

ENVIRONMENT COMMITTEE AGENDA

November 8, 2018 – North Conference Room

21630 11th Avenue South – Des Moines 98198

5:45 PM – 6:50 PM

1. Approval of the minutes of the 10.11.2018 meeting (Chair to call the meeting to order and start @ 6:00 pm)
2. Midway Sewer District Comprehensive Plan (Info, 6:00 to 6:30 pm)
Staff will brief the Committee on the discussion with Midway Sewer District regarding the allowance of use of Low Pressure Sewer systems within their service area.
3. Shoreline Management Plan & Potential Policy Changes (Info, 6:30 to 6:50)
Staff will introduce proposed policy changes associated with the Shoreline Master Program (SMP) periodic review for Committee consideration and input.

DRAFT MINUTES - ENVIRONMENTAL COUNCIL COMMITTEE MEETING 10.11.2018

The meeting was called to order @ 6:01 PM, Thursday, October 11, 2018, in the North Conference room @ 21630 11th Avenue South, Des Moines with the following in attendance:

Council Members

Traci Buxton (Chair)
Robert Back
Matt Pina
Guests:
Doug Osterman (King County)
Karen Bergeron (King County)

City Staff

Dan Brewer, Chief Operations Officer
Brandon Carver, PW Director
Loren Reinhold, SWM Utility Manager
Tim George, City Attorney
Matt Hutchins, Asst. City Attorney
Peggy Volin, Admin Asst. II

AGENDA:

1. Approve minutes of the 9.13.2018 meeting
2. WRIA 9 McSorley Creek Shoreline & Pocket Estuary Project
3. Midway Sewer Comp Plan Response Follow-up

MEETING:

1. Approve the minutes of the September 13, 2018 meeting: Unanimously approved.
2. WRIA 9 McSorley Creek Shoreline & Pocket Estuary Project: Surface Water Manager Loren Reinhold introduced Doug Osterman and Karen Bergeron with King County who gave a brief history of the McSorley Creek Shoreline area, then presented a powerpoint presentation on the status and objectives of this watershed restoration project.
3. Midway Sewer Comp Plan Response Follow-up: City Attorney Tim George updated the Committee on the results of research regarding a local jurisdiction's standards for reviewing and approving a sewer utility's comprehensive plan.

Meeting adjourned at 6:50 pm

Minutes respectfully Submitted by: Peggy Volin, Admin Asst II

Memo

Date: November 8, 2018
To: Council Environment Committee
From: Jason Woycke, AICP – Planner II
RE: Shoreline Master Program Periodic Review Policy Discussion

Purpose

The purpose of this agenda item is to introduce proposed policy changes associated with the Shoreline Master Program (SMP) periodic review.

Background

As introduced to the Environment Committee on April 12, 2018, the periodic review of the Shoreline Master Program (SMP) is required pursuant to Chapter 90.58 RCW and Chapter 173-26 WAC. The purpose of the SMP periodic review is:

- To assure that the master program complies with applicable State law and guidelines in effect at the time of the review,
- To assure consistency of the master program with the City’s comprehensive plan and development regulations adopted under chapter 36.70A RCW,
- To consider amendments needed to address changes in City policy, and
- To facilitate review of projects by clarifying SMP content that it is not currently clear.

To date, City staff is in the process of drafting potential amendments to the SMP that comply with new State laws and guidelines, clarify content, and allow for additional flexibility in permitting. Staff coordinated and attended two public participation events, one at the Activity Center on August 14, 2018, and one at the Farmers Market on August 25, 2018. Updates have been provided in City Currents, The Waterland Blog and Westside Seattle, and on the City’s website and Facebook page.

In the coming months Staff will continue drafting amendments to the SMP. A second open house is scheduled for November 13, 2018. Review by the Department of Ecology is ongoing. Commerce and SEPA noticing is scheduled for January.

Discussion

The SMP Periodic Review provides the City the opportunity to consider amendments in City policy related to the shoreline jurisdiction. Through review of current City policy and consultation with the Department of Ecology, staff suggests the committee consider the following policy changes:

Policy Changes to Facilitate Flexibility in Permitting

1. Permit illuminated signs in the High-Intensity Shoreline Environment without a Shoreline Conditional Use Permit (CUP).

Illuminated signs in this area currently require a shoreline CUP. Specific criteria would instead be added to the SMP (e.g. signs shall face away from the water and location, design, and brightness of signs shall be conditioned if needed to ensure no net loss of ecological function).

2. Considering Washington Scuba Alliance's proposal for a new dive park in Redondo, specifically allow for "Dive Parks" without a Shoreline CUP. Dive Parks are not mentioned in the SMP and the permitting process is currently unclear.
3. Allow for water-related and water-enjoyment commercial uses in the Urban Conservancy environment (e.g. kayak rentals, concessions).

The Urban Conservancy Shoreline Environment includes the Beach Park and Saltwater State Park. This has been discussed at past Council meetings, mostly in relation to the Beach Park and the Wasson property.

4. Allow additional flexibility for remodeling of non-conforming buildings when the proposal's fair market value is no more than 75% the replacement cost, rather than the current 50%.

Currently if nonconforming buildings are demolished/removed (e.g. remodeling project) by more than 50% of their replacement cost, they must be built to current shoreline and zoning code (Note that this does not include instances where development is destroyed by catastrophe or disaster such as fire, explosion, earthquake, flooding, etc.). The 50% threshold has been challenging for property owners given that costs for construction and materials often push projects above this threshold.

5. Add additional specific exemptions from Shoreline Substantial Development Permits.

In order for specific single-family residential appurtenances to be exempt from a Substantial Development Permit (SSDP), they must be listed in the SMP. The list is limited to those found in state law and those that are abundant and typical in the City. Staff proposes that the City add the following items to the list of SSDP-exempt appurtenances:

- a. Sheds
 - b. Patios
 - c. Cabanas
 - d. Spas and hot tubs
 - e. Accessory Living Quarters (ALQs)
6. Provide additional flexibility in side and rear setbacks to minimize impacts to the shoreline environment.

The City's critical area code (e.g. DMMC 16.10.130) which is not applicable within the shoreline jurisdiction, includes allowances for the reduction in required yards if the reduction minimizes impacts to affected critical areas. There is no such allowance in the shoreline jurisdiction. Allowing for these type of yard reductions in the shoreline jurisdiction would provide residences the flexibility of more square footage farther from the ordinary high water mark (OHWM).

Policy Changes Intended to Provide Clarification of Regulations

7. The SMP regulations regarding upland fill are inconsistent with WAC 173-26-231, inconsistent with the SMP's land, clearing, and grading regulations, and inconsistent with how it is generally regulated in other jurisdictions. The SMP currently requires a CUP for upland fill. Staff proposes that the SMP allow for fill when it is connected to upland permitted uses and when there is no net loss of shoreline ecological functions. We are also exploring an allowance for fill in order to provide protection for cultural resources.
8. To provide clarity Ecology has recommended a list of specific uses that are allowed within the buffers and setbacks of the shoreline jurisdiction be added to the SMP, without the requirement for a variance or CUP. Some of these uses have been permitted by the City in this manner in the past. Washington State also mandates that many of these uses, such as ones for shoreline access, be permitted. Unfortunately, the permitting process has not always been clear to City staff and property owners. With the proposed changes, applicants requesting approval of any of these uses would be required to obtain either a Shoreline Substantial Development Permit (SSDP) or SSDP Exemption. Staff proposes adding the following activities/uses:
 - a. Private access walkways, stairs, trails, and paths. *These would be restricted by a combination of criteria such as shortest route, pervious material, critical area impact, and/or width.*
 - b. Public access walkways, stairs, trails, and paths. *This is a critical element of the SMA.*
 - c. At-grade patios adjacent to residence. *This is a common request by homeowners. These would be restricted by a combination of criteria such square footage and pervious materials.*
 - d. Upland shoreline/bluff stabilization for existing development. *Staff is finding that the permitting of structures to protect existing development such as single-family residences from erosion and landslides is very tedious and expensive at this time.*
 - e. Park improvements such as those for the Beach Park and Saltwater State Park (e.g., public trails and trail-related facilities, picnic tables, benches, interpretive centers and signs, viewing platforms, play equipment, picnic shelters, public art and art installations, drinking fountains, garbage cans, and other similar passive parks furnishing and fixtures). *The DMMC has similar language in DMMC 16.10.300.*

Does the Committee have any questions or comments related to the proposed amendments or additional requests?