
PLANNING COMMISSION

MEETING MINUTES



Wednesday, March 6, 2019

CALL TO ORDER

The Planning Commission was called to order by Chair Hubbell at 6:10pm in the City Hall Council Chambers at 9611 SE 36th Street, Mercer Island, Washington.

ROLL CALL

Chair Daniel Hubbell, Vice Chair Tiffin Goodman, Commissioners, Carolyn Boatsman, Lucia Pirzio-Biroli, Craig Reynolds, and Ted Weinberg were present. Commissioner Jennifer Mechem was absent.

STAFF PRESENT

Evan Maxim, CPD Director, Andrea Larson, Senior Administrative Assistant, Robin Proebsting, Senior Planner, and Bio Park, Assistant City Attorney were present.

MEETING MINUTES APPROVAL

There were no minutes for approval.

APPEARANCES

There were no public comments.

PUBLIC HEARING

Agenda Item #1:

ZTR18-002 Critical Areas and related Code Amendments

Joint public hearing with the Department of Ecology on the Critical Areas code amendment. Robin Proebsting provided a brief presentation.

Chair Hubbell opened the public hearing at 6:19pm.

Ira Appleman, 9039 E Shorewood Drive. He expressed his concern that the Planning Commission is not going to do their job to make the CAO stricter as required by law. He expressed that the public cannot see the changes due to how it is written. He expressed that the City is Violating the law because the updates should have been completed years earlier. He expressed his concerns regarding staff and the regulations.

Alexandra Boyle, 4150 Blvd Pl. She spoke regarding building her home and that it has all been done under the current code and that they did not receive any notices regarding the CAO updates letting them know that the code would be changing. She expressed her concern regarding how the new code could change their ability to build on their property. She requested the PC to re-notice and hold another public hearing to provide further time for comments.

Daniel Thompson, 7265 N Mercer Wy. He spoke regarding concerns that citizens believe that Department of

Ecology is overseeing this process. He asked that the PC consider how much discretion is given to the code official. He expressed his support of the changes.

Chair Hubbell closed the public hearing at 6:31pm.

ZTR18-003- Shoreline Master Program

Joint public hearing with the Department of Ecology on the Shoreline Master Program code amendments. Robin Proebsting provided a brief presentation on the Shoreline Master Program code amendments.

Chair Hubble opened at 6:32pm.

Ryan Thomas, 10885 NE 4th St Ste 700, Bellevue. He is here for citizens for reasonable shoreline use. He expressed his concern regarding non-conforming docks, and that it misses the mark of the intent of the Shoreline Master A. He stated that it should be incentivized for residents to be able to bring their docks into conformance.

Emmet Maloof, 4835 Forest Ave SE. He spoke to asking the commission to consider why do they want the dock to be narrow and why do they want the dock to be transparent. He stated that young fish do swim under residential docks. He requested that they look at the science behind this and the science behind bulkheads as well.

Daniel Thompson, 7265 N mercer Wy. He spoke to the commission regarding dock widths. He voiced his support of transparent decking on docks. He voiced his concerns regarding reducing dock width.

Josh Nop, 4859 86th Ave SE. He is a property manager for a client who would like to do updates to their dock. He spoke regarding concerns on narrowing docks and how transparent decking can be hard on feet.

Alexandra Boyle, 4150 Blvd PI. She spoke regarding her concerns that there was not enough noticing regarding this update and that she believes that people did not understand how this could impact their ability to build or update a home.

Chair Hubbell Closed the public hearing at 6:45pm

REGULAR BUSINESS

Agenda Item #2: ZTR18-002 Critical Areas and Shoreline Master Program Code Amendments.

Robin Proebsting, Senior Planner, provided a presentation on the Critical Areas and Shoreline Master Program code amendments.

It was moved by Reynolds; seconded by Pirzio-Biroli to:

To recommend that the Planning Commission recommend approval of the proposed amendments to the Critical Areas update and associated definitions.

The motion to recommend was withdrawn by Reynolds, seconded by Pirzio-Biroli

It was moved by Reynolds; seconded by Pirzio-Biroli to:

Recommend that the Planning Commission recommend approval the proposed amendments to the Mercer Island City Code (MICC) Title 19 as provided in the Public hearing draft of the CAO and SMP update.

It was moved by Boatsman; seconded by Pirzio-Biroli to:

Amend chapter 19.07.010 line 31 to delete the phrase "climate resilient".

Motion passed 5-1

It was moved by Reynolds; seconded by Goodman to:

Amend line 3, page 2, 19.07.010, to delete first "possible" and amend second "possible" to

read “reasonably possible”.

Passed 6-0

It was Moved by Boatsman; seconded by BP

Delete the word “including watercourses” from line 14 page 2 of 19.07.020

Motion was withdrawn by Boatsman, seconded by PB.

It was moved by Goodman; Reynolds to:

Amend subsection 19.07.080 page 3 line 27 to strike “if required by the code official”

Passed 6-0

It was Moved by Pirzio-Biroli; Seconded by Reynolds:

Amend subsection 19.07.080.F, page 4 line 8, to replace “meets city standards established by permit condition or applicable codes,” with “does not comply with the permit or applicable codes”

Passed 6-0

Moved by Pirzio-Biroli; seconded by Reynolds to:

Amend 19.07.080.G, page 4 line 14, to replace “completed according” to “shall be updated or completed according to the current best available science”

Passed 6-0

It was moved by Boatsman; seconded by Pirzio-Biroli

Amend 19.07.080.G, page 4 line 13, replace “is still accurate” and replaced with “determine if the study provides accurate information compliant with the current code”

Passed 6-0

The Commission took a break until 8:25pm

It was moved by Boatsman; seconded Pirzio-Biroli to:

Amend 19.07.100, page 5 line 25, to remove “modification” and replace with “development proposal or activity”:

Passed 6-0

It was moved by Boatsman;

Add line G saying “Maintain, repair ... in perpetuity”

Motion was withdrawn by Boatsman.

It was moved by Boatsman; seconded by Pirzio-Biroli to:

Delete the second “qualified professional” from 19.07.110, page 6 line 39

Passed 6-0

It was moved by Boatsman; seconded by Goodman to:

Amend 19.07.120, page 7 line 26, to read “The following activities are exempt from city review and approval but not from compliance with this chapter”

Passed 6-0

It was moved by Boatsman; seconded by Pirzio-Biroli to:

Review 19.07.130.A.4, page 9, to review for scrivener’s errors.

Passed 6-0

It was moved by Boatsman; Pirzio-Biroli to:

Move subsection 19.07.120.E.3 to subsection 19.07.130.A.4

6-0

Vice-Chair Goodman left at 9pm.

It was moved by Pirzio-Biroli; seconded by Reynolds to:

Amend 19.07.130.B.3, page 9 line 18, to “erosion control measures and seasonal clearing limitations appropriate”

It was moved by Pirzio-Biroli; Boatsman to:

Table the motion until March 20th.

Passed 5-0

Moved by Boatsman; seconded by Weinberg to:

Amend 19.07.130.B.1 and 19.07.130.B.2, page 9 lines 14 & 16, to remove “and/ or climate resilient species”

Passed 5-0

Moved by Boatsman; Weinberg to:

Remove the term “and/ or climate resilient species”, anytime within the proposed document and replace with “native species”.

Passed 5-0

Moved by Weinberg; seconded by Boatsman to:

Adopt staff recommended amendments from the Department of Ecology in subsection 19.07.150.B “Proposal does not pose an unreasonable threat to the public health, safety or welfare on or off the development site” and “The Proposal is consistent with other applicable regulations and standards.

Passed 5-0

Moved by Boatsman; seconded by Weinberg to:

Not allow new construction in landslide hazard areas.

Failed 0-5

The Commission requested for it to be standardized across the amendment to use “qualified professional” and “geotechnical report”.

Moved by Weinberg; seconded by Boatsman to:

Redefine steep slope from 40% to 30%.

Failed 0-5

It was moved by Weinberg; second by Reynolds:

To table the main motion until the Planning Commission meeting on March 20th.

Passed 5-0

PLANNED ABSENCES FOR FUTURE MEETINGS

There are no planned absences.

OTHER BUSINESS

Evan Maxim, CPD Director, provided an update on Community Facilities subcommittee meetings.

ANNOUNCEMENTS AND COMMUNICATIONS

The next Planning Commission meeting is on March 20, 2019 at 6:00PM.

ADJOURNMENT

The meeting was adjourned at 10:47pm