any new regulations. - to be discussed
21. 15, 7-100-020, Residential Policy 7: Ecology deleted the sentence "Individual docks should be allowed for lots in subdivisions with joint use or community docks." - to be discussed
22. P.16, 7-100-030 Residential Regulation 13, Common Line Setbacks: Ecology reduced the distance to look to either side in determining common line setbacks from 300' to 150' and also added a statement about a minimum buffer. - to be discussed
23. P.16-17, 7-100-030 Residential Regulation 14: Ecology questioned where the numbers came from, and may have further comments on this section later.- to be discussed
24. P.17, 7-100-030 Residential Regulation 15 related to buffers set during the platting process: Ecology stated that per consultation with their Assistant Attorney General, they will not be able to support this provision. - to be discussed. The Planning Commission would like a copy of the Attorney General opinion.
25. P.17, 7-100-030 Regulation 16, Residential Fencing: Ecology modified where a fence parallel to the shoreline could be placed. - to be discussed

Chapter 13, Definitions

26. P.3, Development: Ecology added exterior alteration and placing of obstructions to the list of what constitutes development. - clarification requested
27. P.4, Feasible: Ecology added a statement that the burden of proof of infeasibility is on the applicant, per WAC 173-26-020(15) (the WAC definition of "feasible" includes this statement). - to be discussed
28. P.8: Ecology added "Shall" and "Should" to the definitions. - accepted

The study session adjourned at 8:35 p.m.