

MINUTES
PLANNING COMMISSION MEETING
Monday, September 10, 2018
6:00 PM

Planning Commission Members Present: Valerie Hoy-Rhodehamel, Karen Ashley, Matthew Knudsen

Excused Absence: Shawn Van Pelt

Staff Present: Ben Shumaker, Kimberly Pearson

Community Members Present: Bernard Versari, Auguste Zettler, Laura Mills, Mary Repar

Guest: None

Call to Order: 6:00 p.m.

Preliminary Matters

1. **Chair Selects Public Comment Option #2**

2. **Minutes** August 13th Meeting Minutes

MOTION: Knudsen moved to accept the minutes. Ashley seconded. No objections. Approved unanimously.

3. **Public Comment Period** None

New Business

4. None

Old Business

5. **Shorelines Management Program** Restoration Plan & Second Draft SMP

The Planning Commission reviewed the comments still unresolved and determined whether to move forward with proposed change or continue discussion at a later date.

Number 4 asked whether the city should we allow families to live in the natural designation. Twelve parcels are covered by conservation covenant, six parcels are islands of the cove(including portions of the land that jut out from the highway/railroad right-of-ways), four are involved in the Piper Road slide area, and five involve small portions have minimal coverage (measured in square feet, not acreage) with developable lands outside of the natural designation. Consensus was to move forward without change.

Number 12 requested a definition of cultural resources and Shumaker explained that he had since included a definition provided from a 2005 governor's executive order. Consensus was to move forward with the proposed change.

Number 14 in regards to mitigation sequence requested to avoid cultural resources and impacts and the Commission previously decided that more discussion was needed, leading to a review of this issue. Shumaker noted page 22 of the attachment which explains the request further. Shumaker added two avenues, one being inadvertent discovery, (currently covered in the SMP), and the other previously known or inventoried sites, that is held as sensitive information. Shumaker explained that this hasn't been much of an issue previously and explained that it likely leads to avoidance and not disturbing certain portions of a site (ex. Moving a driveway or using a parking lot to cover resources. It isn't necessarily a full shutdown on a project). A

professional, such as an archeologist and can determine the reasonable avoidance and provide recommendation. Knudsen asked for further discussion in the next month to bring to the commission. No go at this time.

Numbers 17 and 18 were discussed along with number 33.

Number 26 in regards to vegetation removal and the integration with the Critical Areas Ordinance. The most redlines within the attachment involve the Critical Areas section pages 24-29. The biggest change was to eliminate duplicate language. The commission agreed that it is now cleaner and allows for reference to the current location/document without rehashing it in another place. The wetland and habitat was removed from this section. It was clarified that reasonable use allowance in the Critical Areas Ordinance are treated as variances under the SMP. For example, on page 27, the preliminary assessment, burden of proof, comes from the applicant. Shumaker to rewrite it to say the “applicant shall provide...” to clarify it is on the applicant. Consensus was to move forward with the proposed change once applicant language is added.

Number 28 was left off. Consensus was to continue discussion at the next meeting.

Number 33 refers to the addition of an SED to the “zoning map” based on the DOE request for Urban Conservancy to be added. Shumaker explained further the DOE clarification that their comments come now so they don’t have to make their own changes at final approval. The updated map attached included an orange area for urban conservancy, which was taken directly from the Washington Administrative Code (WAC) with the code and policies on the zone written on pages 19 and 20. The railroad /highway rightway was included in orange as well as the Interpretive Center, the assisted living facility, the right away for Rock Creek Drive and the fairgrounds. Shumaker described discussions with the Interpretive Center regarding access from highway 14 and whether camping could be allowed on cove islands. Table 5.1 was updated to include the urban conservancy SED, page 38-39, and notes the different allowance and setbacks as between the Shoreline Residential and Active Waterfront SEDs. Orange is not as permissive as red, and not as restrictive as yellow. Further, DOE suggested having the highways and railroads in red. Conditional and permitted both would come to the commission for approval, although just conditional use would also have to meet specific state reviews and criteria. Table 6.1 on page 61 does not include the urban conservancy, yet. Returning to comment numbers 17 and 18, Mills requests changing table 6.1 on page 61 to include language regarding red zone to not permit off-site restoration and mitigation like was done recently. The Commission decided to move forward with proposed change regarding the addition of conditional use for the shoreline areas, the addition of urban conservancy zoning and the addition of highways and railroads to orange zone with cemeteries moved to orange zone. The Commission decided to continue discussion on the urban conservancy SED at the next meeting.

Number 43 regarding view platforms specifically over water platforms requested adding definitions to the definitions section and additional language to table 5.1, which has since been completed. Some changes to the text to those regulations are noted on pages 42-43. The Consensus was to move forward with the changes made. Shumaker noted some changes explained may have not saved in the document and he will remedy this.

Number 44 regarding institutional uses and whether public projects should require public access. Shumaker asked for clarification of the city’s intent to require public access. Currently, the city requires public access in the same way as private development [POST-MEETING

NOTE: Shumaker was wrong about the current draft's access requirements for public projects. Greater access was required as part of a separate section]. The DOE asked whether it will be treated like the private side or the public side. The Commission discussed the value to maximizing public access to the waterfront. Public access in shoreline includes visual and physical access. The draft has no current changes. The Commission discussed the difference between requiring and providing access and leaving it as is for public institutions. They discussed further that since they get breaks from the city then requiring access is necessary. Shumaker to note such changes. Consensus was to further evaluate.

Number 45 regarding the reduction of setback for residential areas. Shumaker noted page 55 and stated that the DOE needed more information regarding the scope on administrative adjustments. Shumaker altered this by pulling similar information reference in the Critical Areas Ordinance and more clearly designated what the controls are. Consensus was to move forward with the proposed change.

Number 46 requested definitions for vegetation, which are now listed and referenced in both the Shoreline Management Program and the Critical Areas Ordinance. Consensus was to move forward with the proposed change.

Numbers 47 and 48 requested limitations for vegetation trimming for viewsheds (once every five years) and for fire safety. The SMP now references the Critical Areas Ordinance allowances. On page 64, Shumaker to change language from "similar" species to "native/non invasive" species. Consensus was to move forward with the proposed change.

Number 50 referred to missing language from the WAC regarding shoreline stabilization and is now included on page 68. Consensus was to move forward with the proposed change.

Number 51 requested a definition involving "weir" and was added. Consensus was to move forward with the proposed change.

Number 52 was discussed during table 6.1 along with the discussion for comment numbers 17, 18 and 33. Consensus was to move forward with the proposed change.

The Commission previously agreed to changes in Restoration Plan Chapter 1 and appendices A and B.

Number 58 Chapters 2 noted changes to the first table for better organization as well as the restoration table which was previously too broad. Consensus was to move forward with the proposed change.

Number 59 Chapter 3 is almost an entire change, noted Shumaker. Words and action plans were added to table 2 regarding the 14 projects listed in table 1. Shumaker mentioned that the Commission could also choose to identify a highway/railroad project as an option. Shumaker further noted that if a project isn't listed it does not mean it can't be done, as noted by the first project titled "unnamed projects". Consensus was to move forward with the proposed change.

Number 60 Appendix C page 39 is a catch-all for listing additional restoration resources. Shumaker noted that there are only two listed currently, as they are the two that have been sent to the city thus far. Additionally, website information was added to the restoration resources that explains natives, non-natives, and more. Consensus was to move forward with the proposed change.

The packet addendum includes additional Maps which had been referenced in the ICR but omitted from the map folio. This includes channel migration zones which will require further review by a professional. This does not include the Columbia River or Rock Cove, but does include Rock Creek. More review is anticipated at the next meeting. Consensus was to continue discussion at a later date.

This review of documents includes three of the four documents that make up the SMP. The fourth (CIA) needs another look over before moving forward. The work on shorelinea will continue next month, with most of the discussion including the acceptance of changes made, with the largest changes likely to come from the CIA (black) document.

6. Broadband Project Broadband Advisory Team Assemble!

Pearson presented on the current stage of BAT as well as when next steps will be completed. Future implementation and updates will be covered by Shumaker, as Pearson's internship has come to a close. Shumaker and the Commission thanked Pearson for her great work this summer.

7. Shipping Container Moratorium Continue Reviewing Areas of Concern/Scope of Work

The Commission did not have time to address the moratorium at this meeting and discussion will take place at a later date. The draft scope of work for a downtown plan from 2016 is included in the packet.

Discussion

8. Staff & Commission Reports Shumaker explained that the Critical Areas Ordinance will now move to City Council for review and approval. The sewer analysis is still in progress. The Commission confirmed that the majority of the members are available on Columbus Day for the next meeting date so the meeting will move forward without change.

9. Thought of the Month "Women's Spaces" in Architecture

<https://www.opb.org/radio/programs/stateofwonder/segment/design-week-portland-swift-agency-nightwood-society-hacienda-cdc/>

Adjournment at 8:35 p.m.

Approved _____; Approved with revisions _____

Name _____ Date _____

Minutes by Claire Baylor