

**City of Sumner**

**PLANNING COMMISSION**

**July 25, 2002**

Members Present: Livingston, Myers, Nalder, Richardson

Members Absent: Lovgren (Notified) Walker (Notified)

Also Present: Ryan Windish, Senior Planner John Doan, Director

**CALL TO ORDER**

LIVINGSTON called the meeting to order at 7:00 p.m.

**APPROVAL OF MINUTES**

MYERS noted that on page 6 of the June 6, 2002 Minutes, Haight Street should be changed to Voight Street.

**MYERS motioned to approve the Minutes for June 6, 2002 as corrected. RICHARDSON seconded the motion and it passed unanimously.**

**MYERS motioned to approve the Minutes for the June 20, 2002 Study Session with no amendments. NALDER seconded the motion and it passed unanimously.**

**PUBLIC COMMENT**

There was no public comment.

**MYERS motioned that Agenda item No. 6, New Business, be addressed prior to Agenda item No. 5, Unfinished Business. NALDER seconded the motion and it passed unanimously.**

**NEW BUSINESS**

**1. East Sumner Neighborhood Plan Amendments (2001 Comp. Plan Amendments)**

Director JOHN DOAN reviewed for the Commission a Memorandum dated June 10, 2002 from City Council Member Dave Enslow with regard to the East Sumner Neighborhood Plan. (See handout).

DOAN explained that under State law you cannot amend the Comprehensive Plan more than once a year. We have created a process where at the beginning of the year applications and proposals can be submitted. The Planning Commission determines which applications/proposals they will consider. Those proposals are the next year's Comprehensive Plan Amendment Package. It has been requested by Council Member, Dave Enslow, that we consider amending the Comprehensive Plan. He is asking that Staff take into consideration some of the questions proposed in his memo and, along with the Planning Commission, propose some amendments to the Neighborhood Plan. There were some things that were not completed in terms of the Neighborhood Plan. This could be an opportunity to go back to the City to propose some planned actions that could make development easier. The questions proposed are answerable, and it should not delay the Comprehensive Plan Amendment process. This will be a very structured process and very limited in scope.

WINDISH added that the question tonight is, does the Planning Commission want to consider this. This would put it on the docket. At that time, he would present a Staff report and analysis.

LIVINGSTON stated that he does not want to look into this again. It was a long process and it has not been 18 months since it was pass by Council. He does not feel that it is fair to the residents that are trying to make decisions about their property. There have not been any significant changes in the past 18 months that would warrant reworking the process. It sets a bad precedent.

RICHARDSON stated that he feels the request is reasonable. There should be a contingency to reopen this in the event the plan does not come out the way we believe it will within the next couple of years. The East Sumner Neighborhood Plan is one of the largest pieces of Sumner yet to be developed. It would not be abnormal to think that in two or three years something might need to be changed.

WINDISH reiterated that the decision tonight is whether or not the Planning Commission wants to put this on the table for more discussion and more of an opportunity for Staff to look into it in more detail. At the end of the process, the Planning Commission may determine that no changes are necessary.

RICHARDSON asked whether that in the end the Council has the ability to amend the plan if necessary, as an executive act. If we do not consider this does it prevent the Council from making an adjustment to the Plan in the future?

DOAN responded that the Council could amend it if emergency measures called for it, however, they could not do anything permanent without the Planning Commission.

RICHARDSON suggested revisiting this with a full Planning Commission.

LIVINGSTON stated that the agenda for this meeting was sent out ahead of time, and if anybody not attending wanted to make any comments, then those comments could have been forwarded on.

**NALDER motioned that the Planning Commission not consider the proposed request to review the East Sumner Neighborhood Plan. MYERS seconded the motion. RICHARDSON opposed the motion. The Motion Passed with 3 Commissioners in favor, and 1 Commissioner opposed.**

## **2. Additional 2001 Comprehensive Plan Plan**

Senior Planner RYAN WINDISH reviewed for the Commission the July 18, 2002 Memorandum/Staff Report with regard to the 2001-2002 Comprehensive Plan Amendments. (See handout).

WINDISH noted that No. 2 of the Memorandum addresses the Transit-Oriented Overlay designation. It has been determined that this will be considered in 2004 as opposed to the 2001 Amendment.

No. 1 of the Memorandum affects the area in the East Main Street Design Strategy. It is the parcel located directly south of the Century 21 Real Estate Office at 15310 East Main Street. It is a 7,500 sq. ft. piece of property and the current zoning line go to the south of the property line of the Century 21 office. It is approximately 100 feet deep. This amendment would add depth to that commercial area and would line it up with the parcels to the east and west of that site.

MYERS asked whether this was referring to just one lot?

WINDISH stated that it is just referring to one lot. Further, the East Main Street Design Strategy offers the alternative of a road running north and south with the lots on either side of the road.

NALDER asked if it would go all the way through to Main Street.

WINDISH responded that it would go from Main to 62nd. This would gain depth for that commercial piece and would also create more parking for the small office buildings to the rear of the Century 21 building. He feels it is well in line with both the East Main Street Design Strategy and facilitating the street line in that location. It meets a number of goals.

**MYERS motion to consider No. 1 of the Staff report on the 2001/2002 Comprehensive Plan Amendment. NALDER seconded the motion and it passed unanimously.**

### UNFINISHED BUSINESS

#### 1. Shoreline Master Program/Critical Areas Update

Senior Planner RYAN WINDISH reviewed for the Commission amendments to Chapters 1, 6, 7 and 8 of the Shoreline Master Program/Critical Areas Update. (See handout).

#### CHAPTER 1

WINDISH noted that on pages 2 through 4 the underlined text is straight out of the RCW's. It addresses public access and the trail system issue for that public access. On page 8 they moved the discussion on each of the chapters to a different part of the document.

#### CHAPTER 6

WINDISH noted that on page 1 a reader's key w/acronyms and definitions was added. The chapters have been updated to include best available science.

RICHARDSON felt that with regard to chapter 6, page 4, No. 1, under Earth, the term "no" impact was too strong. He suggested that it be changed to "negligible".

WINDISH noted that on page 18, No. 1, where it states that public access to the Sumner shorelines does not include the right to enter upon or cross private residential property, he felt that it should just say "private" property as opposed to "private residential".

RICHARDSON asked if No. 1 could involve private commercial property?

WINDISH stated that that is why they would delete the word residential. He will clarify that

#### CHAPTER 7

WINDISH stated that on page 4 certain activities are prohibited within the shoreline jurisdiction under the agricultural provisions. The prohibited agricultural development and activities within the shoreline jurisdiction are manure lagoons and manure spreading on agricultural fields.

NALDER noted concern that there may be manure spreading on crops, such as daffodil crops or the dairies spreading manure on the grass. It was indicated before that these things could not be enforced as far as farming activities.

WINDISH stated that he would look into it.

WINDISH noted on page 5, that it discusses allowing boating facilities policies, and that they added the language that "docks shall be designed to minimize interference with upstream or downstream passage of salmonids". On page 9, under the Riparian Management Zone, shoreline residential is at 100 feet and

urban conservancy is at 200 feet. It was his understanding that shoreline residential would be at 50 feet. As it is, it would only allow for two buffer widths. Everything downtown would be 100 feet, which would create a lot of nonconformance. He will follow-up with Nancy Eklund.

MYERS indicated that he would agree with 50 feet if it protected the people. He just wants to ensure that if they need to rebuild, due to fire, etc., that they will be able to do that.

WINDISH stated that a single-family residence could be rebuilt to the dimensions that it was originally.

WINDISH noted that on page 24, under Parking, they included language to allow impervious materials in parking facilities, which would allow for water to infiltrate and pass through.

## CHAPTER 8

WINDISH noted that this chapter sets out a more updated permit process in applying for shoreline permits, development permits, and conditional use permits and variances. Under substantial development permits, exemption "A" has been added. As it relates to development, if the fair market value is under \$2,500, it would be exempt from applying for a substantial development permit and going to public hearing. There would still be the requirement that it comply with the Master Program, however, a special permit would not be needed. Emergency construction is also exempt from the need for a substantial development permit.

This chapter also address construction of docks, including community docks for single-family and multi-family residences, provided it does not go over \$10,000 in value. If you want to add on in subsequent years, the addition cannot exceed \$2,500 in value. It further addresses operation and maintenance of construction of canals, waterways, drains and water shed restoration projects procedures. In chapter 8, where it referred to the Planning Commission, it has been changed to Hearing Examiner. Also, zoning code 18.56 is referenced, which is the permit procedures policies.

RICHARDSON stated his concern about the change in chapter 8 to Hearing Examiner. His concern is that the Hearing Examiner may make rulings as to these permits that are not in accord with current plans. How is the Hearing Examiner restricted?

WINDISH explained that the Hearing Examiner acts as a judge. It is Staff's responsibility to prepare a Staff report that addresses every aspect of the Shoreline Management Program, all criteria that needs to be met and all of regulations that need to be reviewed in light of that project. Staff would also need to look into all other plans that may have a bearing on that permit. The Hearing Examiner would then hear the Staff report with Staff's recommendations. He would hear the applicant's explanation of the project and listen to public comment. The Hearing Examiner then takes it under advisement and renders a decision in approximately two weeks. It is a non-bias/non-political decision. His decisions can be appealed to the Council. The City Council would then act as an appeals court. They consider whether the Hearing Examiner considered all of the information. The reason for using a Hearing Examiner is that it is a non-bias decision.

RICHARDSON noted that his concern is that the Hearing Examiner's decision could set a precedent.

NALDER noted that it could be appealed by either side.

WINDISH referred to the appeal process on page 10, noting that the first level of appeal is City Council and that next level would be the State Court on the Hearings Board.

WINDISH continued with page 13, Nonconforming Development. It basically states that if a structure is too close to the shoreline, it cannot be built any closer, and if it is too high, it cannot be built any taller.

Further, as it relates to single-family homes and non-conforming development, it can be replaced at 100%, if restoration is completed within 3 years. Under (D), if a nonconforming use is discontinued for 12 consecutive months any subsequent use shall be conforming, (E) a nonconforming use shall not be changed to another nonconforming use, and (F) an undeveloped lot established prior to the Master Program which does not conform, may be developed as long as the development conforms to all other requirements of the Master Program. Page 14, Enforcement, refers to the Administrator or designated representative.

RICHARDSON questioned the wording on page 14, wherein it states that the "administrator or duly authorized representative shall have power of a police officer."

WINDISH noted that the language is the language currently in the code. It maybe outdated.

LIVINGSTON clarified the upcoming public hearing dates. September 5th is the Public Hearing on the Shoreline Masters Program. October 3rd is the Public Hearing on the Comprehensive Plan Amendment.

WINDISH asked that the Comprehensive Plan Amendment Public Hearing be rescheduled to the 19th of September.

#### **STAFF COMMENTS**

WINDISH stated that they are waiting for the Mayor to make a decision on the new Planning Commission appointment. They have three applicants. Further, he has issued a by-yearly Attendance Report, and Robert Holler was hired full time as an Assistant Planner. It has been working out really well. He is working on both current permits and long range planning, and is also working on the fence and landscape ordinances.

#### **COMMISSIONER COMMENTS**

RICHARDSON commented with regard to the Attendance Report and his non-notified absences, that on January 3, 2002 he had emergency surgery and brought in records to that affect. Also, on May 2, 2002, he did not receive proper notice of the meeting and brought in his package with a post-mark date of 3 or 4 days after the hearing. He was excused after the fact.

RYAN stated that he would make those adjustments.

LIVINGSTON notified the Commission and Staff that he would resign no later than the end of the year. In August he is changing jobs and his new job will require a significant amount of travel. As such, he will not be able to fulfill his requirements for attendance. He would like his notification to be passed on to the Mayor so that it can be considered in the review of the new applicants.

#### **ADJOURNMENT**

**MYERS motioned for Meeting adjournment at 8:45 a.m. LIVINGSTON seconded the motion and it passed unanimously.**

---

Ryan Windish, Senior Planner