

PLANNING COMMISSION MEETING MINUTES

Monday, May 14, 2018

6:00 PM

Planning Commission Members Present: Valerie Hoy-Rhodehamel, Karen Ashley, Chris Ford, Matthew Knudsen, Shawn Van Pelt

Excused Absence: None

Staff Present: Ben Shumaker

Community Members Present: Bernard Versari, Laura Mills, Rick May

Guest: Michelle McConnell, Department of Ecology, WA State (DOE)

Call to Order: 6:00 p.m.

Preliminary Matters

1. Chair Selects Public Comment Option #2

2. Minutes March 12th, April 2nd, & April 9th

Versari asked for further clarification on when meeting packets are made available to the public. He stated that the current bylaws explain they must be reviewed by the Thursday before the Monday meeting. He explained further that discussion is a part of process and having the materials out prior to review is a necessity. He stated that the hard copies were available for pickup on Friday this month but, again, the bylaws require by Thursday. Previous minutes stated “There was additional discussion around the availability of the Commission meeting packet. Shumaker to look into having hard copies available for pick up prior to the monthly meeting.” Versari is asking for more detail in this language and to see the bylaws being implemented.

MOTION: **ASHLEY** moved to approve the minutes for March 12th. **KNUDSEN** seconded. No objections. Approved unanimously.

MOTION: **FORD** moved to approve the minutes for April 2nd. **KNUDSEN** seconded. No objections. Approved unanimously.

MOTION: **FORD** moved to approve the minutes for April 9th. **ASHLEY** seconded. No objections. Approved unanimously.

3. Public Comment Period

May stated that water type classifications weren't clearly delineated so he looked them up and printed them off with all the acronym. He suggested that this information be added to that part of the discussion to come. **HOY-RHODEHAMEL** asked for clarity around whether it was already decided to include these definitions and **Shumaker** confirmed that they were currently listed in the document.

New Business

4. None

Old Business

5. Shoreline Management Program Review/respond to comments received on Public Release Drafts

Shumaker reviewed that last week the written comments and minutes from public listening session held last month were sent out and today was followed up with the responsiveness summary matrix which summarized written and verbal comments as well as staff recommendations to comments and overall city/advisory committee response. There were 53 distinct types of comments provided and 1 was a catch-all. **Shumaker** explained that, overall, the things that were overlooked were minor edits and things unrelated to policy.

The night's agenda consisted of going through all 53 types, with Shumaker providing a short description, a possible response, and the group responding with whether there is consensus to move forward or consensus to circle back around for more discussion. The priority was to get through as much as the list as possible, as the Commission is running up against the deadline for the Critical Areas code. Depending on how much the group reviews tonight, the Commission may consider holding a special meeting to discuss more details so that the code can be present to City Council by June.

Shumaker explained that there were two packets: The first was the written comments received from the Public Release Draft and the second was the staff responsiveness summary as well as the comments explained with staff recommendations provided. The Commission went down the list from 1-53 in their review:

1)This first set of comments came from a property owner outside of city limits who asked about the boundary line that wasn't shown on the partial maps and wanted to verify that the adjustment had occurred. **Shumaker** asked if the Commission wanted to reflect the new boundary on the map. Consensus was yes.

2&3)Yes to the new boundary on the map then requires confirmation to move the designation to be either natural or residential. Residential was what was proposed so if the policy is applied when mapping was conducted then the whole thing would be listed as residential. Natural was listed on the county property but this line has since changed because of 1. Consensus to move forward.

4)The next commenter is the neighbor to first commenter and he is requesting how this works and what the setbacks are. Staff recommended no action and provided written comment to neighbor to resolve. Consensus to move forward.

5)Same commenter also had comment regarding SED mapping with natural area and residential and Shumaker explained in writing that there is no residential in natural and there has since been no further comment from this commenter. **McConnell** explained that the city can allow residential in natural and it is okay and is an option. **VAN PELT** asked whether there is an option to make this change at a later date and **McConnell** confirmed

yes, before DOE and city approval. It is local discretion as long as it's a conditional use permit. **HOY** stated that this gives more flexibility. **McConnell** noted that it can affect meeting the no net loss, depending on rest of zoning. The intent of the green is that it's most protected and least suitable for development. **VAN PELT** stated that the first commenter had something the code had overlooked for designation and asked if it creates more issues if there's more situations out there that are similar. **McConnell** stated that it is most beneficial for the no net loss to have more areas that are protected and it could throw off the balance. Consensus for more discussion.

6) This comment was regarding how to amend shoreline designations. **Shumaker** made a change in periodic review to SMP "including the map adopted in Appendix A subject to state requirements". Consensus to move forward. There was confusion within Table 5-1 pages 46-49 in the Blue and the suggestion was to add some guidelines to make it clear, such as proposing to put building height in the text. Consensus to move forward.

7) The next commenter is from the Dept of Fish and Wildlife in reviewing the wildlife of SMP and Critical Areas. His request was for comments and to hold a bigger meeting with a wider inclusion on the advisory committee. **KNUDSEN** stated that the Commission has made it pretty far into the process at this time. **FORD** stated the intention was to move quickly and move forward. **Versari** noted that the committee didn't exclude and was just interested in seeing this process moving forward. **Shumaker** confirmed that this commenter had notification of Planning Committee meetings and the advisory meetings are included during this time. **May** suggested sending a thank you as well as communication that the committee welcomes you at anytime. **Shumaker** to send response. Consensus to move forward.

8) Commenter mentioned support in using similar vegetation approval as the county. No action at this time. Consensus to move forward.

9,10&11) Commenter requested changes to ICR, all relate to a piece of property currently outside of city limits. Consensus to move forward with changes.

12) **KNUDSEN** noted the lack of a definition for Cultural Resources to help understand what the commenter is looking for? **Shumaker** explained that cultural resources are generally understood but the term hasn't been defined. **FORD** explained that resources, based on tribes' definition, is from the cultural resources protection program and isn't related to mining and timber but bones, artifacts and debris. **KNUDSEN** asked whether that can be included with historical, which is already in there. **McConnell** stated that it wouldn't be inappropriate to have a definition for it. Consensus for more discussion after draft definition is provided from Shumaker.

13&14) Highlighting pages 32 and 33, which involve tribal historical officers for consultation if they identify a site than the applicant would make sure they are avoiding the area or following the plan. **Shumaker** explained that this is already done currently, where we review significant impact on the proposal and provide to the tribes. **KNUDSEN** noted that this issue comes back to the term definition from 12. Consensus for more discussion after draft definition is provided from Shumaker.

15&16) **HOY-RHODEHAMEL** clarified this comment represents the Commission's intent throughout the whole process. **Shumaker** to respond, explaining and identifying where comments were highlighted in existing documents. Consensus to move forward.

17) Consensus for more discussion.

18) Consensus for more discussion.

19) Has already been addressed. Consensus to move forward.

20) This comment comes from Coply and **Shumaker** explained the former natural site will have to be evaluated at some point. He clarified that it is not a superfund site. The provisions in here deal with contaminated sites so staff respond with where the provisions are currently in the document. Consensus to move forward.

21) This commenter questioned at the listening session about the baseline for no net loss and what the indicators are. **Shumaker** fielded this question at that public meeting. Consensus to move forward.

22&25) These comments discuss prioritizing what residents need over tourists. **Shumaker** explained that this is a built in conflict as this code is with the state on shorelines of statewide significance and the city has to address state need. **FORD** stated that this document is for the public not just for Stevenson tax payers. No actions. Consensus to move forward.

23,24&27) These comments are related to a past dredging project which was permitted but without notice to the property owners. **Shumaker** talked to the property owners after listening session. He identified the new notice requirements and explained that dredging impacts outlined in the document currently. No action. Consensus to move forward.

26) This comment asks whether a biologist report necessary and **Shumaker** will provide commenter with an answer about when a biologist report is required and explain Table 6.2. A definitive comment will need to wait until after the critical areas is finished. **McConnell** clarified that one doesn't need a biology report to maintain an existing garden. Consensus to move forward after critical areas is finished.

28) This comment highlighted the analysis of stability of adjacent properties and suggested adding it. Consensus for more discussion.

29) This comment asked for a summary to see all the changes proposed from the previous SMP to this new one and **Shumaker** states that it doesn't seem possible. **HOY-RHODEHAMEL** noted that this was an anonymous comment so not sure how to provide them with this documentation. **McConnell** stated that this new SMP is so different that it's better to start fresh. **Shumaker** explained that the previous program applied 50 setback to all uses and that's one of the biggest changes. Now the setback is based on proposed use. No action. Consensus to move forward.

30) The commenter asked how the SMP relates to BNSF and **Shumaker** explained it's not easy to tell. He stated that sometimes they play along with local jurisdiction and sometimes they don't. No action. Consensus to move forward.

31) This comment from **McConnell** identifies minor edits and clarifications throughout the document. **Shumaker** asked whether the Commission wants to include all minor edits and go through each or move on. **May** asked for clarification on whether anything changed had a big effect and **Shumaker** said no. **HOY-RHODEHAMEL** confirmed only minor tweaks. Consensus to move forward.

32) This commenter asked for a name change from Urban to Active Waterfront, which is what is currently listed on the existing SMP. **KNUDSEN** asked whether there is consistency across state as far as labeling. **Shumaker** explained yes and no. Stevenson has used some state designations and some are new. **McConnell** clarified that it is a new system and it must be given a new name. Rather than using urban we chose active waterfront from the Comprehensive Plan. The high intensity is out of the WAC so it must be used the same as the WAC definition. **McConnell** explained further that urban is shoreline designation out of the old SMP's language and now have new names, purposes and criteria that are all well defined. We are not using high intensity as it's a combination of high and urban conservancy and is locally tailored. Senior staff at DOE continues to use urban as SED can get confusing and using terms of the past for something that means something different now and needs updating. New meaning, use a new name. Consensus to move forward.

33) This comment highlighted discussion around adding another SED to the map - urban conservancy. **Shumaker** stated that this term may better fit for railroad berms and better fit for some areas that are likely not going to be further developed. **Shumaker** suggested that we need to get the maps back out. **Versari** asked if this could affect the cemetery and **Shumaker** confirmed yes, can be affected. **McConnell** added that there's a really broad spread between what's included within the three types currently listed and it is better to be a bit more specific and to tailor it a bit more. Consensus for more discussion.

34) This commenter requested adding specific exemption for ADA retrofit, which **Shumaker** notes is on page 25. **McConnell** explained that this is a brand new exemption added to the WAC. Consensus to move forward.

35) This commenter addressed residential standards and nonconforming residences. **Shumaker** explained that nonconforming is closer than 50 feet to the waterfront and the owner would want to expand to get closer than that. Previous and current setback are 50. Looking at the map, there's no development really close. **Shumaker** explains that, at this time, the Commission can get away with not adding it but also have the opportunity to add it if we want to make sure it's covered. No action - not an issue. Consensus to move forward.

36) **Shumaker** explained that, in regards to this comment, language has been added and moved from overall page 30 to 73. He further noted that if there's any area that isn't designated, it defaults to urban conservancy out of the WAC. Consensus to move forward.

37) **Shumaker** explained that, in regards to this comment, there was a change to the definition for regulated activity. Review activity - definition overall page 72. Consensus to move forward.

38) **Shumaker** explained that, in regards to this comment, it is consistent with the WAC and with no net loss, impact and analysis avoidance, overall pages 34, 35. Shumaker added some required language from the WAC regarding aligning with state environmental policy act and regulations. The mitigation sequences in order of preference and adds subsection number 5. Consensus to move forward.

39) **Shumaker** explained that, in regards to this comment on channel migration zones, it's best to avoid it if we can. This to be included along with other minor changes on Overall page 37. Consensus to move forward.

40) This commenter addressed promoting public access, which can be found on page 39 **McConnell** noted that there is a regulatory standard about preferring impervious impact. This was moved into the policy and when we develop a plan for public access or trails it should prefer pervious usage. **HOY-RHODEHAMEL** added unless where ADA is addressed. **McConnell** clarified that there is no requirement but thinking of the bigger picture for no net loss. Consensus to move forward.

41) **Shumaker** explained that, in regards to this comment, suggestions were minor and should have been included in 31 (minor changes). Consensus to move forward.

43) **Shumaker** explained that on overall page 48, 49 it lists view platforms as land base use but doesn't consider other possible usages. He suggests this is a bigger conversation for later. Consensus for more discussion.

44) **Shumaker** asked if we want to require public access and recreation for public projects on public land. The suggestion came in chapter 5 but already established in chapter 4. **McConnell** noted that institutional use is not specified in the WAC and it syncs it up like commercial and industrial. **Shumaker** to explore a broader suggestion to combine additional usages. **McConnell** explained there is the option to leave it as is or combine it. Consensus for more discussion.

45) This commenter addressed minor adjustments for residential setback with questions and suggestions to do so better. One change that was proposed by **Shumaker** is overall page 54 with a minor adjustment identified that can reduce required setback by 10% if there's development on both sides that block views of new home and that was unstated but change to make it a written statement. Consensus for more discussion.

46) This commenter addressed definitions for vegetation when discussing vegetation removal. Shumaker to add and bring back to the Commission. Consensus for more discussion.

47) **Shumaker** to find information on addressing how to allow for pruning of trees to create a view. There are caveats currently and this comment is a request for more caveats. Consensus for more discussion.

48) Similar to 47. Consensus for more discussion.

49) **Shumaker** explained that, in regards to this comment, a definition has been added for hazard tree based on need. **Versari** identified the consequence of leaving a huge tree on the shoreline. **McConnell** suggested that it be clarified that unless it warrants spreading disease or pests. It's not every single time or place and is project specific. She explained further that it is based on habitat value and nutrient value. Consensus to move forward.

50) The commenter addressed shoreline stabilization. **Shumaker** to put work into it. **McConnell** explained that this is a big section and it should be slimmed down to try and capture more in less. **Shumaker** added that this is one of the big changes from the old set of rules to the new guidelines. **McConnell** explained that it is standard procedure but after 40 years, being general no longer fits and it needs more information. Consensus for more discussion.

51) This comment addressed definitions yet to be done by **Shumaker**. Consensus for more discussion.

52) **Mills** addressed her written comment in person at tonight's meeting. She explained an interest in utilizing red urban space as urban waterfront where there's access for human use, whether that be families picnicking on the beach, paddleboarders putting their boat in, or kites/windsurfers putting in at Bob's Beach. She shared views with the current waterfront project being frustrating. She mentioned that she wants the current plan to avoid mitigation to be done outside of red zone and could instead be done on the east side green zone, like riverside next to the railroad. **Shumaker** highlighted Table 6-1 on overall page 57 and asked for consideration that all shoreline restoration be included with permitted uses and the section of the table regarding such could be expanded into two rows. **McConnell** explained that mitigation and restoration need to be separated. Mitigation can typically be on site whereas restoration is separate, when action is taken to improve habitat or shoreline. A restoration plan is primarily intended on a voluntary fashion with some projects requiring such. **McConnell** further explained that public access is one of the three top primary goals of the law but it can be hard to see restoration as prohibited, or maybe even conditional. **McConnell** questioned how the Commission would justify that with the analysis of no net loss. Restoration is really important for old and new uses that can be creating impact so you have to have lift to that. Generally, restoration is targeted at places with degradation and more likely to be applied to urban, high use areas. **McConnell** stated that it is hard to blanket no restoration in the red. The shoreline access plan could help prioritize where places are best suited for access and best for restoration. In lieu of that right now, it's necessary to be delicate. **May** asked if there is a way to have mitigation take place in correlation with usefulness and **McConnell** explained that commercial and industrial provisions are what's required for a public project or a project on public lands when there's a requirement to maintain access and restoration. **Mills** shared frustration with vegetation maintenance in user areas, such as the current Port project as well as at the boat ramp, whether trees are mutilated and aren't functional for wildlife, as it was her understanding that they were addressed for habitat. Community input identifies a concern in this area, with restoration in urban. Consensus for more discussion.

53) This comment was in regards to the advisory committee and **Shumaker** expressed that all people are welcome to attend all the planning commission meetings when the committee is present. Consensus to move forward.

54) This comment was in regards to hazard tree debris removal, which will be outlined in the final SMP and will describe when it's appropriate and when it's not. Consensus for more discussion.

6. Critical Areas Ordinance Fish & Wildlife Habitat Conservation Areas, Geologically Hazardous Areas, General Provisions

Shumaker highlighted the difference between the critical areas ordinance requirements and the SMP requirements (Best Available Science vs. No Net Loss of Ecological Function). He clarified that it is not just science based but best available. Additional references to other community's review of best available science has been made available as well as an attachment from WAC that explains best available science.

Shumaker reviewed that there are 5 types of critical areas and 3 have been reviewed by the Commission so far, which leaves geological areas and habitat areas as the two to still be discussed. Of the 23 sections of the critical areas and the recommended 2 additional, a little less than half has been covered so far.

KNUDSEN noted the Yakima slides that are causing delays in the remapping. An extension has already been requested but, based on the timelines, there no more additional extensions. The recommendation from **Shumaker** and **KNUDSEN** is to submit the maps as is and independently come back to it this summer to complete an additional revision and have City Council approval then. **KNUDSEN** explained that since the existing maps are already ahead of the curve, they will likely only require minor changes. This option keeps us in compliance. There was a consensus on this action to move forward.

Shumaker explained that the permitting process/exemption process is still yet to come. He noted that the importance is to understand the rest of this and add the foundation before we get into that topic. After tonight's meeting, the Commission will be more prepared for this step at the next meeting. **Shumaker** added that the same can be said for habitat areas. He noted additional draft changes that are not at final decision yet. **Shumaker** highlighted the general provisions updating purpose/intent on overall page 85 and 86 and explained that the whole section would be removed and moved to a new section, an added section intent section which provides guidance on implementation taken from the state's model guidance and also moved something from different section into this new section. There was consensus on action to move forward.

HOY-RHODEHAMEL asked if people will have to pay a professional to this work and **Shumaker** noted page 103, where provisions moved from the habitat section and explain that one doesn't need a professional if we have the analysis on same impact on neighbor's lot. The permit can be issued based on that information without having to repeat everything. **Shumaker** also noted more text about additional information needed. As a program, he explained that this doesn't have much effect on the regulated public other than being a bit more flexible and clearer about city's involvement. **May** clarified that there was nothing added or subtraction just moved

around and **Shumaker** confirmed yes. Consensus to move forward. May plans to come back with more on G as everything comes together.

Regarding nonconforming uses and legal lots of record, **Shumaker** noted that this is also in the SMP on overall page 112. It currently includes ways to reduce buffer and exempt applicants. **Shumaker** suggested pulling that from the current section and putting it with the section on exemptions. The idea is that people can find information needed more clearly. **Versari** noted that if it's move as an exception it might make it less certain in a way and he recommended leaving it as it is and wait for people to come to staff with questions and highlight this section for them. **Versari** stated that people are not going to read the ordinance, they're going to come to staff. **Shumaker** explained that it's not the people but the the qualified professional who comes in, which creates more billable hours to make change than if they found it initially. **McConnell** suggested adding a note in the exemption section that the reader should go to nonconforming. **Shumaker** addressed that there is more work to be done. No action.

Fish and wildlife habitat examples have been referenced from two other communities using best available science: Jefferson County as of 2008 and Woodinville as of 2013 and also used by Bingen a few years ago. **Shumaker** highlighted the current buffers are explained on overall page 78 in relation to neighboring communities. **Shumaker** explained that the purpose is to protect these areas and protect salmon and steelhead. **Shumaker** suggested retaining 125 feet for Type F streams and explained that more flexibility is possible for others. The Commission could choose to reduce the buffers down and still be within buffers for best available. **May** shared concern with this issue, and noted that there are many areas where this hasn't been enforced properly. He noted further that this buffer takes a lot of land out of production near streams that don't have a lot of value. The streams that are dry the majority of the year and don't have a slope can have impacts on land production. **KNUDSEN** asked if there is science out there that is based on the angle and degradation of the slope. **Shumaker** stated that it is case by case review to reduce buffers specifically for streams in area of concern. **ASHLEY** asked about the impact of septic systems and **Shumaker** confirmed that pathogens which are likely fecal are set at 150 feet and nitrogen is set at 200 feet and explained further that the environmental health dept has specific standards that apply to buffers between streams and septics.

Shumaker 104 B which didn't identify natural heritage species but there are and are now included within the designated fish and wildlife areas. **Shumaker** suggests moving forward with 104-106 and **McConnell** asked about ponds **May** considered that it may not be necessary to identify. **Shumaker** to investigate further.

Shumaker explained that 106-107 C was moved out of this area as it is already addressed somewhere else. No questions or concerns.

Shumaker explained that D was originally two tables put into one table and it focuses on riparian areas because of the quantity. There is a caveat in the footnote that these stream definitions may change as fish and wildlife designations change. **Shumaker** asked whether to keep the current buffers or reduce them. **HOY-RHODEHAMEL** asked what if people come and do the wrong thing to get what they want, as pristine streams do not get the reduction. Not ready to move forward with action and requires further discussion.

Shumaker identified further conversation for next time: The provision for legal lots of record received concerns from DOE on how it's implemented and how it's proving no impact. **Shumaker** considered improving or modifying to something more acceptable. In 10 years since most recent updates, the city has had 18 permits that deal with fish and wildlife (page 77 breaks this down), only half established buffer and 2/3 received automatic legal lot of record adjustment. **Shumaker** explained that's applied often. Proving to the state there's no impact will be difficult. This will need to be discussed more at next meeting.

Discussion

7. Staff & Commission Reports City Emails/Packet Delivery, Sewer Value Planning, New Pathway to Waterfront

Shumaker reported that he is working on providing Commissioners city emails. The city is also testing out new agenda software and will be signed up for direct email through the cloud when agenda gets published. The annual fee is \$10 per email address and is currently in the works.

8. Thought of the Month

Adjournment 8:31 p.m. (2hr 31m)

Approved _____; Approved with revisions _____

Name

Date

Minutes by Claire Baylor