AGENDA

CITY OF SHORELINE PLANNING COMMISSION
REGULAR MEETING

Thursday, September 3, 2009
7:00 p.m.

Shoreline Conference Center
18560 1st Ave. NE | Mt. Rainier Room

		Estimated Time
1.	CALL TO ORDER	7:00 p.m.
2.	ROLL CALL	7:01 p.m.
3.	APPROVAL OF AGENDA	7:02 p.m.
4.	DIRECTOR'S COMMENTS	7:03 p.m.
5.	APPROVAL OF MINUTES a. August 20, 2009	7:08 p.m.
6.	GENERAL PUBLIC COMMENT	7:10 p.m.

During the General Public Comment period, the Planning Commission will take public comment on any subject which is not of a quasi-judicial nature or specifically scheduled later on the agenda. Each member of the public may comment for up to two minutes. However, the General Public Comment period will generally be limited to twenty minutes. The Chair has discretion to limit or extend time limitations and the number of people permitted to speak. Speakers are asked to come to the front of the room to have their comments recorded and must clearly state their first and last name, and city of residence. The rules for procedure for Public Hearings before the Planning Commission are further defined in Resolution No. 182.

7.	PUBLIC HEARING Legislative Public Hearing a. Change to Transportation Level of Service (LOS) Standards 1. Staff Overview and Presentation of Preliminary Staff Recommendation 2. Questions by the Commission to Staff 3. Public Testimony 4. Final Questions by the Commission 5. Closure of Public Hearing 6. Deliberations 7. Vote by Commission to Recommend Approval or Denial or Modification	7:15 p.m.
8.	DIRECTOR'S REPORT	7:45 p.m.
9.	UNFINISHED BUSINESS a. Tree Regulations Discussion b. Follow-up Discussion on Work Plan and Upcoming Joint CC/PC Meeting	7:55 p.m. 8:45 p.m.
10.	NEW BUSINESS	9:15 p.m.
11.	REPORTS OF COMMITTEES & COMMISSIONERS/ANNOUNCEMENTS	9:20 p.m.
12.	AGENDA FOR September 20	9:25 p.m.
13.	ADJOURNMENT	9:30 p.m.

The Planning Commission meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 801-2230 in advance for more information. For TTY telephone service call 546-0457. For up-to-date information on future agendas call 801-2236.

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These Minutes Subject to September 3rd Approval

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION
SUMMARY MINUTES OF REGULAR MEETING

August 20, 2009 Shoreline Conference Center
7:00 P.M. Mt. Rainier Room

Commissioners Present
Chair Hall
Vice Chair Wagner
Commissioner Behrens
Commissioner Kaje
Commissioner Kuboi (arrived at 7:01)
Commissioner Perkowski
Commissioner Piro
Commissioner Pyle

Staff Present
Joe Tovar, Director, Planning & Development Services
Steve Cohn, Senior Planner, Planning & Development Services
Miranda Redinger, Associate Planner, Planning & Development Services
Paul Cohen, Senior Planner, Planning & Development Services
Jessica Simulcik Smith, Planning Commission Clerk

Commissioners Absent
Commissioner Broili

CALL TO ORDER

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

ROLL CALL

Upon roll call by the Commission Clerk the following Commissioners were present: Chair Hall, Vice Chair Wagner and Commissioners Behrens, Kaje, Perkowski, Piro and Pyle. Commissioner Kuboi arrived at 7:01 p.m., and Commissioner Broili was absent.

APPROVAL OF AGENDA

The agenda was accepted as presented.

DIRECTOR'S COMMENTS

There were no comments from the Director during this portion of the meeting.

APPROVAL OF MINUTES

The minutes of August 6, 2009 were approved as amended.

GENERAL PUBLIC COMMENT

Laethan Wene, Shoreline, expressed his belief that the City wasted money on the City Hall Project, particularly the artwork. This money should have been spent on other projects.

Judy Allen, Shoreline, reported on the serious erosion problems at Boeing Creek and Eagle Reserve, and citizens have been working with the City and King County since October of 2008 to address the situation. She provided a packet of information for the Commission and asked that they study the documents and recommend the project be placed high on the City's priority list. She expressed appreciation to Chair Hall for visiting the site and becoming acquainted with the area, and she invited other Commissioners to tour the site, as well. She noted that Ocean, Technology and Environmental Consulting (OTEC) has provided a report that identifies a $300,000 fix for the immediate area. At this time, two homes are being jeopardized, and kids who trespass across the railroad tracks are also in danger.

STAFF REPORTS

Study Session: Shoreline Master Program (SMP)

Ms. Redinger introduced Teresa Vanderburg and Rena Shakra, consultants from ESA Adolfson, who were present to report on the Shoreline Master Program (SMP) Update.

Ms. Vanderburg recalled that the City started updating their SMP in 2007. She explained that the City's SMP applies to all of Puget Sound (any lands that are tidal and below the water up to the ordinary high water mark) and extends 200 feet landward for these lands (including coastal bluffs and railroad tracks). Based on Planning Commission comments last November, the consultants investigated whether or not Lake Ballinger fell within the City's Shoreline jurisdiction and learned that it does not.

Ms. Vanderburg reviewed the components of the SMP, which feed into the Comprehensive Plan and regulations. To date, they have:

- Completed the draft Inventory and Characterization Report and Map Folio.
- Completed the draft of the Restoration Plan and Recommendations Report.
- Completed draft general goals and policies.
- Prepared draft shoreline environmental designations but have not gotten into the specific development standards, the administrative procedures, or the cumulative impact analysis.
- Prepared a use matrix, which talks about the different uses relative to the shoreline environments.

Ms. Vanderburg referred to the draft Restoration Plan, which is available on the City's website. The plan gives both site specific and programmatic opportunities for restoration in the shoreline

jurisdictions. It also establishes timelines and some general benchmarks. It would look at opportunities for bringing the conditions of the shoreline above the current baseline conditions, with the goal of improving shoreline functions over time. She explained that mitigation would be on a project-by-project basis, and the intent is that mitigation would be provided to bring the shoreline functions back up to the baseline condition to meet the Dept. of Ecology standard of "no net loss".

Ms. Vanderburg explained there are a number of components and maps in the Restoration Plan, which talk about restoration and preservation opportunities. She referred to just one of the maps that provides examples related to culvert improvements and fish passage for some of the stream mouths. They want sediment to flow to Puget Sound to further enhance the near shore environment. Some of the programmatic opportunities outlined in the report include enhancement of the riparian areas and the native vegetation within the shoreline. She specifically noted that some of the creeks could use culvert replacements, and another opportunity involves setting the shoreline wherever possible to remove hardened armoring and bring more natural conditions back along the coastal zone. Although not considered a restoration opportunity, it is important to preserve the feeder and coastal bluffs that are feeding sediment into Puget Sound.

Ms. Vanderburg referred to the draft timelines that were developed for implementation of restoration opportunities and projects. As per the proposed timeline, the City would initiate conversations with Burlington Northern Santa Fe Railroad (BNSF) within the first two years after adoption of the SMP Update. These conversations would include sediment delivery, maintenance, and stream culvert replacement. Also within the first two years, the City would integrate shoreline restoration programs with the City's Capital Improvement Program to establish a funding mechanism. Within five years of adoption, the proposed timeline suggests the City will fund at least two bulkhead removal or stabilization projects and develop a vegetation management plan for the Innis Arden Reserve so that native vegetation is retained in the Shoreline environment. Within seven years of adoption, the timeline calls for implementation of at least one of the bulkhead removal projects and a vegetation management plan for Innis Arden.

Ms. Vanderburg announced that benchmarks are another requirement of the SMP Update. She provided some examples of how the City could track their progress and monitor whether or not they have been successful with shoreline restoration. This will be important information when the City updates the SMP again in 7 years as required. At this time, the consultants are suggesting the following benchmarks: acres of riparian enhancement, linear feet of bulkhead removed, number of culverts replaced, number of public education workshops implemented, acres of wetlands restored, etc.

Ms. Shakra advised that shoreline environment designations are another requirement of the SMP Update. At this time, the consultants are proposing four different environment designations, which would function similar to a zoning overlay and would apply to specific parts of the Puget Sound coastline. She reported that policies and regulations that apply to each specific designation would be developed later this year. She explained that three of the proposed designations are based on the Department of Ecology's (DOE) guidelines, and the fourth would be applied to Point Wells because of its unique use as an industrial facility and the possibility for it to be redeveloped as residential and commercial. She reviewed that the designations were chosen based on the existing ecological

conditions, as documented in the inventory report, as well as existing and planned uses. She reviewed each of the designations as follows:

- Shoreline Residential - The purpose of this designation is to allow residential structures and accessory uses. It would be applied to Richmond Beach, which is made entirely of residential homes and the railroad. The homes are armored with bulkheads and there is an outlet for Barnacle Creek. The designation would also be applied to the area just south of the Richmond Beach Salt Water Park, which is also mainly residential uses and the railroad facility. There are two outlets, Storm Creek and Blue Herring Creek.

- Urban Conservancy - This designation would apply to areas that have some existing ecological functions but have been partially developed. It would be applied to the shoreline area just south of Point Wells between the Richmond Beach homes and the northern City limits. This area does have railroad armoring, but there is also eel grass, kelp, a sand flat spawning area for forage fish, an outlet for Barnacle Creek and the only forested wetland in the City. The designation would also be applied to the Richmond Beach Saltwater Park, which is one of the two areas within the City's shoreline that is unarmored. That means Puget Sound receives sediment directly from the shoreline. It also has a lot of different types of shellfish, eelgrass, kelp, and a forage fish spawning area.

- Point Wells Urban Conservancy- This designation would be applied to the southern portion of Point Wells. At this time, the area is not intensely developed, and it does not have an armored shoreline. That means there are also shellfish, eelgrass, kelp, sand and gravel flats, and an unnamed stream outlet.

- Point Wells Urban - This designation was created uniquely for Point Wells, which is the most intensely developed portion of the City's shoreline. She observed the difference between the northern portion of Point Wells (highly developed with armoring) as compared to the southern part (vegetation and a softer near shore environment).

Ms. Shakra advised that the consultants have been debating which environment designation to apply to the portion of the shoreline from the Innis Arden Reserve south to the City limits. This stretch of shoreline is in good ecological shape, with the exception of the railroad. The urban conservancy designation applies to areas that are ecologically intact with some development. The natural designation is typically applied to areas that are in nearly pristine condition, but can also be applied to areas that, if developed, would create a risk to human safety. Since this stretch of shoreline has landslide hazard areas, development would pose a definite risk to human safety. The consultants are interested in feedback from the Commission about what they feel the appropriate designation would be.

Ms. Shakra briefly reviewed the proposed list of uses that would be allowed and prohibited in all of the environment designations. She advised that as per guidance from the DOE, all of the uses identified in their guidelines as prohibited are specifically shown in the proposed use matrix. In addition, she explained that the matrix identifies uses that would be allowed in some shoreline environment designations but prohibited in others. Generally speaking, an environmental designation that is less protective would allow a lot more uses than a "natural" designation.

Ms. Shakra advised that the final step in developing Shoreline Environmental Designations was to prepare vegetation conservation standards based on DOE's requirement that vegetation be protected. The consultants have identified protection areas for the different environment designations, with the Point Wells Urban Designation having the least vegetation conservation area. She provided a graphic illustration and explained how the vegetation conservations standards would be applied in each of the designations.

Ms. Shakra summarized that based on Commission feedback and public comments over the next few weeks, the consultants would finalize the shoreline environment designations, send a memorandum to the DOE, and then start working on the goals, policies and regulations. From there, they would prepare a cumulative impact analysis, which considers all of the work products and determines what affect they would have on the existing ecological condition of the shoreline. After that, the consultants would consolidate the SMP and present it to the public for review and comment in early 2010.

Commissioner Kaje asked if there was a specific date associated with the baseline condition. Ms. Shakra answered that baseline conditions were established by the Inventory and Characterization Report, which was finalized in December of 2008.

Vice Chair Wagner invited the consultants to identify what condition the City's shoreline is in relative to other similar jurisdictions in the area. Ms. Shakra said they were pleasantly surprised to find eel grass, a variety of shellfish, and bird habitat at the southern portion of Point Wells. While there are some ecological conditions still intact, they also have the railroad, bulkhead and a substantial amount of riparian removal. She suggested they are about average. Ms. Vanderburg added that based on existing development, the number of ecological features present in the City of Shoreline was surprising.

Kaje pointed out that Everett dredges their channel and uses the dredged materials to nourish the beach at Jetty Island. He inquired if the draft language would prohibit the City from doing something similar as part of a beach nourishment program. If so, he suggested the City's program should specifically incorporate this exception. Ms. Vanderburg noted that beach nourishment was identified as an enhancement project in the Restoration Plan. Where beach nourishment is needed and is ecologically sound, the use of dredged materials would be allowed. The intent is to allow for enhancement, and the details of where and how beach nourishment projects would be identified and allowed could be addressed later in the process. Ms. Shakra suggested they could either change the use matrix to allow dredged disposal in situations of shoreline enhancement, or they could make sure the definition of "enhancement project" incorporates dredge disposal. Commissioner Kaje felt it would be appropriate to address this issue explicitly since dredging does pose a very likely source of material for beach nourishment efforts.

Commissioner Pyle questioned why the City would prohibit dredging entirely within their shoreline areas. He referred to the Point Wells site and suggested that if a marina is developed in this location at some point in the future, there may be a need for a navigational dredging program. Rather than eliminating dredging entirely, perhaps they should allow it in the Point Wells Urban Designation, since there is already an industrial marina-based operation on the site.

Commissioner Behrens requested clarification about the potential impacts associated with dredging hazardous materials. He suggested there is a possibility that at least a portion of the Point Wells site has contaminated soil both on the beach and in the water. He cautioned against allowing dredging that could result in having to dispose of dredged materials that are contaminated. Ms. Vanderburg explained that the Department of Natural Resources would be involved in both dredging and disposal, and she suspects that any dredged material would have to be tested and meet the standard before it could be used for beach nourishment.

Commissioner Pyle clarified that his comments were in reference to strictly navigational dredging and not dredging the upland to create more aquatic environment. Chair Hall noted that the proposed language does not identify any conditional uses; only those that are permitted and those that are prohibited. He suggested that perhaps it would be appropriate to allow navigational dredging at Point Wells as a shoreline conditional use, which would require special approval by the DOE. Ms. Shakra pointed out that there are a few conditional uses proposed, and they are identified on the matrix with a "c." She agreed the use matrix needs refinement.

Chair Hall summarized that the Commission would support the use of dredged material for beach nourishment. They also agreed it would be appropriate to allow for navigational dredging as a conditional use in the event it is needed for a future marina. He cautioned it will be important to deal with any ramifications this would have on pollution or re-suspension of contaminated dredge materials, etc.

Commissioner Pyle said he is also interested in how public access would be addressed in the SMP. He referred to the access point at the end of Apple Tree Lane and noted there has been dispute over time about whether or not the public has the right to access the south end of the lane. He suggested the City consider this issue as part of the SMP update. Chair Hall suggested that if the consultant finds there is no legal public access in this location, perhaps they could encourage the City to negotiate with adjacent landowners to make the access public at some point in the future. Vice Chair Wagner suggested the request be broadened to encourage the City to look at all potential opportunities to increase public access to the beach. The remainder of the Commission concurred.

Commissioner Pyle asked why there is no aquatics designation. Even though the uses mirror themselves on the aquatics side, having the aquatic environment would extend the perception of Shoreline regulation out to the City's actual jurisdiction line. Chair Hall inquired if the consultants are confident the proposed language would effectively capture and regulate any uses (i.e. floating net pens) that can be done without any adjacent shoreline use. Ms. Vanderburg expressed her belief that the aquatic designation would be important if the City were expecting buoys or net pens, or other items that are wholly underwater. The consultants felt that, at this point, there were no uses that could be identified. Therefore, the aquatic designation would make it more difficult to deal with future development that is both in and out of the water, such as a dock on salt water for a marina because they would be required to deal with both the upland and aquatic designations. Specific regulations would apply to the salt water habitats within the ordinary high water mark, but uses that are wholly within the water would not be covered by the current designations. Chair Hall said based on his background with fisheries, he is