

PLANNING COMMISSION MINUTES  
City Council Chambers, 5:04 PM  
June 26, 2008

**1. GENERAL INFORMATION**

Commissioner Callaway called the June 26, 2008 Planning Commission to order at 5:04. The Pledge of Allegiance was recited and roll was taken. Commissioner Fugere was absent all other Commissioners present.

**STAFF MEMBERS PRESENT:** Glenn Scholten, Planning Dept.

**2. ADMINISTRATIVE AFFAIRS:** The minutes of the May 29, 2008 were not ready for approval they will be ready for the next Planning Commission meeting.

Commissioner Callaway turned the meeting over to Mr. Scholten who gave a summary of the events leading up to tonight's public hearing on the city's Shoreline Master Program. Mr. Scholten stated that he mailed approximately forty letters off to shoreline property owners informing them of tonight's hearing and telling them that copies of the draft shoreline plan was available at the planning office if they wish to pick one up before the hearing. Fifteen people came in to get copies. Glenn then went over the procedures that will be used for tonight's hearing and asked for those who wish to testify tonight to please sign in.

Mr. Scholten explained the meaning of the Ordinary High Water Mark (OHWM), which seemed to be a point of confusion for some people. He stated that the OHWM for Medical Lake is sort of unique and harder to judge than most lakes because at some parts of the lake the water butts up against basalt cliffs and where the water ends the cliffs begin and at other parts there are natural shorelines where the OHWM can be detected by sight. Usually where the debris of the water are deposited on the shore. He stated that the OHWM is important because that is where the two hundred feet landward begins and is the starting point for designating the boundary of the Shoreline Enhancement Overlay District.

Before the hearing was open Mr. Scholten explained the difference between an open record public hearing and a close record hearing. He explained that this public hearing would be the only one on the matter unless an appeal was entered and then another hearing would be held by the City Council. Glenn explained that if you do not testify tonight and become a "party of record" you wouldn't have an opportunity to speak if an appeal was entered.

Mr. Scholten explained that the city's shoreline program is made up of several components: the shoreline management plan, the goals and policies that are in the plan, the methodology used to develop the plan, the shoreline regulations that make up chapter six of the plan and supporting ordinances such as the city's critical area ordinance, zoning

and subdivision ordinances. Glenn went on to explain that the city's jurisdictional shorelines include Medical Lake, portions of West Medical Lake and a small section of Silver Lake where the public boat launch is located. He then went on to present a twenty-minute presentation summarizing the past actions of the state legislature including the reasons for the passage of the Shoreline Management Act (SMA) of 1971 and the role that the Department of Ecology plays as the lead agency for the state shoreline program. Glenn explained the types of environmental categories that shorelines are given according to their ecological functions and the reasoning behind these categories. He explained ecological functions and the "no net loss of ecological functions" which is the goal of the SMA.

The Shoreline Enhancement Overlay District (SEOD) was explained as being that land two hundred feet landward of the OHWM and besides the regulations of the underlying R-1, single-family residential zone, the regulations set forth in Chapter six of the plan also apply. Glenn explained the permit system the city will use to control development along the shorelines and the differences between them. The permits system is made up of three different permits and a list of uses that are exceptions to the permit system. The different permits are 1) a substantial development permit, 2) conditional use permit and 3) variance, Glenn went on to explain the differences between them. He stated that he felt that the plan being presented tonight was a doable plan with reasonable goals and policies but it will take the community and property owners to make it successful.

Commissioner Feken asked a question regarding the comment made by Doug Pineo referring to a number of other suggested changes but this is enough for the planning commission to work on tonight, Lois asked if those were changes that the commission had to make or are they just suggestions? Glenn stated that not knowing what those suggested changes are but would venture that if they were not important enough to become part of the first observation that they would be minor in nature or perhaps they were just suggestions or oversights that were not done.

Commissioner Callaway opened the public hearing at 5:48

Mr. Scholten read into the record a letter he received from Mrs. Vickie Kennedy, P.O. Box 1772, Medical Lake, WA. Mrs. Kennedy proposed to delete Section (C) on page 32 which suggests restricting vehicle access to the unimproved boat launch on Medical Lake. Mrs. Kennedy felt that since motorized boats are not allowed on the lake, the lake sees lots of use by canoes, kayaks and fishermen in row boats and float tubes who use and need the boat launch. Mrs. Kennedy felt that the boat launch is an important part of the desired recreational use of the lake. She proposed the wording should read "The City of Medical Lake could establish a new section of the city trail system through the degraded area of the shoreline near the public boat launch where numerous "Spider paths" have been formed."

Jeri Morgan, 556 S. Lake Dr. M's Morgan was concern about the statement in the Department of Ecology's (DOE) statement that where steep shoreline slopes are encountered such as along the eastern shoreline of Medical Lake (Shoreline Residential)

a fifty foot buffer is not adequate. M's Morgan stated that her property has landscaping all the way down to the edge of the steep slope and she was concern about the suggestion that natural vegetation be planted in its place. She asked what constitutes natural vegetation and does she have to replace what is there. She also commented on the permitting process and asked if she wanted to do a home repair or expand her home what type of permit would be needed first and how does one go about submitting a request for a permit. M's Morgan also wanted to know when this plan would go into effect. Glenn explained the process the city needed to go through to get the plan approved by DOE.

Andie Mark, 307 N. Lake Dr. M's Mark asked for a clarification with regards to what regulations are currently in effect and what is not. She stated that the two hundred foot buffer and the permit system is in effect even though this current rendition of the shoreline plan has not yet been approved. Glenn responded that her assumptions are correct, that the city's shoreline plan is not a new plan but one written with the intent to mold the old plan to fit the city's needs and one developed with the input from the residents of the city instead of one written by Spokane County.

Kevin Twohig, 309 N. Lake Dr. Mr. Twohig felt that it was really good that the city was willing to take on its own shoreline management process and through his previous interactions with DOE he knows first hand how DOE has a tendency to give a corporate response that in many cases is not specific to the individual situation and hopes that this plan would be the city's plan and not DOE's plan. Kevin stated that he was pleased to see that commercial and industrial uses were deleted from permitted uses along the shorelines but still felt that the city needs to be careful with regards to the grandfathered uses and felt that the policy to allow temporary commercial use on occasion was a good approach to economic development then simply not allowing it. Kevin also stated that he agreed with the comment regarding the boat launch and felt that the idea of a spur off the main trail could be routed into the area of the steep cliff shoreline to replace all the spider trails currently there and would be a great way to stop the degradation occurring to that area. Kevin mentioned the JARPA process stating that it wasn't an easy process to deal with for the applicant and in many cases a serious deterrent and since the shoreline is pretty much developed and felt the current environmental review process the city uses was sufficient. Kevin's last comment was in regards to the idea of grass vs. natural vegetation and felt that grass, when maintained properly, acts as a good filter for runoff.

John Nuess, 307 N. Lake Dr. Mr. Nuess was concerned about the road (5<sup>th</sup> Street) separating the wetlands from the lake which leads to Eastern State Hospital. Mr. Nuess felt that the vacation of 5<sup>th</sup> street should be a goal of the plan even though it probably would be something, if it happened, would happen sometime in the future. He stated that although it probably won't happen right away it wouldn't happen at all if it wasn't in the plan to remind people that it still was a worthy goal because of the damage it cause vis-à-vis oil, grease, gasoline and road salt pollution. Glenn stated that that would be the kind of goal a citizen's committee, formed to focus on the lake, would be most suitable to work towards. Mr. Nuess stated that the fact that the road is there and has a definite impact needs to be spelled out along with the cliffs and the public boat launch and these are major issues that the city needs to keep an eye on and a working involvement between

a citizens group and the city would be a good way to protect and restore the lake and its shorelines.

Barb Twohig, 309 N. Lake Dr. Mrs. Twohig stated that she agrees with Mr. Nuess's concern regarding the road. She felt that something with a major impact on the lake should be part of a future vision of the city and should be included in the plan. She felt that the vacation of the road sometime in the future would go a long way in protecting and restoring the shorelines and the wetland directly adjacent to the lake even though it probably would be years for it to happen.

Several questions were asked that couldn't be answered at the time with a promise that an answer would be sought and forwarded in writing back to the person asking the question. Questions such as 1. How many docks can a property owner have? 2. Can a person put a concrete bulkhead all the way across his property? And if so, does a person have to have a reason or can they just do it?

With no more citizens wishing to comment Commissioner Callaway closed the public hearing at 6:09.

After a brief discussion concerning the vacation of a city street, not all the commissioners agreed that the street leading up to the state hospital should not be vacated at this time. It was felt that wording stating that the street was a cause of concern would be the proper way of presently addressing the issue.

Commissioner Albright made a motion that the Planning Commission accept the Shoreline Management Master Plan as written with the amendments and public input of the concerned citizens taken into consideration.

Commissioner Feken Seconded, all voted aye, motioned passed.

## **OTHER BUSINESS**

Commissioner Albright wanted to revisit the issue of setting the city's Urban Growth Area (UGA). Previous discussions regarding the UGA on whether to continue to designate land north of the city's current boundary as its UGA or eliminate a northern UGA and direct new development into current areas of the city where sufficient vacant unplatted land is available. Commissioner Albright was concerned about encroaching upon Fairchild Air Force Bases (FAFB) Air Installation Compatible Use Zone. Land development around Air Force installations in the United States has generated a variety of community compatibility problems and hazards to safe, unrestricted flight operations at military airfields. Commissioner Albright stated that the city had other directions in which it can grow and he felt the city didn't need to, at this time, make inappropriate land use decisions that possibly could endanger the existence of the base.

All the commissioners agreed with Commissioner Albright's concerns and it was felt that recommendations and decisions regarding the city's UGA should be tabled until the Fairchild Joint Land Use Study (JLUS) is completed and compatibility issues derived from the study is presented to the community which is scheduled for late Summer early Fall. In the meantime all meetings and committee's will be attended by Mr. Scholten, a JULS Technical Committee Member, with the intention of keeping the Planning Commission well informed.

Because of vacations and commissioner's busy Summer schedules no Planning Commission meetings will be scheduled, unless necessary, until the September calendar.

Commissioner Hudson made a motion to adjourn, seconded by Commissioner Albright; Chairperson Callaway adjourned the meeting at 6.55 p.m.

Dated this \_\_\_\_\_ day of July, 2008

\_\_\_\_\_  
Joyce Callaway, Chairperson

\_\_\_\_\_  
Glenn Scholten, Secretary