Planning Commission Meeting Minutes
May 21, 2012

COMMISSIONERS:
Present: Annette Stewart, Stephanie Bailey, Robert Baglio, Dee Coppola, Ron Rice, Rick Wyatt, Gil Michael, Tim Drury
Absent: None

STAFF PRESENT:
City Development Director James Weaver, Associate Planner Jennifer Haro, Code Enforcement Officer Kathy Woodside

1. CALL TO ORDER:
Chair Annette Stewart called the meeting to order at 7:02 p.m.

2. AUDIENCE COMMENTS:
None.

3. BUSINESS ITEMS:

3A. Public Meeting Shoreline Master Program

Associate Planner Jennifer Haro introduced herself and explained the present status of the Shoreline Master Program public approval process. The City Council had considered Planning Commission Resolution 001-12, recommending that City Council adopt the Shoreline Master Program (SMP). The City Council had remanded the decision back to Planning Commission after a public hearing held on April 24, 2012. The reason for remanding the item back to the Planning Commission was the last minute receipt on April 23rd of a comment letter from the Department of Ecology (DOE). The letter from DOE identified multiple items within the Draft document that DOE provided additional suggestions for. Due to the lack of time between receipt of the letter and the Council hearing, City Council and City staff were not provided adequate time to address the DOE concerns in the letter prior to the hearing, so Council felt that it would be in the best interest to remand the items back to the Planning Commission for their expertise and recommendations, prior to any action. Staff was instructed to itemize the DOE suggestions into a matrix for the Planning Commission review.

Staff created a matrix based on the April 23, 2012 DOE letter. In the matrix, there were five columns: Category and Section, Department of Ecology SMP Comment from 4/23/12 letter, References, Planning Department Staff Recommendation, and Planning Commission Recommendation.

There was discussion about the basis for the changes to the critical areas ordinance. Planning Director Weaver indicated that the Washington State RCW for wetland delineation had been updated in March of 2011 for determining wetland types. The changes to the RCWs had occurred during the process of writing the SMP, and the letter from DOE reflected their requirement that SMPs must be updated to reflect the current wetland delineation changes.

Associate Planner Haro provided the Planning Commission with a process to evaluate the matrix with each comment from the State, and discuss the staff recommendation or proposed changes that had been incorporated by the City staff in response to the DOE comments. The Planning Commission discussed the letter, the proposed changes, and generally the process of evaluating each matrix item individually.
Many if not the majority of the Planning Commission had indicated that they had reviewed the DOE letter at length prior to the meeting and had considered the City staff responses within the matrix. The majority consensus from the Planning Commission was a support of the proposed solutions offered by the City staff within the matrix.

Commissioner Bailey asked if it was possible to approve all of the Staff recommendations all at once without going through them individually. Planning Director Weaver indicated that it was an option to make a motion and create Resolution 002-12 to that effect if desired by the Commission. Stephanie Bailey made a motion to approve resolution 002-12, recommending approval of the DRAFT SMP document and including the staff changes as recommended in the Comments matrix, inclusive of Attachment A, and the revised Appendix B. Ron Rice seconded.

Further discussion on the motion resumed regarding the email received from the DOE staff on May 17, 2012 regarding Appendix B, Critical Areas Ordinance within the shoreline. The May 17th DOE email proposed a set of preferred wetland buffers, mitigation restrictions, and new mitigation ratios as recommended by DOE staff. The content of the email and email attachments were discussed at length by the Commission and staff. Staff was requested if the specific buffer widths, restrictions, or mitigation ratios were actually cited anywhere in the Washington State RCW or WAC rules. Staff had researched each reference within the DOE email and indicated that the numbers were actually not cited within State Law, but provided as the interpretation of Best Available Science by DOE staff of their perception of the regulations. Further discussion ensued regarding the one-size fits all concept for buffer protection, various mitigation methodologies, concerns regarding economic revitalization the existing urbanized shoreline and what would be the best fit for local circumstances. After debate and discussion, the Commission recommended the Draft of Appendix B be recommended only with the proposed actual changes cited within State law.

The Chair then requested if there was any further discussion on this point. No further discussion ensued. The Chair asked the Commission for their vote on the motion presented by Commissioner Bailey to approve Resolution 002-12. Motion passed 6-0.

3B. Sign Code Update
Sub-committee reports for the Sign Code Up-date meetings held April 4th and May 2nd, 2012 were presented to the committee by staff member Kathy Woodside. The Commission members were asked if they had question relating to the project thus far, none were asked. A Commission member did point out an illegal sign that required code response.

3C. Medical Marijuana Discussion
Planning Director Weaver presented three alternatives for allowing medical marijuana collective gardens and distribution within City limits. He explained that City Council has directed Staff to create regulations regarding the use of marijuana for medical purposes.

Members of the Planning Commission expressed concern with the alternatives, since marijuana is illegal at the federal level, and the City could expose itself to liability for allowing it. There was discussion of prohibiting medical marijuana outright. Director Weaver indicated that the City Attorney would present a sample ordinance that would prohibit it at the next meeting.

4. APPROVAL OF MINUTES
March 19, 2012 – Gil Michael moved, Robert Baglio seconded, motion passed.

5. ADJOURN:
Chairperson Annette Stewart adjourned the meeting at 8:07 p.m.
James Weaver, City Development Director  
Thomas A. Ronsell

Annette Stewart, Chairperson