

PLANNING COMMISSION MEETING MINUTES
Monday, November 13, 2017, 6:00 PM

Planning Commission Members Present:

Scott Anderson, Karen Ashley, Chris Ford, Valerie Hoy-Rhodehamel, Shawn Van Pelt

Shoreline Advisory Committee member: Bernard Versari.

Staff present: Ben Shumaker.

Community Members Present: None.

Call to order: 6:00 PM

PRELIMINARY MATTERS

1. Chair Selected Public Comment Option #1.

2. October 9, 2017 Minutes:

Versari requested that the minutes also reflect the discussion of property issues that took place at the meeting. Specifically, at that meeting **VAN PELT** stated that lots that are currently established for development and that houses that are already existing should not be affected by the new regulations. **Versari**, as well as several members of the Planning Commission, concurred. At the meeting, the Planning Commission also discussed the potential exposure to “taking” lawsuits should new regulation significantly affect property rights.

MOTION: **ANDERSON** moved to approve, with the above correction; **HOY-RHODEHAMEL** seconded; unanimously approved.

15. Public Comment Period:

Versari, commenting as a Shoreline Advisory Committee member, presented a two-page memo with his comments on the Shoreline Management Plan (SMP) Inventory and Characterization Report Focusing on downtown Stevenson, he said that the Reach’s eastside lots are extremely large, and west lots are extremely small (see memo attached). As the City sets policy, it must recognize there is a great amount of diversity at Reach #2. Residential has a place and should not be discriminated against. This is a very critical point in view of the next agenda item. Secondly, milfoil is an issue and is not included in the plan and he believes it should be in the plan for the Waterfront and Rock Cove. Thirdly, the photos in the report are 10 years old and don’t show the developments that have taken place since then; he recommends deleting them since they are misleading, or provide photos that shows the whole shoreline. Fourthly, comments on the Bonneville Dam seem negative; in reality to him we have recreation, less erosion, etc.; also, the water level rise and fall amount is incorrect, as he’s lived there 20 years—it’s never 12 feet. It’s a 5-foot fluctuation maximum. See memo for additional points.

Shumaker asked the Committee for comments on **Versari’s** memo.

There was discussion about the positive aspects of the current buffer lengths, such as avoiding erosion, allowing recreation, fishing, etc. **HOY-RHODEHAMEL** asked **Shumaker** to contact the Dam to get the correct numbers, but to delete the entire passage.

ANDERSON said the Committee shouldn’t drill down on these points unprepared; he wasn’t expecting this information and **Shumaker** also was not prepared at this time to address the memo issues. **Versari** reminded he presented these same points two years ago.

NEW BUSINESS: None.

OLD BUSINESS:

16. Shoreline Advisory Committee: Shoreline Environment Designations, Vegetation Removal meetings and Council meetings.

Shumaker said he didn't reach his goal of having a full draft of this for Committee since most of his time went to wetlands, but he presented a more complete document than at last meeting.

He's been reorganizing what was in Chapter 1; it's still a draft, at about 75% complete. Chapter 2, Administrative Provisions has not changed; totally done. Chapter 3 used to be Chapter 4. Chapter 4 includes information on critical areas. Chapters 5 and 6 contain a draft use table and regulations for shoreline modifications to illuminate the group's discussion of the Shoreline Environment Designation Map.

Versari, referring to a change in setback for residential uses stated: you're basically taking away the right to build for many property owners—it's been 50 feet for 50 years. I highly recommend you don't change this. **Versari** said it does not make any sense. He acknowledged the need for encouraging investment on the Shoreline, but said the text there encourages the opposite. **Versari** said this is critical; there is no reason to increase the buffers, and asked why discriminate against residential, since the City needs people to come in and invest. He described industrial area having a proposed 33-foot buffer, where the area already has impervious surfaces, riprap, etc. and the westside residential as biological with plants and birds, etc. and felt the required buffers should be the opposite. **Shumaker** said the state's goal of "no net loss of ecological function" justifies narrower setbacks where more development has occurred and wider setbacks where less has occurred. This plays out in the draft buffers which are larger for the westside residential properties whose functions are performing well. **Versari** said in that case there needs to be more than one Reach; the proposed scenario is taking from the residential area to make up for the lack in the commercial area. **HOY-RHODEHAMEL** asked if there can be restoration. **Shumaker** said yes, and variances. **Versari** asked how the 33 feet amount was determined. **Shumaker** said it's 1/3 of 100; provides for the trail, public access. **Versari** said "No net loss" means that any development does not lose what is there now; residential should not be penalized, and that the Shoreline Act encourages residential development.

6:52 pm: Michele McConnell, Department of Ecology (DOE) arrived.

Shumaker said all uses will have to comply with vegetation removal, he likes what Skamania County developed and used it for the basis of the table in Chapter 6.

Versari explained to **McConnell** that milfoil is a problem and that it is not addressed in the plan. She responded that it's good to make sure that it is covered, and that it's often forgotten. **Versari** explained the Reach #2 buffers discussion that took place before she arrived. **Versari** has two lots undeveloped and his neighbor has one; under the proposed buffers they would be unable to develop their lots. **ANDERSON** asked for **Shumaker's** view for **McConnell**. She said she's not reviewed the drafts yet so was glad for the update. **Shumaker** characterized **Versari's** earlier comment that the reach definitions were incorrect in the Inventory and Characterization Report (ICR). **Versari** said the problem is that the lots are only 90 feet. **McConnell** said DOE often sees standard setbacks, but then exceptions, or subsets, of allowance. **Versari** explained the buffer cannot be more than 50% of the lot, there are critical areas as well. The lots are very valuable and provide tax base for schools of Stevenson. **McConnell** asked if there are any allowances. **Shumaker** explained the options on Page 38, minor setback adjustment).

Versari explained a former permit he obtained for his site as having 35 feet to build; under the new proposal with a 60-foot setback, there would be only 25 feet for building, making it impossible.

McConnell also asked how **Shumaker** determined the 33 feet. He explained the rationale for 50 setbacks on non-preferred uses, and gradually stepping down to lesser setbacks to allow more and more preferred uses. The wider setbacks in the Shoreline Residential designation are based on area's higher functions of the area. **McConnell** said she's not there to judge but wouldn't say she'd have the same reaction as **Versari**, although she understands his position. She added that one piece in the City's final package is a justification for the shoreline designations and buffer and setback distances. DOE wants to see how cities determine their buffer distances. She said to use the ICR and see what scientific literature says and that there may be equations for factors in determining the designations and distances. She noted it is good the City is having these discussions and that considering future development is important, not just current. If the City leaves out aquatic, then there are three choices; choose the most protective in the sensitive natural areas and smaller buffers in areas where there is not that much left to protect. She reminded she's not reviewed the City's draft in detail enough yet. **Versari** explained to her that the west end areas are all pervious, no asphalt and that he had to install a drywell for all roof water, as required by **Shumaker**. **McConnell** said it's more of a hybrid approach, to protect the environment while providing for development. **Versari** agreed and said the words and actions don't match in the draft plan. **McConnell** asked, instead of the 60-foot setback, what is better? **Versari**: leave it at 50, it's been that way for 50 years, and we've been very compliant. Only applicable to short lots. **McConnell** asked if the concern then is there are shallow lots. **Versari** confirmed. **McConnell**: if a proposal comes to DOE that 50 feet stays 50 feet just because it's always been, it's not going to fly. **Versari** reiterated it's to protect property rights. **McConnell** stated: DOE is not adverse to subsets to avoid making properties undevelopable; need specific statements regarding protecting property rights. Don't preclude developments when implementing the overall goals of DOE; 10% is allowable administratively, anything over would go to a variance. DOE prefers to see it based on specific need, not just overall.

ANDERSON asked about lots of 100 feet or less. **McConnell** asked how does your policy support no net loss. **ANDERSON** replied that's how they became engrossed in this discussion before her arrival about the condition at the east end versus the west end. **ANDERSON**: we're talking about three lots—it should not slow us down; he suggested making a definition of small lots. **Shumaker** said it can be defined. **McConnell** spoke of "buffer averaging" to accommodate development, configuring is different. Documenting current conditions including ecological functions was recommended. **Shumaker** asked if the Committee wants to build in lot of record similar to critical areas. Yes—all agreed.

Shumaker said there wasn't time to review a lot more, such as vegetation removal, pages 40-44. If development requires vegetation removal, regardless of other conditions, this is how to proceed. **HOY-RHODEHAMEL** said she is struggling with issues such as riprap. **McConnell** said there is mitigation planting for riprap. **Shumaker** cautioned the shoreline program is not about restoring it to Lewis and Clark days; however, restoration can be performed as requirements for development proposals. **McConnell** noted that increasing degradation and cumulative impacts need to be built into the plan, such as rooftops impeding the natural cycle. **Versari** commented that "no net loss" is a mystery, how it is measured. **McConnell** said the City can use some interval for a periodic review of the shoreline program, without recreating the inventory characterization. She said it would be great if funds were available to recreate it though to see a comparison. She talked of No Net Loss indicators, what is noticed in order to tell—these are items to keep an eye on.

Shumaker moved to Environment Designations. He summarized from the past meeting that he thought all agreed on two area designations: Rock Cove/Islands should be natural; shoreline residential (meaning the currently built and zoned residences of West Cascade Avenue and Snug Harbor area to the east).

ANDERSON said the City may be interested in other uses that are not Natural for CoPly area. **FORD** said that would be the best place to build a marina. **ASHLEY** said recreational uses are what should be there, not housing or an industrial park. **Shumaker** said the key difference is in shoreline residential versus urban residential. There could just be a requirement for shared community access for inhabitants, or the public in general. **ASHLEY**: public access is most important and clarified, not just public access, but the *encouragement* of it through the use of the site, like a marina, or where people can congregate. It's currently private property and off limits for anyone but the owner, but that can change. **McConnell** noted physical and or visual are considered public access; the waters are state waters, that's the public access part of this. **ASHLEY** said a hotel or marina is also public access, for travelers as an example; interactive. **FORD** advised to make sure that area is available for future development, since the City is so constrained by NSA (National Scenic Area). **McConnell**: mixed use, could be applied such as residential if mixed with main use; or other uses that are not water-dependent but ancillary. She noted though that to mix natural and urban in CoPly area could be difficult to convince DOE of, but that a "parallel designation" could be possible, but to keep in mind, the entire range of shoreline designation is only up to 200 feet. **Versari**: it's visual, including commercial providing access; would choose commercial over natural. Currently there is a bulkhead, barge terminal, riprap, impervious surfaces—so it's not determined to be very natural currently. All agreed to designate it Urban.

Piper Road Slide Area: natural. All agreed.

Upper Rock Creek: Skamania County property along creek. Natural, all agreed.

Port Buildings/Port Parks: Urban. All agreed.

Snug Harbor through Stevenson Cemetery: residential. All agreed.

Chinidere Conservation Easement area: natural. All agreed. **McConnell**: keep in mind, going by WAC has to be exactly as in WAC.

Slaughterhouse Point: natural. Port's current thought is to make it part of a Watertrail, which is allowed in natural. All agreed.

Columbia River BNSF Rail Berm: natural. All agreed.

Rock Cove and Rock Creek Drive bridge to cover next meeting.

First full draft will be ready at next meeting and critical areas for wetlands.

17. Staff and Commission Reports: Sewer System, Port Shoreline Project

Shumaker reported it's been another busy month; he attended the Infrastructure Assistance Coordinating Council (IACC) conference. The \$15 million number is going down; should have next draft by Friday. First application for almost \$2 million for design phase was submitted. It includes one area of extension line to serve areas that currently are on septic systems (up Loop Road to Frank Johns to City limits). Functioning septic would be allowed; failing not. City Council may adopt rates at meeting on Thursday. 25% water; sewer 50% in 2018. 30% sewer in 2019 and another increase in water.

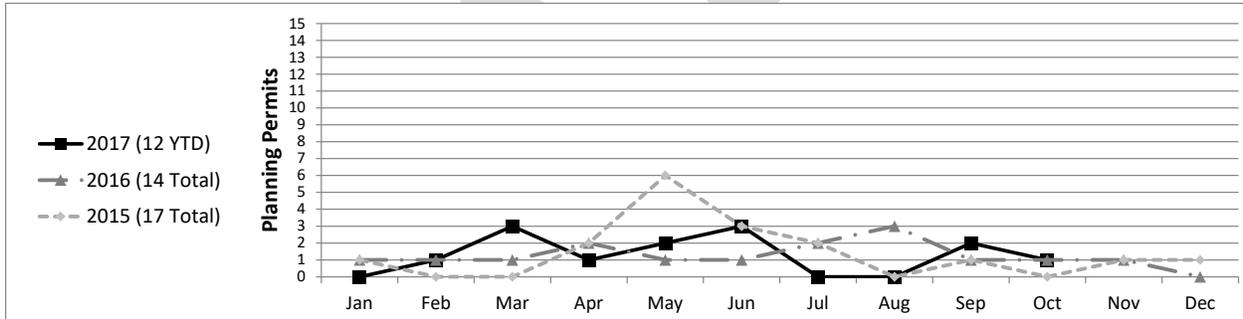
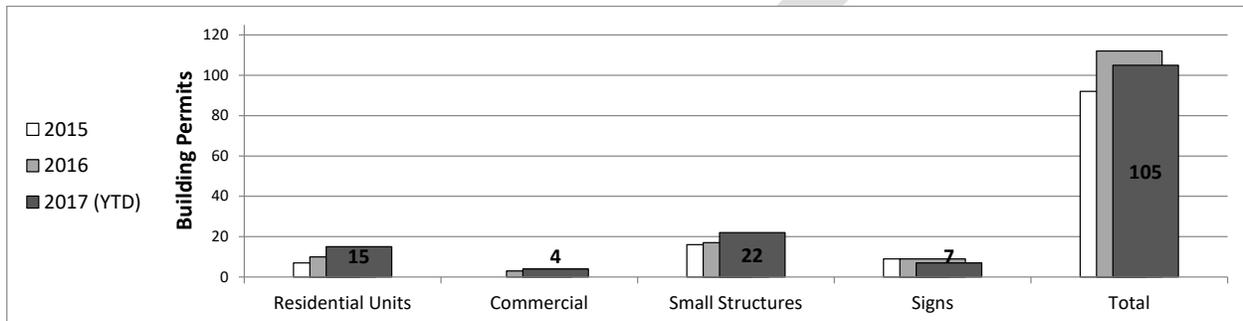
18. Thought of the Month: None.

8. Development Permit Update: see below.

Meeting adjourned at 8:26 pm.

Approved _____; Approved with revisions _____

 Scott Anderson, Chair Date
 Minutes by: Julie Mayfield



Planning Commissioner Attendance

	2017											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
ANDERSON	X	+	+	+	+	+		+	X	+	+	
Ashley	X	0	+	+	+	+		+	X	+	+	
Ford	X	+	+	+	+	0		+	X	0	+	
Hoy-Rhodehamel	X	+	+	+	0	+		+	X	+	+	
Van Pelt	X	+	+	+	+	+		+	X	+	+	

+ = present; 0 = excused absence, -- = unexcused absence, X = cancelled meeting