



**CITY OF GRANITE FALLS  
PLANNING COMMISSION  
JANUARY 8, 2019  
7:00 PM  
MEETING AGENDA**

1. **CALL TO ORDER**
2. **FLAG SALUTE**
3. **ROLL CALL**
4. **APPROVAL OF MINUTES:**
  - A. **Approval of December 11, 2018 Minutes**
5. **PUBLIC COMMENTS/RECOGNITION OF VISITORS-NON ACTION ITEMS**  
(Speakers must sign up prior to the meeting. Individual comments will be limited to three minutes. Group comments shall be limited to five minutes.)
6. **NEW BUSINESS:**
  - A. **PRELIMINARY REVIEW: ZCA2019-004 CBD Zone Residential Units**
7. **CURRENT BUSINESS:**
  - A. **WORK SESSION: 2019 Shoreline Master Program (SMP) Update Review - Prepare for Final Draft SMP Public Hearing**
8. **REPORTS:**
  - A. **City Clerk Report**
  - B. **Homework**
9. **CORRESPONDENCE:**
10. **ADJOURN:**

If wheelchair access is required, please notify City Hall 48 hours in advance.

**Notice-All Proceedings of this meeting are sound recorded.**

## **Approval of December 11, 2018 Minutes**



**PLANNING COMMISSION**

**MEETING**

**DECEMBER 11, 2018**

**7:00 PM**

**MINUTES**

**1. CALL TO ORDER:**

**Commissioner Cruger** called the Planning Commission meeting to order at 7:00 p.m.

**2. FLAG SALUTE:**

**Commissioner Cruger** led the Planning Commission, Staff and Audience in the Pledge of Allegiance to the Flag.

**3. ROLL CALL:**

Planning Commission

Commissioner Frederick Cruger – Present  
Commissioner Chris Marsh – Present  
Commissioner Scott Morrison – Absent  
Commissioner Ron Stephenson – Present  
Commissioner Sean Duncan – Present

City Staff

Darla Reese, City Clerk

Consultants

Ray Sturtz - Community Planning Services

**4. APPROVAL OF MINUTES**

**A. Meeting Minutes of November 13, 2018**

**Commissioner Marsh** moved to approve the meeting minutes of November 13, 2018. Commissioner Stephenson seconded. Motion carried.

**5. PUBLIC COMMENTS/RECOGNITION OF VISITORS – NON ACTION ITEMS**

No one was present to speak during this portion of the meeting.

**6. NEW BUSINESS**

There were no New Business items for the Agenda.

**7. CURRENT BUSINESS**

**A. Proposal Regarding the Train Park**

**Adam Thomas**

Mr. Thomas discussed his proposal/vision for the old train park area on the corner of Cascade Ave. and Stanley St.

Planning Commission discussed ideas and costs with Mr. Thomas. He will revise his proposal based on input and bring it back to the Planning Commission at a later date.

## **B. PRELIMINARY REVIEW: 2019 Comprehensive Plan and Development Regulations Annual Docket Proposed List**

**Consultant Planner Sturtz** discussed the proposals for the annual docket list including:

- Attachment A - CPA/ZMA2019-001 *408 Prospect Avenue* Application & Proposed Comprehensive Plan & Zoning Map Amendments
- Attachment B - CPA/ZMA2019-002 *204 Portage Avenue* Application & Proposed Comprehensive Plan & Zoning Map Amendments
- Attachment C - CPA2019-003 *Shoreline Master Program Reference Update* Application & Proposed Comprehensive Plan Amendment
- Attachment D - ZCA2019-001 *Landscaping and Screening Regulations* Application & Proposed Zoning Code Amendments
- Attachment E - ZCA2019-002 *Official Site Plan Regulations* Application & Proposed Zoning Code Amendments
- Attachment F - ZCA2019-003 *Kennels, Catteries, & Animal Shelters* Application & Proposed Zoning Code Amendments
- Attachment G - ZCA2019-004 *CBD Zone Ground Floor Residential Units* Proposed Zoning Code Amendments
  - Page 2 of 2: 19.02.160.P – Change to add:  
Does not apply to the residential dwelling units located above a principal use in a commercial zone.
  - Page 2 of 2: (9) Multifamily dwellings on the same parcel as commercial use; Residential units on the same parcel as commercial limited to 40% of the parcels total land area for residential purposes and the principal use fronts on the abutting street;
- Attachment H - CPA2019-004 *Capital Facilities Element Update* Application & Proposed Comprehensive Plan Amendments
  - City Planner Sturtz to ask City Engineer Perkins about the rates in the first paragraph – are these still correct numbers as they say 2013 dollars? Is this duplicating what was newly added in the section below?

## **8. REPORTS:**

### **A. City Clerk Reports**

**City Clerk Reese** discussed current prices and building permits with Commissioner Cruger.

### **B. Homework**

**Consultant Sturtz** asked the Planning Commission to review the properties subject to new designations and the neighborhoods around.

**9. CORRESPONDENCE:**

There were no correspondence items to discuss.

**10. ADJOURNMENT:**

**Commissioner Cruger** adjourned the meeting.

DRAFT

**PRELIMINARY REVIEW: ZCA2019-004 *CBD Zone***

***Residential Units***

# Community Planning Services Report

**To:** Planning Commission

**From:** Ray Sturtz, Community Planning Services

**Subject:** PRELIMINARY REVIEW: ZCA2019-004 CBD Zone Residential Units

**For Meeting of:** January 8, 2019

**ISSUES:** Shall the Planning Commission review and discuss the proposed 2019 Annual Docket amendments to place specific limitations on residential dwelling units as either a Secondary Use or Conditional Use in the CBD zone?

**POLICY:** RCW 36.70A.470(2) stipulates that all cities planning under the Growth Management Act (RCW 36.70A.040) shall provide procedures for any interested citizen or agency to suggest comprehensive plan and development regulation amendments. The suggested amendments are to be docketed and considered on at least an annual basis. Following consideration of a Planning Commission recommendation, Unified Development Code (UDC) 19.04.130(F) requires the City Council to adopt a resolution directing the Designated City Official to proceed with processing the Docket amendments selected by the City Council.

**BACKGROUND:** At the December 11, 2018, the Planning Commission discussed alternatives to placing conditions on residential dwelling units located over commercial uses and multi-family development located on the same parcel as commercial uses. Also considered was eliminating ground floor residential in the CBD Zone altogether. At the conclusion of the discussion, the Planning Commission agreed upon the following draft amendments (underlines indicate additions and ~~strikethroughs~~ indicate deletions):

## 19.03.090 Central business district (CBD) zone

(B) Secondary Uses. Secondary uses in the central business district (CBD) zone are:

(1) Residential dwelling unit ~~in principal building on the floor above a principle use;~~

(C) Conditional Uses. Conditional uses in the central business district (CBD) zone are:

(9) ~~Multifamily dwellings on the same parcel as commercial use;~~ Residential units on the same parcel as commercial limited to 40% of the parcels total land area for residential purposes and the principal use fronts on the abutting street;

## Chapter 19.02 BASIC DEFINITIONS

### 19.02.160 P.

“Primary or principal use” means the predominant use (60 percent of usable floor area and/or land area) to which all other uses are secondary. Does not apply to the residential dwelling units located above a principal use in a commercial zone.

Upon review of how the Zoning Code is structured and defines “dwelling unit” and “multi-family dwelling”, the City Staff/Consultant Team is recommending the Planning Commission consider modifying the amendment to 19.03.090(C)(9) as follows:

## 19.03.090 Central business district (CBD) zone

(C) Conditional Uses. Conditional uses in the central business district (CBD) zone are:

- (9) Multifamily dwellings on the same parcel as commercial use provided:
- (a) No more than 40% of the parcel's total land area is used for residential purposes;
  - (b) Only the principle use fronts onto the abutting street;

Retaining the term "Multi-family dwellings" avoids a developer proposing a single-family subdivision or detached condominium development in downtown something the CBD Zone bulk regulations are not designed to accommodate as well as have a possible negative impact on the city's capacity to accommodate the GMA mandated housing and population allocations. Allowing only the principle use to front on the abutting street avoids multi-family from preempting prime commercial space in the downtown.

An additional question the Planning Commission is asked to consider is: Should the Secondary Use and Conditional Use sections in the GC (General Commercial) Zone read the same as those in the CBD Zone? The GC Zone also allows multi-family over commercial as a Secondary Use and multi-family on the same parcel as commercial as a Conditional Use. The City Staff/Consultant Team is recommending that said sections read the same for consistency purposes and avoid the possible need for a code interpretation in the future due to the fact the sections are similar, but slightly different.

**ALTERNATIVES:**

1. Review and discuss the proposed amendment alternatives described in this report and direct the City Manager to proceed with preparing a 2019 Annual Docket application that includes the amendment alternative preferred by the Planning Commission.
2. Review and discuss the proposed amendment alternatives described in this report and direct the City Manager not to proceed with preparing a 2019 Annual Docket application that include any of the amendment alternatives.
3. Review and consider the proposed amendment alternatives at another time.

**RECOMMENDED ACTION:**

Review and discuss the proposed amendment alternatives described in this report and direct the City Manager to proceed with preparing a 2019 Annual Docket application that includes the amendment alternative preferred by the Planning Commission.

**WORK SESSION: 2019 Shoreline Master Program  
(SMP) Update Review - Prepare for Final Draft  
SMP Public Hearing**

# *Community Planning Services Report*

**To:** Planning Commission

**From:** Ray Sturtz, Community Planning Services

**Subject:** WORK SESSION: 2019 Shoreline Master Program (SMP) Update Review - Prepare for Final Draft SMP Public Hearing

**For Meeting of:** January 8, 2019

**ISSUES:** In preparation for the Joint Ecology/Planning Commission public hearing scheduled for Tuesday, February 12, 2019, shall the Planning Commission review and discuss:

1. The proposed amendments contained in Attachment A<sup>1</sup> - *Final Draft Shoreline Master Program (SMP) document, dated October 2018*; and
2. Request the City Staff/Consultant Team provide any additional information the Planning Commission deems necessary in order to be prepared for said public hearing?

<sup>1</sup>Attachment A was distributed under separate cover to the Planning Commission on October 9, 2018. A copy is available for public review at City Hall.

**POLICY:** RCW 90.58.080 and WAC 173-26-090 require cities and counties to adopt and periodically update shoreline master programs that provide policies and regulations governing “shorelines of the state” as a part of each municipalities comprehensive plan and land use regulations. The next required review and update is required to be completed and submitted to the Department of Ecology in 2019.

**BACKGROUND:** As a city with a population under 5,000, the City of Granite Falls is eligible to receive a \$10,000 grant from Ecology to complete the 2019 SMP Update. In order to receive the grant funds, the city must submit: a Scope of Work; a Public Participation Plan; and quarterly reports that indicate progress made on each of the items listed in Ecology’s Periodic Review Checklist (Attachment B). To date, the City has accomplished the following 2019 SMP Update Tasks:

- On April 4, 2018, the City Council approved Resolution No. 2018-04 adopting the Planning Commission recommended Scope of Work, Public Participation Plan, and Work Program.
- On April 10, 2018, the Planning Commission reviewed and discussed Checklist draft Responses and Action regarding 2017 changes to state laws and rules pursuant to the Shoreline Management Act. The Planning Commission also considered draft amendments to the city’s SMP to bring it into full compliance with said changes.
- On May 15, 2018, the City Clerk utilized these documents to apply on-line for the Ecology grant and on the same day, Ecology acknowledged the grant submittal process had been successfully completed.
- On May 16, 2018, Ecology provided the city with a Draft SMP Periodic Review Agreement that is currently under review by the city.
- On June 6, 2018, the City Council approved the agreement and authorized the City Manager to sign the agreement and submit it to Ecology.
- June 12, 2018, the Planning Commission reviewed and discussed Checklist draft Responses and Action regarding 2016-2011 state law & rule changes. The Planning Commission also considered draft amendments to the city’s SMP to bring it into full compliance with said changes.

- July 10, 2018, the Planning Commission reviewed and discussed Checklist draft Responses and Action regarding 2010-2007 state law & rule changes. The Planning Commission also considered draft amendments to the city’s SMP to bring it into full compliance with said changes along with updated aerial photo base maps. In addition, the Planning Commission recommended including the city’s critical area regulations by reference rather than trying maintaining an up to date copy of said regulations as an appendix to the SMP document.
- July – September, the City Staff/Consultant Team prepared a Final Draft SMP document containing all of the draft amendments considered by the Planning Commission to bring the city’s SMP into compliance with changes in applicable state law & rules that have occurred over the past decade (2007-2017).
- On October 9, 2018, each Planning Commissioner received a copy of the Final Draft SMP document (dated October 2018) for their individual review in preparation for the November 13<sup>th</sup> Planning Commission meeting at which time the Planning Commission is scheduled to determine if said document is ready for distribution to state agencies for the GMA mandated 60-day review and comment period prior to the Joint Ecology/Planning Commission Public Hearing scheduled for February 12, 2019.
- On November 13, 2018, the Planning Commission reviewed and discussed the Final Draft SMP document (dated October 2018) along with replacement pages 13 & 14 updating (increasing) the dock replacement cost threshold at which a Shoreline Substantial Development Permit (SDP) is required. Said threshold update had been distributed by Ecology on November 8<sup>th</sup>. At the conclusion of this review and discussion, the Planning Commission determined subject to inclusion of the latest threshold update that the document was ready for distribution to state agencies for review and comment pursuant to the Growth management Act. Note: Ecology rules call for a “30-day public comment period” following the Joint Ecology/Planning Commission Public Hearing.
- On November 19, 2018, the City Clerk submitted an amended SMP document designated *Planning Commission Recommended Draft*, dated November 13, 2018, to the Department of Commerce for review and comment.
- On November 23, 2018, the City received a letter from the Department of Commerce formally acknowledging receipt of the proposed SMP amendments and that the GMA mandated 60-day state agency review and comment period had been initiated. As of January 2, 2019, the date this report was drafted, no comments had been received and according to Commerce staff none are anticipate. This assumption is based on the fact that for the most part the proposed changes in the SMP are relatively minor, “Housekeeping type”, amendments that simply state in the SMP what is already required pursuant to state law (RCW’s) and Ecology rules (WAC’s).

**ANALYSIS:** The following provides an analysis of the responses included in Attachment B (see red text in the Review & Action columns) regarding the 2017 through 2007 changes to state laws and rules pursuant to the Shoreline Management Act (SMA).

Note: Ecology’s Periodic Checklist (Attachment B) list changes in state law and Ecology rules starting with the most recent in 2017 then listing the changes each proceeding year back to 2007. The Ecology’s Periodic Review Checklist Guidance referred to in the following analysis provides Ecology’s recommended language to insert into the SMP to bring it into compliance with the subject change in state law or Ecology rule.

2017a. Substantial Development Threshold – In 2017, the Office of Financial Management (OFM) revised the cost threshold above which a development will require a Substantial Development Permit (SDP) to

\$7,047. The city's current SMP includes a cost threshold of \$5,000. See page 14 in Chapter 1 of Attachment A for the proposed amendments updating the cost threshold and the obligation of OFM to update the cost threshold ever five years to adjust for inflation.

2017b. Definition of "Development" - Ecology amended rules to clarify that the definition of "development" does not include dismantling or removing structures. In response, language was added to the definition of "development" to clarifying said action is not included. See Attachment A, Chapter 6, page 76.

2017c. Exceptions to Local Review - Ecology adopted rules that clarify exceptions to local review under the SMA. The rules clarify those requirements to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other review conducted by a local government to implement the SMA. Ecology also made housekeeping revisions to WAC 173-27-045, a separate rule that describes developments that are not required to meet SMA requirements. The revisions delete reference to RCW 90.58.390 (an emergency law that has since expired), and relocate the reference to the 1994 hazardous substance law to the new WAC 173-27-044. The exceptions to SMP review covered under the statutes in these two rules apply whether or not they are included in local SMPs. However, to ensure the statutory directives are implemented consistently, Ecology recommends establishing a section in the SMP that addresses these exceptions. In response, a new section has been added to Chapter 7 - *Administrative Provisions* that include Ecology's recommended language (except for the "boat yard" references). See new Section K on pages 110 & 111 in Attachment A.

2017d. Permit Filing Procedures - Ecology amended WAC 173-27-044 to incorporate a 2011 law relating to permit filing. These details are important because the date of filing establishes the start of the Shorelines Hearings Board appeal period. Although the current SMP requires compliance to any future amendments to said WAC, Ecology's recommended language stated in the Checklist Guidance has been added to Chapter 7, Section B.6, 2<sup>nd</sup> paragraph, on pages 92 & 93 in Attachment A.

2017e. Forestry Use Regulations - Ecology amended forestry use regulations to clarify that forest practices that only involves timber cutting are not SMA "developments" and do not require Shoreline Development Permits. The city's current SMP in Chapter 3, Section B.11.a. on page 37 states that vegetation protection provisions "do not apply to forest practices managed under the Washington State Forest Practices Act". Therefore, no further action or amendments are required.

2017f. Lands under Exclusive Federal Jurisdiction - Ecology amended a permit rule that addressed lands within federal boundaries to clarify that areas and uses in those areas that are under exclusive federal jurisdiction as established through federal or state statutes are not subject to the jurisdiction of the SMA. No exclusive federal jurisdictions exist within the Granite Falls UGA. Therefore, no further action or amendments are required.

2017g. Nonconforming Uses and Development - Ecology revised its rules for nonconforming uses and development. The introductory paragraph of the rule was amended to clarify that unlike other permit and enforcement rules, this rule is a default rule that only applies if a local government has no provisions in their local SMP addressing nonconforming uses. For local governments that adopted their own tailored provisions for nonconforming use and development as the City has, Ecology's rule amendments have no effect. No action is required regarding provisions for nonconforming uses and development (see Attachment A, Chapter 7, Section G) except to add a definition for "nonconforming use" and "nonconforming lot in Chapter 6 – *Definitions*, page 81 in Attachment A.

2017h. Periodic Reviews - Ecology adopted rule amendments to clarify the scope and process for conducting periodic reviews of SMPs required by RCW 90.58.080(4). Chapter 7, Section I – *Amendments to This Shoreline Master Program* in the city's current SMP does not mention periodic reviews. Therefore,

Ecology's recommended language provided in the Checklist Guidance has been added to said section on page 110 in Attachment A.

2017i. Optional SMP Amendment Process - Ecology adopted a new rule creating an optional SMP amendment process that allows for a shared local/state public comment period. Chapter 7, Section I – *Amendments to This Shoreline Master Program* does not mention the optional SMP amendment process. To correct for this omission, language has been added to Chapter 7, Section I, on page 110 in Attachment A that allows the City to use the optional SMP amendment process.

2017j. Submittal to Ecology of Proposed SMP Amendments - Ecology made a few minor amendments to WAC 173-26-110, the rule that describes what local governments provide to Ecology for final review of SMP amendments. The rule clarifies that submittals may be in digital form, and deleted the requirement to send two paper copies. It clarified that the submittal should include a summary of amendments made in response to public comments. It also clarified that local governments will submit their final periodic review checklist when taking action on the periodic review. Chapter 7, Section I – *Amendments to This Shoreline Master Program* in the city's current SMP does not mention the submittal process. Therefore, language has been added to Chapter 7, Section I page 110 in Attachment A that requires amendments to be submitted to Ecology in compliance with WAC 173-26-110 and WAC 173-26-120.

2016a. American with Disability Act Exception – In 2016, the state legislature amended WAC 173-27-040(2) that provided an exception to Substantial Development Permit requirements for retrofitting an existing structure for the purpose of making the structure ADA compliant. A copy of said WAC is included in the city's current SMP, but it does not include the 2016 amendment. Ecology's Periodic Review Checklist Guidance provides the language to bring the SMP's copy of the WAC up to date and this language is included in the proposed SMP amendment provided in Attachment A, Chapter 7, Section C.2 page 100.

2016b. Wetlands Critical Areas Guidance – Ecology rules require local governments to use either the state wetland rating system or to develop their own scientifically based method. Pursuant to this directive, the city utilizes the state wetland rating system, specifically the *Washington State Wetland Rating System for Western Washington*. The city's current SMP Appendix B *Critical Area Regulations*, Section E.4.b(3) on page 127 and Section F.2 – *Wetland Classification* on page 128 state wetlands are to be classified and designated “according to the *Washington State Wetland Rating System for Western Washington – Revised* (Ecology Publication No. 04-06-025), August 2004, or as revised.” The current publication is titled: *Washington State Wetland Rating System for Western Washington: 2014 Update* (Ecology Publication No. 14-06-029), October 2014.

As noted above, the Critical Area Regulations provided in Appendix B of the current SMP are out of date pursuant to recent Annual Docket amendments. These outdated regulations can either be replaced with new ones with the update of the city's SMP or, as suggested in the Ecology's Periodic Review Checklist Guidance, the city's Critical Area Regulations can be adopted by reference in the updated SMP. The advantage of incorporating the Critical Area Regulations by reference rather than including them in their entirety in an SMP appendix is that the SMP would not need to be updated each time there is an Annual Docket amendment to the Critical Area Regulations which are part of the Unified Development Code in the Granite Falls Municipal Code (GFMC). Since the adoption of the current SMP in 2012, there has been three Annual Docket Amendments to these regulations. The disadvantage would be that in order to fully implement the SMP, access to the GFMC on-line or hard copy would be necessary. At the July 10, 2018 Planning Commission meeting, the Planning Commission indicated their preference to adopt by reference the city's Critical Area Regulations in the updated SMP. Therefore, the Critical Area Regulations are proposed to be deleted from Appendix B and a reference to the appropriate code section in the GFMC has been included in Chapter 3, Section B.3 *Critical Areas*, on page 24 in both the October

2018 and November 13, 2018 drafts of the SMP. With proposed additions shown as underlined text and proposed deletions shown with strikeouts, said section reads as follows:

### **3. Critical Areas**

Critical areas in shoreline jurisdiction are regulated by the ~~Critical Area Regulations Applicable~~ critical area regulations applicable to Granite Falls Shoreline Master Program ~~which are found at Appendix B in Chapter 19.07 - Environmental Regulations~~ of the city's Unified Development Code. ~~The appendices to this SMP are~~ Said regulations, as now exist and hereafter amended, are hereby adopted as an integral part of this SMP and are administered under the provisions and procedures of this SMP.

Ecology has reviewed these amendments and has requested: (1) the ordinance citations adopting and amending Chapter 19.07 be added; (2) the phrase "as now exist and hereafter amended" be deleted; and (3) Sections 19.07.020(C), (D), & (E) be exempted as they are in Appendix B of the current SMP. These requested revisions would result in amended Section 3 reading as follows:

### **3. Critical Areas**

Critical areas in shoreline jurisdiction are regulated by the Critical Area Regulations Applicable critical area regulations applicable to Granite Falls Shoreline Master Program ~~which are found at Appendix B in Chapter 19.07 - Environmental Regulations~~ of the city's Unified Development Code [Ord. 925 § 2 (Exh. A), 2017; Ord. 905 § 1 (Att. A), 2016; Ord. 904 § 29, 2015; Ord. 862 § 52, 2013; Ord. 740 § 1 (Exh. A), 2007.]. ~~The appendices to this SMP are~~ With the exception of 19.07.020(C), (D), & (F), said regulations, as now exist and hereafter amended, are hereby adopted as an integral part of this SMP and are administered under the provisions and procedures of this SMP.

Note: Ecology's requested version of Section 3 *Critical Areas* will be included in the Public Hearing Draft of the SMP document along with comments, if any, received from other state agencies. The Public Hearing Draft will be submitted as an exhibit at the Tuesday, February 12, 2019 Joint Ecology/Planning Commission Public Hearing and will be included with the Planning Commission Public Hearing Report that will be distributed to the Planning Commission the Friday prior to the joint public hearing.

2015a. WSDOT Project Review Target – In 2015 the state legislature adopted a 90-day target for local review of Washington State Department of Transportation (WSDOT) projects. The law (RCW 47.01.485 & RCW 90.58.140) also allows WSDOT projects that address safety risks to begin 21 days after the date of filing if the project will achieve no net loss of ecological functions. Although example language is provided, the Ecology's Periodic Review Checklist Guidance states it is not necessary to include these provisions in SMPs. However, the Planning Commission believes that including a reference to these provisions will help ensure the city's SMP is implemented consistent with this statute. The Checklist Guidance recommended language has been added as item "f" to the list of decision criteria shoreline policies provided in Attachment A, Chapter 7, Section C.1.f, page 95.

2014a. Replacement Dock Cost Threshold – In 2014, the state legislature raised the cost threshold for requiring a Substantial Development Permit (SDP) for replacement docks on lakes and rivers to \$20,000 (from \$10,000). No amendments are required to bring the city's SMP into compliance with this new threshold because Table 1 - *Shoreline Modification Matrix* and Shoreline Modification Matrix Note No. 3 on page 44 of the city's current SMP specifically prohibits over-water structures, piers and docks in the Pilchuck River and South Fork Stillaguamish River. Therefore, no further action or amendments are required by the city.

2014b. Floating On-water Residences Policy – In 2014, the state legislature created a new definition and policy for floating on-water residences legally established before July 1, 2014. The definition and policy do not apply to the city’s SMP because (1) No on-water residences have ever been established on the Pilchuck and South Fork Stillaguamish Rivers within the city; and (2) Table 1 - *Shoreline Modification Matrix* and Shoreline Modification Matrix Note No. 3 on page 44 of the city’s current SMP specifically prohibits over-water structures, piers and docks on the Pilchuck River and South Fork Stillaguamish River. Therefore, no further action or amendments are required by the city.

2012a. SMP Appeal Procedures - In 2014, the Legislature amended the SMA to clarify SMP appeal procedures at the state level. These provisions are not about appeals of individual permits at the local level. This law does not affect the city’s SMPs, because like most SMPs, it does not include this SMP appeal process. Therefore, no further action or amendments are required by the city.

2011a. Federal Wetland Delineation Manual – In 2011, Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved federal wetland delineation manual. The city’s current Critical Area Regulations in Section E.4(1) regarding critical area determinations requires a map of surveyed wetland boundaries as determined by approved federal wetlands delineation manual and applicable regional supplements. As discussed in detail below (see 3<sup>rd</sup> paragraph under 2010a.), the Critical Area Regulations are proposed to be deleted from Appendix B and a reference to the appropriate code section in the GFMC has been included in Attachment A, Chapter 3, Section B.3, on page 24. Therefore, no further action is required.

2011b. Geoduck Aquaculture Rules – In 2011, Ecology adopted rules for new commercial geoduck aquaculture. Nether geoduck habitat or commercial geoduck aquaculture exists in the either the Pilchuck River or the South Fork Stillaguamish River. Therefore these rules are not applicable in regards to the city’s shorelines and no amendments or further action is required by the city.

2011c. Floating Homes Policy - In 2011, the state legislature created a new definition and policy for floating homes permitted or legally established prior to January 1, 2011. Over-water structures, (floating homes) do not exist and are specifically prohibited in the Pilchuck River or the South Fork Stillaguamish River, see Table 1 - *Shoreline Modification Matrix* and Shoreline Modification Matrix Note No. 3 on page 44 of both the city’s current SMP and Attachment A. Therefore, no further action is required.

2011d. Classify Existing Structures as Conforming Option – In 2011, the state legislature authorized a new option to classify existing structures as conforming. This law is optional. Pre-existing non-conforming structures and uses are addressed in the city’s Unified Development Code rather than in the SMP. Therefore, further action is required.

2010a. Growth Management Act – Shoreline Management Act Clarifications – In 2010, the state legislature amended both the GMA and SMA to resolve differing and occasionally contrary legal interpretations that had been issued regarding the relationship between the laws. The law included a number of provisions that clarified the applicability of SMA provisions during the interim period before Ecology approved a comprehensively updated SMP that are no longer applicable.

The “clarifications” had to do with: (1) the applicability of critical area regulations in designated shorelines; and (2) effective date of amendments to SMP’s that were updated prior to the 2010 legislation. The amendment section on page 114 in Chapter 7 of the city’s SMP was adopted after 2010 in compliance with the subject 2010 legislation. Subsection B.3 on page 24 in Chapter 3 requires compliance with the city’s Critical Area Regulations in shoreline areas.

As noted in the initial review of the current SMP, the Critical Area Regulations provided in Appendix B are out of date pursuant to recent Annual Docket amendments. These outdated regulations can either be replaced with new ones with the update of the city’s SMP or, as suggested in the Ecology’s Periodic

Review Checklist Guidance, the city's Critical Area Regulations can be adopted by reference in the updated SMP. The advantage of incorporating the Critical Area Regulations by reference rather than including them in their entirety in an SMP appendix is that the SMP would not need to be updated each time there is an Annual Docket amendment to the Critical Area Regulations which are part of the Unified Development Code in the Granite Falls Municipal Code (GFMC). Since the adoption of the current SMP in 2012, there has been three Annual Docket Amendments to these regulations. The disadvantage would be that in order to fully implement the SMP, access to the GFMC on-line or hard copy would be necessary. At the July 10<sup>th</sup> meeting, the Planning Commission decided on the "cross-reference" option. Therefore, the Critical Area Regulations are proposed to be deleted from Appendix B and a reference to the appropriate code section in the GFMC has been included in Attachment A, Chapter 3, Section B.3, on page 24.

2009a. Shoreline Restoration Project Relief Procedures – In 2009, the state legislature created new "relief" procedures for instances in which a shoreline restoration project within a UGA creates a shift in Ordinary High Water Mark. The current SMP does not reference these "relief procedures", but the process may be used even if the provision is not in the SMP. Therefore, it is not necessary to include them in SMPs, but a reference could help ensure SMP's provisions are implemented consistent with the statute. The proposed SMP amendment in Attachment A adds by reference the subject Ecology rule to the list of shoreline restoration & enhancement regulations on page 53 in Chapter 4 under Subsection C.4.c.

2009b. Certifying Wetland Mitigation Banks – In 2009, Ecology adopted a rule for certifying wetland mitigation banks. The purpose of the rules is to encourage banking by providing an efficient, predictable statewide framework for the certification and operation of environmentally sound banks. The extensive rule includes an overview section, outlines the certification process, describes how to establish and operate banks and use bank credits, establishes certification compliance requirements, describes the roles of the parties involved in a bank, and establishes an appeals process. It is not necessary to adopt the contents of the state rule into the SMP if mitigation banking is already allowed in the critical area ordinance. The city's current SMP and Attachment A allows for mitigation banking; see *Environmental Impact Regulations* in Chapter 3, Subsection B.4.c #5, on page 25. Therefore, no further action is required.

2009c. Moratoria Authority – In 2009, the state legislature added moratoria authority and procedures to the SMA. The city's current SMP does not include moratoria procedures. According to the Periodic Review Checklist Guidance, the moratoria procedures may be included in an SMP, but it is not necessary – local governments can simply rely on the statute. The city has and plans to continue to rely on RCW 90.58.590 when it comes to local moratoriums on development. Therefore, no amendments or further action is required by the city.

2007a. Options For Defining Floodway – In 2007, the state legislature clarified options for defining "floodway" as either the area that has been established in FEMA maps, or the floodway criteria set in the SMA. The city's current SMP includes the Periodic Review Checklist Guidance's Option 2 definition for "floodway", see page 78 in Chapter 6 in Attachment A. Also as recommended by said Guidance, the SMP includes the FEMA's Flood Insurance Rate Map (FIRM) for the Pilchuck River. The FEMA map in the city's current SMP is out of date. And the FIRM does not include the floodway for the South Fork of the Stillaguamish River (not available in 2012). FEMA has recently published a FIRM for both rivers. The out of date FEMA map on page 27 in Chapter 3 of Attachment A is to be deleted and a reference to an up to date FIRM map in Appendix B has been added on page 26.

2007b. List and Map Of Streams and Lakes - In 2007, Ecology amended rules to clarify that comprehensively updated SMPs shall include a list and map of streams and lakes that are in shoreline

jurisdiction. The city's current SMP identifies the two shoreline areas that exist within the city on page 12 of Chapter 2 under Sec.D.1 – *Applicable Area*. The map of the two streams (rivers) is provided in Appendix A – *Environment Designation*. Note: the aerial photo used as the base map for the Environmental Designation map is not current. The Environmental Designation Map provided in Attachment A, Appendix A uses an updated aerial photo.

2007c. Fish Habitat Enhancement Projects – In 2007, Ecology amended the rule listing statutory exemptions from the requirement for an SDP to include fish habitat enhancement projects that conform to the provisions of RCW 77.55.181. The city's current SMP and Attachment A lists fish habitat enhancement projects that conform to the provisions of RCW 77.55.181 as an SDP exemption, see Chapter 7, Subsections C.2(p)(A)-(D), pages 103 & 104. Therefore, no further action is required.

Other – There is a “housekeeping correction” made by the City Staff/Consultant Team, in Chapter 7, Section B.2 on page 91 of the draft SMP. The correction is necessary because administrative decisions are a Type I decision not a Type II as indicated in the current SMP and Quasi-judicial decisions are a Type II not a Type III.

**ALTERNATIVES:**

1. Review and discuss the proposed amendments to the *Shoreline Master Program (SMP)* document in preparation for the February 12<sup>th</sup> Joint Ecology/Planning Commission Public Hearing and if necessary, request additional information be presented in the Planning Commission Public Hearing Report and at the public hearing.
2. Review and discuss the proposed at another time

**RECOMMENDED ACTION:**

Review and discuss the proposed amendments to the Shoreline Master Program (SMP) document in preparation for the February 12th Joint Ecology/Planning Commission Public Hearing and if necessary, request additional information be presented in the Planning Commission Public Hearing Report and at the public hearing..

**ATTACHMENTS:**

- A – Final Draft Shoreline Master Program document, dated October 2018, *under separate cover*
- B – Department of Ecology Periodic Review Checklist, dated October 9, 2018

# **City Clerk Report**

## City Clerk Staff Report January 2, 2019

***Building Permits Issued:***

*SSHI LLC dba D. R. Horton*  
17611 Maple St.  
New SFR

*Building Permit #2018-179*

*SSHI LLC dba D. R. Horton*  
17605 Maple St.  
New SFR

*Building Permit #2018-180*

*SSHI LLC dba D. R. Horton*  
10401 Skyline Ave.  
New SFR

*Building Permit #2018-182*

*SSHI LLC dba D. R. Horton*  
17510 Mill Valley Rd.  
New SFR

*Building Permit #2018-183*

*SSHI LLC dba D. R. Horton*  
17602 Mill Valley Rd.  
New SFR

*Building Permit #2018-184*

*SSHI LLC dba D. R. Horton*  
17608 Mill Valley Rd.  
New SFR

*Building Permit #2018-185*

*SSHI LLC dba D. R. Horton*  
17603 Maple St.  
New SFR

*Building Permit #2018-188*

*Robert Meyer*  
921 Hughes Lane  
Hot water heater replacement

*Building Permit #2018-205*

*Philip Forbes*  
120 N. Indiana Ave.  
Hot water heater replacement

*Building Permit #2018-206*

## City Clerk Staff Report December 19, 2018

### ***Business Licenses***

Outside City –

*American Residential Services, L.L.C.*

7116-220<sup>th</sup> St SW, Ste 1W  
Mountalke Terrace, WA 98043-2188  
HVAC & Electrical S

*Resin & Wine, LLC*

2860 Viewmont PL #2860  
Camano Island, WA 98282-5012  
I will be selling art online and providing in home art classes

*Lifestyle Audio Video (Mulready, Robert)*

17126-70<sup>th</sup> St NE  
Snohomish, WA 98290-6193  
Sales, Service and Installation of Speakers, TVs, Audio Equipment, Security Cameras (not security systems)  
Home Automation

*Legacy Air HVAC, LLC*

3529 E Wood St.  
Phoenix, AZ 85040-1834  
Service and Maintenance of HVAC Equipment

*Alexander Gow Fire Equipment (Schuler Bros. Investments, Inc.)*

1436 NW 53<sup>rd</sup> St.  
Seattle, WA 98107-3737  
Sales & Service of Fire Equipment

*Parametrix, Inc.*

1019-39<sup>th</sup> Ave SE, Ste. 100  
Puyallup, WA 98374-2115  
Environmental Engineering Consulting Services

*Steve Ruhnke Construction, Inc.*

17066 Beaton Rd. Ste. 190B  
Monroe, WA 98272-1002  
Excavation

***Building Permits Issued:***

*City of Granite Falls*

215 S. Granite Ave.

Installation of Temporary 500 Gallon Propane Tank

*Building Permit #2018-195*

*Wesley Grigg*

805 E. Stanley PL.

Plumbing permit for duplex

*Building Permit #2018-196*