

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION MINUTES OF PUBLIC HEARING

December 6, 2018
7:00 P.M.

Shoreline City Hall
Council Chamber

Commissioners Present

Vice Chair Mork
Commissioner Davis
Commissioner Lin
Commissioner Maul

Staff Present

Paul Cohen, Planning Manager, Planning and Community Development
Miranda Redinger, Senior Planner, Planning and Community Development
Kate Skone, Associate Planner, Planning and Community Development
Carla Hoekzema, Planning Commission Clerk

Commissioners Absent

Chair Montero
Commissioner Craft
Commissioner Malek

CALL TO ORDER

Vice Chair Mork called the Public Hearing of the Shoreline Planning Commission to order at 7:00 p.m.

ROLL CALL

Upon roll call by Ms. Hoekzema the following Commissioners were present: Vice Chair Mork and Commissioners Davis, Lin and Maul. Chair Montero and Commissioners Craft and Malek were absent.

APPROVAL OF AGENDA

The agenda was accepted as presented.

APPROVAL OF MINUTES

The minutes of November 1, 2018 were approved as submitted.

GENERAL PUBLIC COMMENT

There were no general public comments.

PUBLIC HEARING: POTENTIAL EXPANSION OF DEEP GREEN INCENTIVE PROGRAM

Vice Chair Mork reviewed that a public hearing was held on October 18th on the proposed amendments, after which the Commission recommended approval of the language contained in Attachment A of the Staff Report. However, there was a procedural error pertaining to compliance with the State Environmental Policy Act (SEPA) and a second public hearing is necessary. While the purpose of tonight's hearing is to ensure procedural compliance with SEPA, it also provides an opportunity for public testimony. She briefly reviewed the rules and procedures for the hearing and then opened the hearing.

Staff Presentation

Ms. Redinger advised that she did not have a presentation. Unless there are questions, staff recommends simply reaffirming the recommendation that was made on October 18th.

Public Testimony

No one indicated a desire to participate in the hearing.

Planning Board Deliberation and Action

COMMISSIONER MAUL MOVED THAT THE COMMISSION AFFIRM ITS OCTOBER 18, 2018 RECOMMENDATION TO THE CITY COUNCIL REGARDING EXPANSION OF THE DEEP GREEN INCENTIVE PROGRAM. COMMISSIONER LIN SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

STUDY ITEM: SHORELINE MASTER PROGRAM (SMP) REVIEW

Ms. Redinger reviewed that, following an extensive process, the City adopted its first SMP in August of 2013 and it became effective on September 2, 2013. As required by State law, the City must update its SMP on or before June 30, 2019 and then once every eight years after the date of approval by the Department of Ecology (DOE). She explained that this is a periodic review that doesn't require extensive background documentation. The City may choose to do some level of environmental analysis, but it is not required by the DOE. The purpose of this periodic review is to assure that the SMP complies with the Shoreline Management Act (SMA) and its implementing guidelines and to ensure its consistency with the City's Comprehensive Plan and development regulations adopted under the Growth Management Act and other local requirements.

Ms. Redinger explained that the SMA includes three broad policies: to encourage water-dependent and water-oriented uses, promote public access, and protect the shoreline natural resources. It applies to marine coastal areas, all rivers and streams that have a mean annual flow of 20 cubic feet per second or greater, and lakes over 20 acres in size. Within the City of Shoreline, the SMA only applies to the Puget Sound coastline, as well as adjacent shorelands that are located within 200 feet of the ordinary high-water mark and all associated wetlands. All land use activities within the shoreline jurisdiction must meet the goals, policies and regulations regardless of the type of shoreline permit. This includes overwater structures, new buildings and structures, and development activities such as clearing, grading and filling.

The SMA guidelines are designed to achieve the following: no net loss of ecological function, the most current, accurate and complete scientific and technical information, address and fairly allocate the burden of negative cumulative impacts, and plan for restoration of ecological functions where they are impaired.

Ms. Redinger advised that proposed changes to the SMP fall primarily into two categories: those required by the DOE to incorporate changes in the State guidance since the 2013 SMP adoption (see checklist) and those recommended by the City. She briefly reviewed each of the proposed amendments as follows:

State Required Updates

- Adjust the cost thresholds to account for inflation.
- Clarify definitions, expectations and procedures.
- Clarify applicability, exemptions and default provisions,
- Exempt retrofitting structures for Americans with Disabilities Act (ADA) compliance.
- Use Critical Areas Guidance to incorporate the 2014 Wetlands Rating Systems.

City Recommended Updates

- Incorporate the 2015 Critical Areas Ordinance (CAO) by imbedding it within the SMP.
- Codifying rather than adopting the CAO by reference.
- Make the pertinent regulations easier to locate in the code.
- Provide the ability to amend the CAO language as necessary.

Ms. Redinger advised that specific changes to the CAO might include:

General Provisions to Improve Clarity and Predictability

- Improve the standards for critical area reports and mitigation plans.
- Clarify allowed activities and exemptions.
- Improve standards for the critical area review process.
- Modify problematic and unclear code sections.
- Bring standards into alignment with Best Available Science (BAS).
- Update definitions related to critical areas.

Geologic Hazard Areas

- Improve standards for hazards assessment.
- Update definitions of geological hazard types consistent with BAS and to eliminate redundancy.
- Amend the language to reflect that alteration is no longer prohibited in high landslide areas and their buffers. Alterations used to require a Critical Areas Reasonable Use Permit (CARUP) or Critical Areas Special Use Permit (CASUP), but now they are permitted with geotechnical analysis and recommendations, assuming consistency with code requirements and design criteria.
- Adjust the buffers for moderate to high-risk landslide hazard areas based on recommendations by a qualified professional, with potential for no buffer.
- Modify classifications so that bulkheads would no longer be classified as geologic hazards. Instead, they would be considered engineered/abated hazards that can be mitigated.

Ms. Redinger said that, in addition to the changes outlined above, staff will be presenting proposed amendments relative to streams, fish and wildlife habitat conservation areas and wetlands to be consistent with current state standards.

Regarding public and stakeholder outreach, Ms. Redinger stressed the importance of meeting with residents on Apple Tree Lane, who will be particularly impacted by some of the proposed changes. Staff has already met with a few of the residents to discuss the scope of the update. They are also preparing a website that will include a list of frequently asked questions and explain how the changes will impact property owners. A SEPA determination, including a SEPA checklist, will be done, and neighboring jurisdictions and the tribes will be invited to comment. Staff will conduct an open house prior to the Commission's January 17th meeting and attend neighborhood association meetings to provide more information.

Ms. Redinger advised that staff will present the proposed changes in legislative format at the Commission's January 17th meeting, and an open house will be held prior to the meeting. On February 21st, staff hopes to hold a joint public hearing with the DOE. If all goes according to plan, the joint hearing process will allow the proposed amendments to move directly from the public to a Council study session and final adoption in April.

Vice Chair Mork asked if the proposed amendments related to bulkheads is based on direction from the DOE. Ms. Redinger explained that when the CAO was updated in 2015, they considered whether it would be appropriate to also amend the SMP. Some of the residents on Apple Tree Lane voiced concern that there was insufficient time to review the potential implications. The City chose to just amend the CAO and not the SMP. The intent is to now amend the SMP to be consistent with the CAO.

Commissioner Lin asked if there have been any new climate reports that might be pertinent to the periodic review process. Ms. Redinger answered that the DOE is partnering with the Climate Impacts Group from the University of Washington and working with King County on mapping. The DOE is starting to think about how to account for sea level rise and storm surge impacts associated with climate change within the SMP. However, they are not anywhere close to coming up with guidance that can be considered as part of the City's 2019 periodic review. The Climate Impacts Group has done a variety of models that could provide useful information, but they should not be confused with something that must be regulated or mandated.

Commissioner Lin said she is particularly interested in learning how the proposed amendments could impact the open spaces along the shoreline. Ms. Redinger agreed it would be useful to reach out to the Parks Board for feedback. Vice Chair Mork agreed that this information would be very interesting from both a park and building perspective.

DIRECTOR'S REPORT

There was no Director's Report.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

There were no reports or announcements.

AGENDA FOR NEXT MEETING

Mr. Cohen reminded the Commissioners that this is their last meeting for 2018. The next meeting will be January 3rd, and the agenda will include review of a draft letter from the Commission to the City Council in preparation for a joint meeting on February 11th. Staff will present a legislative version of the proposed SMP amendments to the Commission on January 17th.

ADJOURNMENT

The meeting was adjourned at 7:25 p.m.



Laura Mork
Vice Chair, Planning Commission



Carla Hoekzema
Clerk, Planning Commission