

PLANNING COMMISSION  
STUDY SESSION  
Shoreline Master Program  
March 28, 2012 - 12 noon

Commissioners Present: Vicki Heimark, Steve Schield, Todd Lengenfelder, and Rick Penhallurick

Staff Present: Anne Henning, Billie Jo Muñoz, Daniel Leavitt, and Sue Mahaney

The study session was called to discuss the Shoreline Master Program. Information on the Public Trust Doctrine was provided, to address a question raised at a previous study session.

There was discussion by the Commission and the following changes were made to Chapter 6, General Polices and Regulations:

6-30-010-B Regulations

3. Restore the phrase “unless alteration of the critical area and its functions is otherwise mitigated” in the second line, after “maintained as open space”.
  3. c. Reasonable Use Exception. Where project proponents would seek a “Reasonable Use” exception for their proposal, they shall seek exception process and relief through the Conditional use or Variance Permit Process of this Master Program.

provide a definition for “reasonable use”

6-30-040-B Regulations -

3. Mitigation Ratios. Mitigation ratios shall be used when impacts to buffers are unavoidable. The onsite mitigation ratio (mitigation amount : disturbed area), shall be at a minimum ratio of 1:1 for development within buffer areas established in Table 9.3. A ratio of 2:1 shall apply to native vegetation removal within these areas. Mitigation for diverse, high quality habitat or offsite mitigation may require a higher mitigation ratio. Mitigation and management plans shall evaluate the need for a higher mitigation ratio on a site-by-site basis, dependent upon the ecological functions and values provided by the habitat. Recommendations by resource agencies in evaluating appropriate mitigation shall be encouraged.

Because a property owner is typically required to bond for and maintain for 3 to 5 years, the Planning Commission felt a 1 to 1 ratio was sufficient

4. Habitat assessments

- a. A habitat assessment shall be required prior to approval of the following uses and activities:

Any use or activity, requiring a shoreline permit or exempt from a shoreline permit, where the use or activity is proposed closer than the required shoreline buffers in Table 9.3 or within required wetland buffers in Section 6-30-070-C.

The Planning Commission would like to eliminate “or exempt from a shoreline permit”. The Commissioners wanted to know if they could change the criteria for what is considered a Fish & Wildlife Habitat Conservation area.

- 4.b “A required habitat assessment shall be prepared...” was changed to “When required, a habitat assessment report shall be prepared...”
- 4.b.i. An analysis and discussion of species or habitats known or suspected to be located on the site or within three hundred feet (300') of the site.

The Commission would like to delete “suspected” here and throughout the plan as they felt that gave too much leeway to an agency staff person; however staff explained that since not all sites have been documented, there needs to be some way to trigger further review. A site would be “suspected” based on criteria such as proximity to a known site or a specific type of habitat.

The Commission requested more information on why 300' is the distance used.

#### 6-30-070-C Regulations -

- 5.e.v. The size of a compensatory mitigation project shall be greater than the size of the affected wetland. When impacts to wetlands and wetland critical area buffers are proposed they must be mitigated using the ratios below.
- a. The following ratios apply to the creation or restoration of wetlands that is in-kind, onsite, the same category, timed prior to or concurrent with alteration, and has a high probability of success:
- i. Category I: 6-to-1
  - ii. Category II: 3-to-1
  - iii. Category III: 2-to-1
  - iv. Category IV: 1.5-to-1
- b. Compensatory mitigation that relies primarily on enhancement and/or preservation results in a net loss of area. Therefore, the above replacement ratios shall be double for such actions. The following ratios apply to wetland enhancement and preservation, and to wetland creation and restoration that does not meet the criteria above:
- i. Category I: 12-to-1
  - ii. Category II: 6-to-1
  - iii. Category III: 4-to-1
  - iv. Category IV: 3-to-1

The ratios above do not apply to remedial actions resulting from unauthorized alterations

Change all ratios to 1 to 1. Staff will bring back information about how mitigation ratios are determined, and where the numbers in the draft came from.

- 5.e.ix “Prior to site development and/or building permit issuance, a performance surety agreement...” was changed to “Prior to final plat approval or Certificate of Occupancy, a performance surety agreement...”

The Commission completed review of Chapter 6 through page 21 of the redline draft.

The study session adjourned at 12:10 p.m.