



## TOWN OF BEAUX ARTS VILLAGE

### PLANNING COMMISSION

#### MINUTES

November 17, 2011

Roberts

**Present:** Chairperson Wade Morlock, Commissioners Dick Stratton and Gordon Roberts.

**Excused:** Commissioners Scott Harpster and Jan Johnston

**Staff:** Deputy Town Clerk Angela Kulp, Town Planner Mona Green

**Guests:** Amy Summe, the Watershed Co.; Anthony Boscolo, WA State Dept. of Ecology; Greg Ashley, Ashley Shoreline Design & Permitting; Residents Joann Bromberg, Paula Dix, Sheila Justus, Forrest Kulp.

Chairperson Morlock called the meeting to order at 7:02pm.

**Minutes:** Commissioner Stratton moved to approve the September 29, 2011 minutes as written. Commissioner Roberts seconded. Vote: 3 For, 0 Against. Motion carried.

#### **PUBLIC HEARING: Shoreline Master Program (SMP) Draft**

Chairperson Morlock opened the Public Hearing at 7:04pm. Planner Green introduced Ms. Summe and Mr. Boscolo, and then she reviewed the process undertaken by the Planning Commission thus far. All those in attendance reviewed and discussed the new drafted SMP, one page at a time.

Resident Forrest Kulp, and manager of WABA's beach, shared numerous concerns, suggestions and questions. He commented this new SMP is a huge leap from the two-page document governing our shorelines for almost the last four decades and notes Beaux Arts is unique, with WABA being the sole property owner of the entire shoreline here. He struggled to understand the intent of the new SMP and how we got from two pages to several dozen. Mr. Boscolo explained between the Shoreline Management Act and many administrative code changes over several decades, the state felt it was time to update. However, he sympathized that the uniqueness of Beaux Arts does not allow for applicability to many of the state requirements and likened it to "putting a square peg in a round hole". He noted the grant funding allows communities to show how they can meet the new rules, and the flexibility on the Dept. of Ecology's part will help when comparing Beaux Arts' uniqueness to other cities. Ms. Summe noted Beaux Arts' SMP draft is much different from other SMP's and the smallest in the state. She noted the Commission has worked hard to strip down anything not needed, but there are still many policies and regulations to implement. Chairperson Morlock summarized what Beaux Arts does not submit; the state will do for us so it is critical this Town makes sure WABA's needs are met. Mr. Boscolo also notes there was not an SMP template, but guidelines, which came from the Washington Administrative Code (WAC).

Mr. Kulp expressed great concern that just parts of Town ordinances were copied into the SMP, as he worried issues could be taken out of context without the entire ordinances included or referenced, and noted the SMP should stand-alone. Mr. Boscolo agreed the SMP must stand-alone, as do all of the Town's ordinances. He noted the SMP must reference some basic requirements for future, fixed development which are essential to his Dept., and that is exactly why only certain sections of Beaux Arts' ordinances are included. Ms. Summe noted if all our ordinances were completely included or just referenced in our SMP, then Ecology would have to approve all changes the Town makes to its ordinances. She continued that by copying and pasting only what is needed, they do not and only the copied sections are impacted. Mr. Kulp expressed concern they could be in conflict later. Commissioner Stratton noted yes, but the SMP document prevails over the shoreline. Mr. Boscolo noted the Town could elect to update an SMP when it changes an ordinance, but in some situations, it can be OK to have the rules different so the potential conflict was not a concern to his office.

Mr. Ashley, permitting specialist to the Western Academy of Beaux Arts (WABA), suggested an amendment about the shoreline exemption process and noted the shoreline exemption limit was a dollar figure rather than a type of project. He encouraged using a single Shoreline Administrator instead of the Council for all Substantial Shoreline Development Permits, and not just Exemptions, to minimize permit delays, which Chairperson Morlock agreed the Commission would consider. Mr. Ashley and Mr. Kulp both inquired about conditional use requirements in table 6.1 which Planner Green and Commissioner Stratton explained. Mr. Ashley also reasoned boatlift requirements by the Town were redundant since the Army Corps already requires specific mitigation. Mr. Boscolo noted the SMP as a stand-alone document must include minimal requirements on all issues, including those for boatlifts as well as trees, or storm water. Mr. Ashley noted many of the SMP requirements were written for land with public access, and since WABA, the sole property owner is private, many of the public issues do not apply to WABA and should be removed. Mr. Ashley also recommended personal floats be 8' and not 4' from his professional experience.

Mr. Kulp inquired about residential structures inside the shoreline management zone would be impacted. Planner Green noted the new SMP draft makes no changes on residential structures, which are still all exempt. She explained any property owner wanting to make changes to their residence within 200' of the shoreline, must still have a Letter of Exemption through the Council or Shoreline Administrator before applying for a building permit.

Mr. Kulp inquired why in this draft WA State Dept. of Fish and Wildlife would have jurisdiction over protection of *all* fish and wildlife instead of just protected species. He used "Nutria" as an example of an animal that destroys bulkheads. After some discussion, Ms. Summe agreed amendments could be made to the SMP definitions in Appendix 'B', and focus on protected species. Mr. Kulp also expressed concern for milfoil control and removal. After much discussion, Mr. Boscolo agreed to investigate this issue further. He noted Ecology does not like milfoil, but some methods are preferred over others. Mr. Kulp noted concern for dock skirting, which Commissioner

Stratton explained no new skirting is allowed, and maintenance is discouraged, but has not been prohibited in this draft. Mr. Kulp expressed concern over future re-grating of the swim dock. Mr. Ashley offered suggestions within SMP guidelines about materials, light passage and gave his recommendations. Mr. Kulp also made suggestions about lighting, wood preservation, non-reflective surfaces, definitions, signage, and moorage piles.

Resident Joann Bromberg, and manager of WABA's current shoreline restoration project, thanked the Commission for their hard work undertaking the new SMP, and inquired to know over what the Commissioners had discretion in comparison to which requirements were right out of the WAC. After some discussion, Chairperson Morlock agreed the Planning Commission would include additional annotations to the next draft, so those differences will be clearer to all.

Ms. Bromberg suggested the overriding issue being addressed was one of oversight. She inquired how much oversight should the Town exercise over WABA, a private property owner. She noted in certain sections, the Planning Commission document seems to go beyond WAC guidelines. As example, she referred to drafted section 5.2.I (which states "*New structures or vegetation shall not be located where they may significantly and adversely impact existing views of the water or existing view corridors between key upland areas*")., which she wants removed from the document as she felt it in conflict with WABA's restoration policy. She noted for over two years, many WABA members worked together to develop a guiding woodlands restoration policy where safety, health and restoration of the woodlands is WABA's primary concern. She continued WABA would consider protection of a homeowner's view or view corridor only if it does not conflict with its primary goal. Mr. Morlock responded the Commission would take a closer look at this concern.

Following this, Mr. Kulp encouraged the Commission to let the private property owner (WABA) continue to manage its own land, rather than be told by the local government how to manage it, which included many issues, like building height, and setbacks, which were also concerns of Mr. Kulp's. Planner Green noted the Town has a responsibility to develop certain parameters for the shoreline, whether it be for one property owner or several, just as it does for the Zoning Code, Tree Code, and other ordinances. She noted the new SMP is a state requirement but this shoreline is in great shape thanks to all WABA's hard work over the decades, and the Commissioners have worked hard to minimize any requirements they can on WABA's behalf. Ms. Bromberg also inquired about the "urban conservancy" definition, which Planner Green noted was a state definition the Commission felt WABA fit best.

Resident Sheila Justus, and manager of WABA's Woodlands, offered many suggestions, comments and questions as well. Ms. Justus inquired about what constitutes a "project", and urged the addition of its definition. She expressed concerns over mentioned "view corridors" and "scenic vistas" which are impacted by trees she is required to plant, and could be misconstrued by the current language. Mr. Boscolo noted there is language in the state requirements to preserve and show consideration of

public views and vistas but tree planting for restoration should be exempt. Mr. Ashley noted in agreement these view corridors are only a public requirement, from which WABA should be exempt. She expressed a need for clearer guidelines on what the property owner can and cannot do. Chairperson Morlock agreed the Commission would take a closer look to develop clearer guidelines for WABA. Mr. Kulp and Ms. Justus also expressed strong concern for needing a licensed professional for herbicide application as noted in this draft. They explained they use Best Management Practices (BMP) and cannot be hiring professionals on every issue. All those in attendance agreed licensed professionals for this purpose was an unnecessary requirement.

Ms. Justus noted confusion Between “No Net Loss of Ecological Function” and “No Net Loss of Property”. Chairperson Morlock explained the “Ecological Function” issue was a state requirement, but the “Property” issue was a Commission concern over protecting the shoreline with cove development but agreed the Commission will clarify after much discussion took place. Ms. Justus also inquired about how any existing easements might be impacted, but Planner Green explained the new SMP makes no changes in that regard. Ms. Justus noted plants on the shoreline should not be considered a public safety issue, and shared suggestions on signage, lighting and utilities. Sheila also inquired about the plants listed in Appendix ‘F’, which Ms. Summe noted was a consulting list and not an inclusive list.

Chairperson Morlock thanked all guests for attending and commenting. He noted the Commissioners would review all these public hearing comments, as well as Appendix’s C and E, not yet reviewed, at their next meeting. The public hearing closed at 9:26pm.

**Adjourn:** Commissioner Stratton moved to adjourn the meeting and Commissioner Roberts seconded. Meeting adjourned at 9:32pm. Vote: 3 For, 0 Against. Motion carried.

**Next Meeting:** The next meeting will be on Thursday, December 8, 2011, 7:00pm at Commissioner Harpster’s home.

Respectfully submitted,  
Angela Kulp, Deputy Town Clerk