

DRAFT
CITY OF SHORELINE

SHORELINE PLANNING COMMISSION
MINUTES OF REGULAR MEETING
(Via Zoom)

August 5, 2021
7:00 P.M.

Commissioners Present

Chair Mork
Vice Chair Sager
Commissioner Malek
Commissioner Callahan
Commissioner Galuska¹
Commissioner Lin
Commissioner Rwamashongye

Staff Present

Rachel Markle, Planning Director
Steve Szafran, Senior Planner
Julie Ainsworth-Taylor, Assistant City Attorney
Carla Hoekzema, Planning Commission Clerk

CALL TO ORDER

Chair Mork called the regular meeting of the Shoreline Planning Commission to order at 7:00 p.m.

ROLL CALL

Ms. Hoekzema called the roll.

APPROVAL OF AGENDA

The agenda was accepted as presented.

APPROVAL OF MINUTES

The minutes of July 15, 2021 were accepted as presented.

GENERAL PUBLIC COMMENT

There were no general public comments.

STUDY ITEM: 2021 DEVELOPMENT CODE AMENDMENTS – BATCH #2 – SEPA AMENDMENTS

¹ Arrived 7:02 p.m.

Senior Planner Steve Szafran presented the proposed changes to the Development Code Batch #2 – SEPA Amendments. These amendments are related to the way certain permits are reviewed and appealed and how SEPA (State Environmental Policy Act), if required, is also reviewed and repealed.

1. 20.30.040 – Ministerial Decisions – Clarifies that some Type A (Administrative) permits are subject to SEPA if they exceed the threshold established by the City. Adds reference to SEPA appeals. The Planned Action Determination is taken out of the Type A table.
2. 20.30.050 – Type B Actions – Clarifies appeal language for Type B permits.
3. 20.30.060 – Quasi-Judicial Decisions – Type C – Strikes SEPA administrative appeal language and clarifies that Type C actions are appealable to King County Superior Court.
4. 20.30.070 – Legislative Decisions – Strikes SEPA administrative appeal language and clarifies that there are no administrative appeals of Type L (legislative) decisions.
5. 20.30.170 – Limitations on the Number of Hearings – This proposed amendment moves language to another section for clarity.
6. 20.30.200 – General Description of Appeals – This amendment clarifies the appeal authority for certain land use actions by including a new table for ease of use.
7. 20.30.220 – Commencing an Administrative Appeal – This proposed amendment clarifies the process for filing an administrative appeal.
8. 20.30.230 – Administrative Appeal Process – Clarifies the process for administrative appeals before the Hearing Examiner.
9. 20.30.540 – Timing and Content of Environmental Review – Clarifies the timing of determining if a project is categorically exempt and clarifies that appeals of a SEPA determination shall accompany the appeal of the project permit (and not before).
10. 20.30.565 – Planned Action Determination of Consistency – Clarifies that projects within a planned area do not need additional SEPA review. A planned action area is an area in which the City has previously evaluated the environmental impacts.
11. 20.30.570 – Categorical Exemptions and Threshold Determinations – clarifies that a SEPA determination is a final decision by the Director or decision-making authority and is not an administrative review.
12. 20.30.580 – Environmental Checklist – Clarifies that it is the applicant’s responsibility to fill out all section of an environmental checklist.
13. 20.30.610 – Environmental Impact Statement and Other Environmental Documents – This amendment allows the applicant, qualified professional, or the Department to prepare an Environmental Impact Statement and to dictate the contents of the EIS based on the EIS Scoping process which informs what topics will be evaluated within the EIS.
14. 20.30.630 – Comments and Public Notice – This amendment clarifies that a notice of SEPA determination shall be mailed, posted onsite, and advertised in the general paper of circulation (Seattle Times) for all determinations that are subject to this chapter.
15. 20.30.670 – SEPA Policies – This amendment strikes confusing language (Section A) and adds more recent plans, goals, and initiatives that the Department relies on when issuing SEPA determinations.
16. 20.30.680 – Appeals – The amendments to this section consolidate and clarify all the SEPA related appeal information that is currently located in other sections of the code.

Commission Discussion:

Commissioner Rwamashongye asked for clarification about Amendment 15 which strikes language relating to policies and goals. Senior Planner Szafran explained that the current language is confusing which is why they were proposing deletion. Commissioner Rwamashongye suggested that the policies and goals be clearly stated or referenced somewhere.

Commissioner Lin referred to Amendment 13 and asked if anyone is allowed to provide the EIS. Senior Planner Szafran explained that the information required is very technical, so it is almost always put together by qualified professionals in the relevant area. The application is reviewed and verified by the appropriate staff members.

Vice Chair Sager referred to Amendment 7 asked if this should state it would be a decision to the Hearing Examiner or the Shoreline Hearings Board. Senior Planner Szafran agreed. Vice Chair Sager also asked what would trigger a redo of the Environmental Impact Statement for a planned action area. Senior Planner Szafran explained that there are maximum thresholds for each area that would trigger this.

Commissioner Callahan thanked staff for their extensive work on these amendments which will help people out in the long run. She also asked why the Housing Action Plan wasn't listed for Amendment 15 City Attorney Ainsworth-Taylor commented that her understanding was that the Housing Action Plan was intended to be more of a guidance document and not a regulatory tool. Director Markle and Senior Planner Szafran concurred. Director Markle added that the Housing chapter of the Comprehensive Plan hasn't been updated yet to reflect the Housing Action Plan. There are things in the Housing Action Plan that Council will eventually decide over time to be part of the policies, but they are not at this time. Commissioner Callahan asked how the Climate Action Plan was different. City Attorney Ainsworth-Taylor commented that the Climate Action Plan is more of a policy guidance document and does not feed into the Comprehensive Plan. Planning Director Markle concurred and added that the climate topic could become a chapter of the Comprehensive Plan at some point which could change the way this is handled.

Chair Mork referred to the development near the former Rat City Roller Rink on Highway 99 and asked if that was a planned action area. Senior Planner Szafran replied that it is not; each one is subject to a SEPA review. Chair Mork asked if SEPA is applicable to utilities' projects. Director Markle explained public utilities would do their own SEPA review. The City would receive a checklist from the utility and could comment to the lead agency. Chair Mork also expressed appreciation to staff for their hard work on these amendments.

UNFINISHED BUSINESS

None

NEW BUSINESS

None

REPORTS OF COMMITTEES AND COMMISSIONER ANNOUNCEMENTS

DRAFT

None

DIRECTOR'S REPORT

Director Markle followed up on a discussion related to Tom McCormick's letter regarding the idea of the City purchasing a property on 27th Avenue NW in order to secure beach access for the community. She reported that the City Manager's office was also paying attention to that. The Parks Manager had researched what he could online and reported that there were several issues associated with this property. Director Markle stated that it was not ultimately advised to pursue the property. City Attorney Ainsworth-Taylor noted that the property had been sold, but staff had discussed trying to secure an easement with Burlington Northern to get safe access over the bridge. Director Markle also discussed how planning for and budgeting for a large project like this would occur between different groups. The Commission thanked staff for the additional information.

AGENDA FOR NEXT MEETING

The August 19 meeting was cancelled. The Planning Commission retreat was tentatively scheduled for September 2, and the next meeting tentatively scheduled for September 16.

ADJOURNMENT

The meeting was adjourned at 7:53 p.m.

Laura Mork
Chair, Planning Commission

Carla Hoekzema
Clerk, Planning Commission