



**PLANNING COMMISSION MEETING AGENDA**  
**Council Chambers, 1000 Laurel Street**

**September 12, 2018**  
**Wednesday**

**Regular Meeting**  
**7:00 p.m.**

- 1. Call to Order and Flag Salute**
- 2. Roll Call**
- 3. Staff Updates**
- 4. Additions/Deletions to Agenda**
- 5. Citizen Participation**
- 6. Approval of Minutes**
  - A. August 8, 2018 Regular Meeting
- 7. Regular Agenda**
  - A. Shoreline Master Plan Update - Introduction
  - B. Continued Work Plan Discussion – Parking Code Update
- 8. Commissioner Reports**
- 9. Adjournment**

Planning Commission may add and take action on other items not listed on this agenda.

If you need ADA accommodations, please contact City Hall at (253) 517-2705 at least 24 hours prior to the meeting.

Thank you.



## PLANNING COMMISSION MINUTES

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Regular Meeting  
Wednesday, August 8, 2018  
7:00 p.m.

### 1. CALL TO ORDER AND FLAG SALUTE

Chair Gillespie called the meeting to order at 7:06 p.m. and led the flag salute.

### 2. ROLL CALL

Present: Chair Gillespie, Commissioners Whalen, LaVergne, Sweat and White.

Absent: Balsley and Shampine

**Motion to excuse Balsley and Shampine (Whalen/Sweat) – Passed 5,0**

Staff Present: Public Works Director Howlett

### 3. STAFF UPDATES

Director Howlett's update included the following:

- Provided information regarding development status at Tacoma RV, Telecare and West Milton Ballfield Dirt Installation
- Mentioned a Hearing being held on Tuesday August 21, 2018 at 9:00 a.m. for the Excel Medical Supply Store on Emerald Street

### 4. ADDITIONS, DELETIONS TO AGENDA

None

### 5. CITIZEN PARTICIPATION

None

### 6. APPROVAL OF MINUTES

A. July 11, 2018 Regular Meeting

**MOTION TO APPROVE MINUTES (Whalen/Sweat) – Passed 5/0.**

**7. REGULAR AGENDA**

**A. Work Plan Item - Parking Code Update**

- Each Commissioner was asked and provided one item that stood out most in their review of the Milton and Puyallup Parking Codes
- Commissioner Whalen would like to see parking of trucks on the right-of-way addressed in the code
- Notification of owners of parking violations was discussed and how best to modify code to address this issue. Perhaps the volunteer police officers could be utilized in this capacity
- A discussion was held regarding the provision of the code regarding parking of vehicles for 72 of 80 consecutive hours and how best to modify code to avoid abusers of the system
- The challenges of enforcement were discussed and best to accomplish this. It was discussed that Code Enforcement Officer Hobbs should be contacted for input regarding the challenges he faces in enforcing the City's parking codes.

**COMMISSIONER REPORTS**

Commissioner LaVergne

- Staying busy and helping out where I can

Commissioner Whalen

- National Night out was a big success
- Attending Sound Transit 3 Stakeholder's meetings. Will keep group informed when public comment is requested on various alignments.

Commissioner White

- Nothing to report

Commissioner Sweat

- National Night out was a great success. Participation increased over last year.
- In June Civil Service Board modified rules for hiring. Mentioned Police Department staffing and difficulties of finding candidates

**ADJOURNMENT**

The meeting was adjourned at 8:34 p.m.

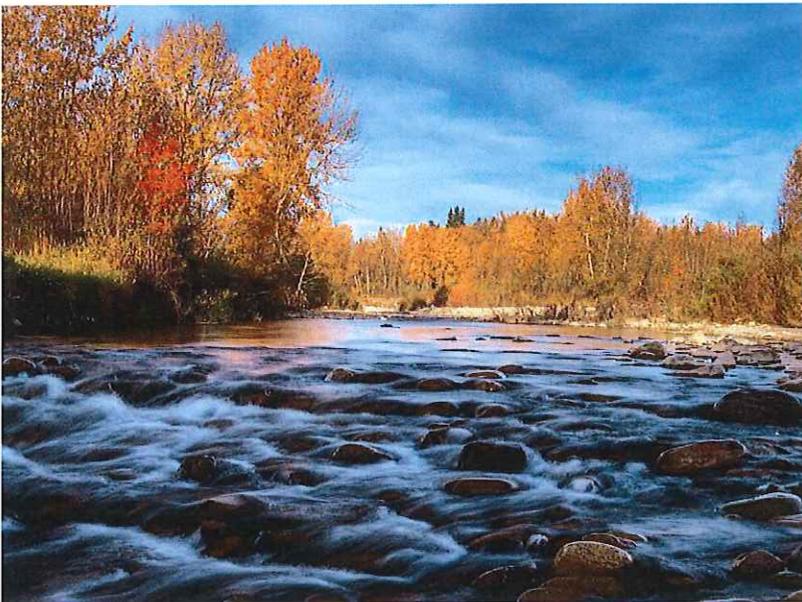
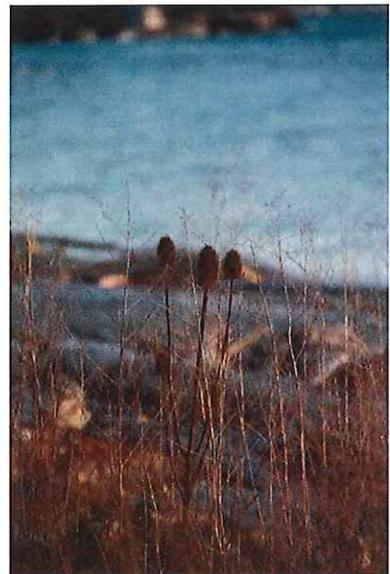
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Chair Jim Gillespie

**Attachment 1**

**City of Milton Shoreline Master Program Periodic Review**

**Public Participation Plan**



*Photo sources top-bottom/left-right: Google Maps; Flickr User Mark; WSDOT; Flickr User Whitney H.; Flickr User Michael B.*

## Introduction

The City of Milton is undertaking a periodic review of its Shoreline Master Program (SMP), as required by the Washington State Shoreline Management Act (SMA), RCW 90.58.080(4). The SMA requires each SMP be reviewed and revised, if needed, on an eight-year schedule established by the Legislature. The review ensures the SMP stays current with changes in laws and rules, remains consistent with other City of Milton plans and regulations, and is responsive to changed circumstances, new information, and improved data.

The SMA and SMP guidelines require local governments to encourage active participation in the SMP review by all persons, private groups, public agencies, and tribes that have an interest or responsibility related to shorelines of the state. A Public Participation Plan is required to describe how The City of Milton will encourage early and continuous public participation throughout the process of reviewing the SMP. The Public Participation Plan is intended to meet State requirements, and is tailored to address the priorities and issues important to the City.

This Public Participation Plan describes the steps that The City of Milton will take to provide opportunities for public engagement and public comment, as well as City of Milton staff contact information and SMP Periodic Review Webpage address. This plan is in addition to any other minimum requirements for public participation required by the Milton Municipal Code (MMC). This plan is a working document and will be adjusted as needed to provide for the greatest and broadest public participation.

## 1.0 Public Participation Goals

The overall goal of the Public Participation Plan is to build support for timely adoption of a quality SMP. This plan provides key steps that are intended to effectively support the overall objectives of SMA. Throughout the process, there are many goals to guide the development of the SMP, including:

- Provide interested parties with timely information, an understanding of the process, and multiple opportunities to review and comment on proposed amendments to the SMP.
- Actively solicit information from citizens, property owners and stakeholders about their concerns, questions and priorities for the Periodic Review process.
- Encourage interested parties to informally review and comment on proposed changes to the SMP throughout the process and provide those comments to decision makers.
- Consider viewpoints of all participants, even if views are not reflected in the outcomes.
- Provide forums for formal public input at project milestones prior to decision-making by the City Council.
- Consult and consider recommendations from neighboring jurisdictions, federal and state agencies, and Native American tribes.
- Utilize a transparent process which clearly documents all public input and makes it available for any and all to review.

## 1.1 Guiding Principles

For any participation process, it is important to adhere to a set of guiding principles. For the SMP update, these principles include:

1. Communicate the purpose, scope, and objectives of the SMP throughout the duration of the update process (i.e., schedule, decision milestones, progress, and involvement opportunities).
2. Conduct public involvement consistent with the goals and policies of the Comprehensive Plan, the SMA, and City policies for transparent and open government.
3. Seek out and use input from local stakeholders about opportunities and problems, rather than solely relying on the opinions of technical experts.
4. Define and effectively communicate the roles and interests of all participants.
5. Keep all written communication clear, concise, objective, and free of technical jargon.
6. Use the City's website, mailings, newsletters, and other media to provide and distribute general information to the public.
7. Communicate and distribute information/feedback regularly to participants, and at intervals to interested/affected parties. Follow-up would occur by:
  - Informing affected/interested parties of outcomes;
  - Continuously evaluating the process to identify successes and shortcomings, and communicate results to participants; and
  - Evaluating the public participation process for effectiveness with community relationships and on perceptions of effectiveness of the process.
8. Use community resources and energies effectively and efficiently, and consider the relative cost-effectiveness of alternative techniques to achieve objectives.

## 2.0 Stakeholders

The Public Participation Plan establishes a process that is designed to reach all audiences that may have an interest in the update process. It is also be designed to reach out to other groups and individuals, including those who may not yet have an interest or be compelled to participate, in order to encourage their awareness, understanding, and involvement in the process. The City has identified the following broad groups of stakeholders as important to contact and engage:

- General public: Interested citizens across the City and the State as a whole. These include:
  - Residents, City-wide
  - Local businesses and employees
  - Shoreline users
  - Other citizens of the State
- Property owners: Individuals and other entities that own property within shoreline jurisdiction. These include:
  - Residential property owners
  - Businesses
  - Governmental agencies
- Business organizations, environmental groups, and other non-governmental organizations: Organizations with expertise and/or interest in shoreline issues. These include:
  - Adopt-A-Stream

- Fife Milton Edgewood Chamber of Commerce
- Futurewise
- Master Builders Association
- Washington Environmental Council
- Puget Soundkeeper Alliance
- Tribes: Native American tribes that own property and/or have rights to usual and accustomed places and natural resources. These include:
  - Muckleshoot Indian Tribe
  - Puyallup Indian Tribe
- Government Agencies: Local, regional, state, and federal agencies with jurisdiction, expertise, or potentially affected by the proposal. These include:
  - City of Milton
  - Army Corps of Engineers
  - Federal Emergency Management Agency
  - NOAA Fisheries Service
  - Puget Sound Partnership
  - Puget Sound Regional Council
  - United States Forest Service
  - Washington State Department of Ecology
  - Washington State Department of Fish and Wildlife
  - Washington State Department of Natural Resources
  - Washington State Department of Transportation
  - Washington State Parks
  - Water Resource Inventory Area (WRIA 10)
  - Neighboring jurisdictions (e.g., Federal Way, Fife, Edgewood, Pierce County, especially their shoreline planners)
- Utilities and Transportation: Power and gas providers, railroad operators and other utilities and transportation interests
  - Puget Sound Energy
  - Lakehaven Utility District and Pierce County Public Works Sewer Division
  - King County Public Health
  - Tacoma-Pierce County Public Health
- Media: Local newspapers, television, radio stations, etc.
  - The News Tribune

Outreach activities are designed to keep these groups informed and updated on key meetings, decision-making milestones, and overall project progress. The public involvement process is intended to prevent last minute surprises and to avoid the misguided perception that specific groups have been discouraged from participating or have not been adequately informed. City staff will contact all of the groups listed above, but will engage certain stakeholder groups to greater or lesser degrees based on their demonstrated level of interest and involvement. The City will also use different methods to engage different groups. The City anticipates that farmer's market booth and new releases to City Currents will

primarily engage residents of Milton and homeowners within the shoreline jurisdiction. To engage business owners, environmental groups, and other non-profit organizations, the City's website will likely be an efficient tool as well as notice mailings/emailing.

### 3.0 Public Participation Opportunities

The City of Milton is committed to providing multiple opportunities for public participation throughout the process. The City of Milton will use a variety of communication tools to inform the public and encourage their participation, including the following:

#### 3.1 Website

The City of Milton's website will include a Periodic Review webpage where interested parties can access draft documents, official notices and meeting minutes, view the project schedule, see submitted public comments, obtain contact information, and submit comments. The webpage will be the primary repository of all information related to the Periodic Review process. The website and project calendar will be updated as new information and reports become available. The page will also include a Frequently Asked Questions section.

#### 3.2 Open House

An open house is planned mid-way through the process to provide the public an opportunity to review and comment on the draft amendments. The Open House will be held at Council Chambers located at 1000 Laurel Street, Milton, WA 98354. The Open House will primarily offer education on the following topics:

- SMA/SMP requirements and the degree of local control
- Property rights and guidance from the Washington State Attorney General
- Shoreline ecology and human impacts

Additionally, specific input will be sought on issues such as general shoreline problems and opportunities, demand for shoreline uses, public access opportunities, conservation and restoration priorities, and other key regulatory issues. The target audience will be all stakeholders, especially the general public and property owners affected by the SMP. The City may seek representatives from state agencies, including Ecology, to attend these events.

Public comments received during the Community Open House will be posted on the City of Milton SMP Periodic Review webpage. The Community Open House is scheduled to occur in early November. An additional open house may be added if there is a high level of interest.

#### 3.3 Notice Mailing List and Email Distribution List

An email list of interested parties will be created and maintained by the City of Milton. The list will be used to notify interested parties regarding the progress of the Periodic Review and opportunities for public participation. Interested parties may be added to the list by either indicating their preference to be included as such during a Periodic Review public involvement event, or by contacting the Public Works Department. The City of Milton SMP Periodic Update Webpage will also include an option to

subscribe to the email listserv that will notify interested parties of any status updates posted to the webpage.

### 3.4 Comment

Interested parties will be encouraged to provide comments to the City of Milton by letter or email. Interested parties may also provide comments in the comment form of the City's Periodic Review webpage. The Periodic Review webpage will be the central repository for information under consideration. Documents will be available for review at the City of Milton Public Works Department, and copies will be provided at the established copying cost. All public comments received as part of the Periodic Review project will be posted on the Periodic Review webpage.

### 3.5 News media

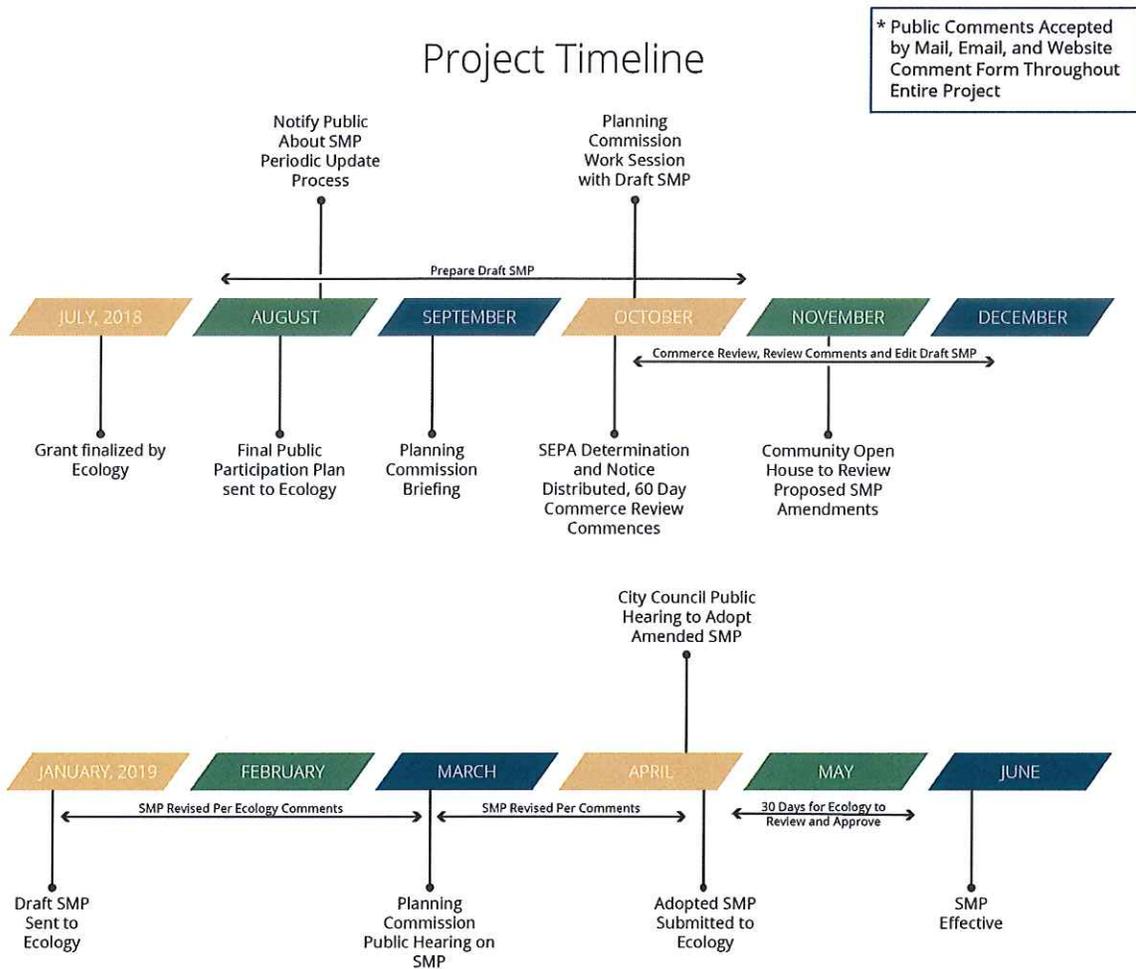
The local news media will be kept up-to-date on the Periodic Review process and receive copies of all official notices. Notices will be sent to the local news media to announce upcoming public participation opportunities, or provide information at key milestones.

### 3.6 Social media

Updates will be provided at appropriate times during the Periodic Review process on the City of Milton's Facebook page. These updates will be designed to publicize upcoming public participation opportunities and to provide information regarding new documents that are posted or key milestones that are met in the project schedule. Social media posts are designed to be short in nature and provide a snippet of information along with a link to more detailed information located on the Periodic Review webpage.

## 4.0 Public Participation Timeline

The following is a general timeline including anticipated public participation opportunities. City of Milton staff will coordinate with the Department of Ecology throughout the process. A detailed timeline will be posted on the Periodic Review webpage.



## 5.0 Public Comment Periods and Hearings

A public comment period to solicit input on the Periodic Review and a City Council public hearing will be provided before final adoption.

The City of Milton will coordinate with the Department of Ecology on a joint public notice of comment periods and hearings to take advantage of Ecology’s optional SMP amendment process that allows for a combined state-local comment period pursuant to WAC 173-26-104 and chapter 16.05 DMMC. Notice will be provided to the agencies and interest groups on the project distribution list (described in Section 2.0, above) and the Department of Ecology.

The City is tentatively planning for a public hearing before the City Council to be held in April 2019. The adopted SMP is tentatively planned to be submitted to the Department of Ecology at the end of April, and effective by mid-June 2019.

## 6.0 Roles and Responsibilities

This section identifies the parties involved with the public participation process. The key responsibilities of City staff, consultants, Environment Committee and City Council are listed below.

### 6.1 City Staff

City staff will manage the SMP Update process and document the process to Ecology. The work of City staff includes, but is not limited to the following:

- Project management;
- Documenting and keeping records;
- Coordinating with Ecology;
- Directing the work of consultants;
- Reviewing the draft SMP amendments prepared by the AHBL;
- Working with the Planning Commission and City Council and apprising these bodies and interested parties of project progress and key policy and regulatory decisions.

### 6.1 Consultant

Under oversight by City staff, AHBL will design and execute the public involvement program, including facilitating (with City staff) a community open houses, and work sessions with the City of Milton Planning Commission. AHBL will manage the SMP Update process and develop the draft SMP according to Ecology's SMP Guidelines. AHBL staff will compile required inventory and analysis information for the update and prepare amended policies and regulations. AHBL will maintain the City's SMP Periodic Update webpage and prepare public notices of outreach activities and key milestones in the project for distribution to traditional news outlets and social media. AHBL staff will also conduct the required environmental review and notice to State agencies of the threshold determination and intent to adopt.

### 6.2 Planning Commission

The Planning Commission will review proposed SMP policies and regulations and provide a recommendation to City Council. Project staff will take key policy and regulatory decisions to the Committee in phases, prior to review of and recommendation on the entire document. The Planning Commission will review the draft SMP, take and consider public input, and make formal recommendations to the City Council.

### 6.3 City Council

The City Council will review proposed SMP policies and regulations, consider the recommendation of the Environment Committee, and make the final decision on SMP adoption. As established in state law, the City Council will review the draft SMP, gather public input, make changes as desired, and locally adopt the final SMP. The City Council is the legislative authority with the final local decision making authority for the local adoption of the SMP.

### 6.4 Department of Ecology and the State of Washington

State law establishes a cooperative program of shoreline management between local government and the State. Ecology provides financial assistance and guidance to local governments in preparing the

SMP. The SMA authorizes and directs Ecology to adopt guidelines for the development of local SMPs. In keeping with the relationship between state and local governments prescribed in the SMA, the Guidelines have three specific purposes:

- To assist local governments in developing master programs;
- To serve as standards for the regulation of shoreline development in the absence of a master program along with the policy and provisions of the SMA, and;
- To be used along with the policy of RCW 90.58.020, as criteria for state review of local master programs under RCW 90.58.090.

Ecology provides written comments on draft SMP components. The local government approves its program after a public review and comment period. The local government then sends the SMP to Ecology, which reviews it for consistency with the Guidelines and the SMA. Ecology must approve the locally approved and submitted master program, before it takes effect. To ensure respect for private property rights, local and state legal authorities are required to review a shoreline program before formal adoption. In addition, Ecology approves certain shoreline permit decisions (e.g., conditional uses and variances).

## 6.5 Project Contacts

The primary City staff contact for the Shoreline Master Program Periodic Update is:

**Jamie Carter, PE**

Surface Water Compliance Inspector  
City of Milton Public Works Department  
1000 Laurel Street  
Milton, WA 98354  
Email: [jcarter@cityofmilton.net](mailto:jcarter@cityofmilton.net)  
Phone: (253) 517-2708

The primary Consultant contact for the Shoreline Master Program Periodic Update is:

**Brittany Port, AICP**

Land Use Planner  
AHBL  
1200 6<sup>th</sup> Ave, Suite 1620  
Seattle, WA 98101  
Email: [bport@ahbl.com](mailto:bport@ahbl.com)  
Phone: (206) 658-2661

## SHORELINE MASTER PROGRAM PERIODIC REVIEW

# Periodic Review Checklist

### Introduction

This document is intended for use by counties, cities and towns conducting the “periodic review” of their Shoreline Master Programs (SMPs). This review is intended to keep SMPs current with amendments to state laws or rules, changes to local plans and regulations, and changes to address local circumstances, new information or improved data. The review is required under the Shoreline Management Act (SMA) at [RCW 90.58.080\(4\)](#). Ecology’s rule outlining procedures for conducting these reviews is at [WAC 173-26-090](#).

This checklist summarizes amendments to state law, rules and applicable updated guidance adopted between 2007 and 2017 that may trigger the need for local SMP amendments during periodic reviews.

### How to use this checklist

See Section 2 of Ecology’s *Periodic Review Checklist Guidance* document for a description of each item, relevant links, review considerations, and example language.

**At the beginning:** Use the review column to document review considerations and determine if local amendments are needed to maintain compliance. See WAC 173-26-090(3)(b)(i).

**At the end:** Use the checklist as a final summary identifying your final action, indicating where the SMP addresses applicable amended laws, or indicate where no action is needed. See WAC 173-26-090(3)(d)(ii)(D), and WAC 173-26-110(9)(b).

*Local governments should coordinate with their assigned [Ecology regional planner](#) for more information on how to use this checklist and conduct the periodic review.*

Row	Summary of change	Review	Action
2017			
a.	OFM adjusted the <b>cost threshold for substantial development</b> to \$7,047.	<i>SMP needs amending</i>	Amend cost threshold on page 108, see WSR 17-17-016.
b.	Ecology amended rules to clarify that the <b>definition of “development”</b> does not include dismantling or removing structures.	<i>SMP needs amending</i>	Amend definition on page 99, see WSR 17-17-016.
c.	Ecology adopted rules that clarify <b>exceptions to local review under the SMA.</b>	<i>SMP needs amending</i>	Amend page 109 per new WAC 173-27-044, see WSR 17-17-016. Add new exceptions to list for exempt development and include statement that they are also exempt from review under SMA and acquiring a shoreline exemption letter.
d.	Ecology amended rules that clarify <b>permit filing procedures</b> consistent with a 2011 statute.	<i>Code needs amending</i>	Amend MMC 18.12.195 to include that the Director shall transmit the decision by return receipt mail to the Department of Ecology per revised WAC 173-27-130, see WSR 17-17-016.
e.	Ecology amended <b>forestry use regulations</b> to clarify that forest practices that only involves timber cutting are not SMA “developments” and do not require SDPs.	<i>SMP needs amending</i>	Amend pages 11, 12, 14, and 66 to clarify that regulated forest practices do not include those involving only timber cutting per revised WAC 173-26-241, see WSR 17-17-016.
f.	Ecology clarified the SMA does not apply to lands under <b>exclusive federal jurisdiction</b>	N/A	No action necessary per revised WAC 173-22-070, see WSR 17-17-016. The SMP is silent to this and as there are no lands under federal jurisdiction in the City, this clarification seems unnecessary.
g.	Ecology clarified “default” provisions for <b>nonconforming uses and development.</b>	N/A	No action necessary per revised WAC 173-27-080, see WSR 17-17-016. These are default nonconforming building/use standards for

Row	Summary of change	Review	Action
			SMPs that are silent to nonconforming development.
h.	Ecology adopted rule amendments to clarify the scope and process for conducting <b>periodic reviews</b> .	N/A	No action necessary per revised WAC 173-26-09 and WAC 173-26-110, see WSR 17-17-016. This is procedural in nature as to how reviews of the SMP are to occur.
i.	Ecology adopted a new rule creating an <b>optional SMP amendment process</b> that allows for a shared local/state public comment period.	N/A	No action necessary per revised WAC 173-26-090 and WAC 173-26-100, see WSR 17-17-016.
j.	<b>Submittal</b> to Ecology of proposed SMP amendments.	N/A	
<b>2016</b>			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structures to comply with the <b>Americans with Disabilities Act</b> .	<i>SMP needs amending</i>	Amend page 115 to include exemption for retrofitting structure with ADA per revised WAC 173-27-040, see WSR 17-17-016.
b.	Ecology updated <b>wetlands critical areas guidance</b> including implementation guidance for the 2014 wetlands rating system.	<i>SMP needs amending</i>	Amend pages 110 and 162 to reference new wetlands rating system per new Ecology Wetland Guidance. Amend page 163 to update buffers and habitat scores per new Ecology Wetland Guidance.
<b>2015</b>			
a.	The Legislature adopted a <b>90-day target</b> for local review of Washington State Department of Transportation (WSDOT) projects.	<i>Code needs amending</i>	Amend MMC 18.12 to include 90 day review target for WSDOT projects per new WAC 173-27-125, see WSR 17-17-016.
<b>2014</b>			
a.	The Legislature raised the cost threshold for requiring a Substantial Development Permit (SDP) for <b>replacement docks on lakes and rivers</b> to \$20,000 (from \$10,000).	<i>SMP needs amending</i>	Amend page 113 per revised WAC 173-27-040, see WSR 17-17-016.
b.	The Legislature created a new definition and policy for <b>floating on-water residences</b> legally	N/A	No action necessary per revised WAC 173-26-020, see WSR 17-17-016. The City of

Row	Summary of change	Review	Action
	established before 7/1/2014.		Milton does not have any legally established floating on-water residences.
<b>2012</b>			
a.	The Legislature amended the SMA to clarify <b>SMP appeal procedures</b> .	N/A	No action necessary per revised RCW 90.58.190, see House Bill 2671. This is procedural in nature as it relates to the appeal of the Department of Ecology's decision to adopt a Shoreline Master Program.
<b>2011</b>			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved <b>federal wetland delineation manual</b> .	N/A	Amend page 20, 110, 144 and 161 to refer to the federal wetland delineation manual.
b.	Ecology adopted rules for new commercial <b>geoduck aquaculture</b> .	N/A	No action necessary per revised WAC 173-26-241, see WSR 11-05-064. No geoduck aquaculture present in the City of Milton.
c.	The Legislature created a new definition and policy for <b>floating homes</b> permitted or legally established prior to January 1, 2011.	N/A	No action necessary per revised RCW 90.58.270, see House Bill 1783. The City of Milton does not have any legally established floating on-water residences.
d.	The Legislature authorized a new <b>option to classify existing structures as conforming</b> .	<i>Consider amending SMP</i>	Consider amending page 119 per revised RCW 90.58.620, see Senate Bill 5451. This allows for the option to consider a nonconforming residence that is only nonconforming as it pertains to setbacks or other bulk and dimensional requirements conforming as it relates to the requirements of the SMP.
<b>2010</b>			
a.	The Legislature adopted <b>Growth Management Act – Shoreline Management Act clarifications</b> .	N/A	N/A

Row	Summary of change	Review	Action
2009			
a.	The Legislature created new "relief" procedures for instances in which a <b>shoreline restoration project within a UGA</b> creates a shift in Ordinary High Water Mark.	N/A	N/A
b.	Ecology adopted a rule for certifying <b>wetland mitigation banks</b> .	N/A	N/A
c.	The Legislature added <b>moratoria authority</b> and procedures to the SMA.	N/A	N/A
2007			
a.	The Legislature clarified <b>options for defining "floodway"</b> as either the area that has been established in FEMA maps, or the floodway criteria set in the SMA.	N/A	N/A
b.	Ecology amended rules to clarify that comprehensively updated SMPs shall include a <b>list and map of streams and lakes</b> that are in shoreline jurisdiction.	N/A	N/A
c.	Ecology's rule listing statutory exemptions from the requirement for an SDP was amended to include <b>fish habitat enhancement projects</b> that conform to the provisions of RCW 77.55.181.	N/A	N/A