

PLANNING COMMISSION
STUDY SESSION
Shoreline Master Program
August 14, 2012 - 7:30 p.m.

Commissioners Present: Todd Voth, Steve Schield, Carly Griffith Hotvedt, Nathan Nofziger, Charles Hepburn, Vicki Heimark, and Todd Lengenfelder

Staff Present: Anne Henning, Daniel Leavitt, and Sue Mahaney

The study session was called to discuss the Shoreline Master Program.

There was discussion by the Commission and the following changes were made to Chapter 7, Specific Shoreline Use Policies and Regulations:

7-100 Residential Uses

7-100-020 Policies

1. Residential development and subdivisions should be located, designed, built, and maintained to protect shoreline environmental functions and processes.

Mr. Schield requested that “when possible” be added to the end of the sentence.

5. Recognizing the single-purpose, irreversible, and space-consuming nature of shoreline residential use, new residential uses should provide adequate setbacks and natural buffers from the water and ample open space between structures to provide space for outdoor recreation, protect natural features and existing shoreline vegetation, control erosion, protect water quality, preserve views and normal public use of the shoreline and the water, protect aquatic and wildlife habitat, and minimize user conflicts.

Mr. Schield suggesting deleting “single-purpose, irreversible, and space-consuming nature” and replace it with “property owner rights” in the first line and in the second line delete “adequate” and replace it with “reasonable”.

Ms. Heimark said she agreed with the first change, but thought that “adequate” should remain.

6. Dwelling units in new residential developments should be clustered in order to preserve natural features and open space minimize physical impacts, and provide for public access to the shoreline.

It was the consensus of the Commission that this statement be deleted.

7. Residential uses involving the subdivision of land into more than four parcels and multi-family development of more than four dwelling units should be required to provide dedicated and improved community or public access to the shoreline in a manner that is appropriate to the site and the nature and size of the development.

Mr. Schield felt that “four” should be “twenty”.

8. Residential uses involving the subdivision of land into four or fewer parcels should be encouraged to provide dedicated and improved community or public access to the shoreline in a manner that is appropriate to the site and the nature and size of the development.

Mr. Schield felt that “four” should be “twenty”.

After some discussion it was the consensus of the Commission that numbers 7 and 8 should be deleted.

Mr. Lengenfelder mentioned that if developers are going to provide public access, that land should be subtracted from the required park and open space dedication required for new developments.

9. To limit dock proliferation and the associated loss of shoreline ecological functions, subdivisions should provide joint-use or community docks, if any docks are to be proposed. Individual docks should not be allowed for lots in subdivisions with joint-use or community docks. Other joint use facilities, such as access areas and boat launches, should also be encouraged.

After some discussion it was the consensus to change this section to read “Subdivisions may provide joint use or community docks. Individual docks should be allowed.”

10. New residential uses and accessory uses should be prohibited over water, in floodways, and in environmentally sensitive area such as wetlands and geologic hazard areas.

There was some discussion concerning the definition of “accessory uses” and it was the consensus to eliminate “accessory uses”.

14. The front yard zoning setback should be allowed to be reduced to accommodate reasonable development on lots existing at the time of adoption of this Master Program if the existing lot depth is not sufficient to allow for the required shoreline buffer in this Master Program.

After considerable discussion it was the consensus that it be changed to read “The front yard zoning setback should be allowed to be reduced to accommodate reasonable development.”

15. To prevent encroachment on the shoreline buffer, the buffer should be marked with a long-term visual cue, such as a fence, to alert present and future property owners of the location of the buffer edge. The marker should be substantial enough to show that there is clearly a change in circumstances from one side of the marker to the other. Curbing and survey markers have been shown in the past to be insufficient for this purpose.

It was the consensus to remove “such as a fence” and “Curbing and survey markers have been shown in the past to be insufficient for this purpose.”

7-100-030 Regulations

6. New residential subdivisions or planned developments containing two or more waterfront lots, as part of plat approval, shall provide for at least one joint-use community pier or dock and resident access to the dock or docks. This condition of approval, with required access easements and dedications, shall be identified on the face of the plat. The dock shall be constructed or bonded for prior to final plat approval. In addition, the community dock

easement shall be recorded with the Grant County Auditor. Future actions by the applicant, successors in interest, or other parties shall not diminish the usefulness or value of the easement, and the addition of future docks is prohibited, although expansion is not. The requirement for a community dock may be waived by a conditional use permit where conditions of the site, such as a steep slope, are found to make this requirement impractical. Said findings must be documented.

Since the policy was deleted, it was the consensus was to delete this regulation.

7. Residential developments involving the subdivision of land into more than four parcels, planned unit development or multi-family development of more than four dwelling units shall dedicate, improve, and provide maintenance provisions for shoreline public access on the face of the plat or in a recorded covenant that shall not be changed without the approval of the Community Development Department. The access shall be provided from the main road to the shoreline in a manner that is appropriate to the site and the nature and size of the development and implements the City's current Comprehensive Plan for shoreline public access; provided that, public access may not be required where it is demonstrated by the applicant and determined by the City in its findings that one or more of the following provisions apply:

- a. The City has provided more effective public access through a public access planning process described in WAC 173-26-221(4)© since the effective date of the SMP. (This would require an amendment to the SMP at that time).
- b. It is demonstrated to be infeasible due to reasons of incompatible uses, safety, security, or impact to the shoreline environment or due to constitutional or other legal limitations that may be applicable.

In determining the infeasibility, undesirability, or incompatibility of public access in a given situation, the applicant shall consider alternative methods of providing public access, such as off-site improvements, viewing platforms, separation of uses through site planning such as using fencing and vegetative planting during design, and restricting Chapter 7: Specific Shoreline Use Policies and Regulations 9-6-11 draft 18 hours of public access.

- c. Current shoreline public access already exists within ¼ mile of the proposed development and current city planning has not identified a shoreline public access need near or connecting to/through the proposed development (e.g. trail system, fishing easement, etc.).

Since the policy was deleted, it was the consensus was to delete this regulation.

8. Residential developments involving the subdivision of land into four or fewer parcels shall identify community access to the shoreline dedicated on the plat at the time of final plat approval in a manner that is appropriate to the site and the nature and size of the development. Improvements may consist of a common area, simple easement access, or even shared boating facilities. Provided that if it can be shown that shoreline access exists within ¼ mile of the proposed development, shoreline access within the plat shall not be required.

Since the policy was deleted, it was the consensus to delete this regulation.

11. Environment-specific regulations:
- a. Residential uses shall comply with the environment-specific requirements in Chapter 9, except as provided in Regulation 1.a below.
 - b. Common Line Setbacks: The residential buffers in Table 9.3 shall not apply in cases where the majority of existing development in the area does not meet the established buffer standards. In such cases residential structures shall be set back common to the average of setbacks for existing dwelling units within three hundred (300) feet of side property liens. If there is only one or no dwelling units within three hundred (300) feet of side property lines, the shoreline buffers of Table 9.3 shall apply. Common line setback allowed in this section is subject to approval by the Shoreline Administrator. Common line setback shall only be allowed where no loss of shoreline ecological functions or interference with shoreline processes will result from said common line setback. The Administrator may place conditions on the approval. Any further deviation from setback requirements beyond that allowed in this section shall require approval of a shoreline variance permit.

After some discussion it was the consensus to eliminate this regulation if all existing platted lots will not be required to meet the new buffers. If some existing lots would be required to meet the new buffers, then this regulation should be retained to provide more flexibility.

13. For lots less than 125' deep which were created before the adoption of this Master Program, where the required shoreline buffer reduces the building area below 2,500 square feet, the front yard zoning setback may be reduced to 10' for a porch, 15' for living space, and 20' for a garage door, and side yard setbacks may be reduced to 5'. The building area means the entire area that will be disturbed to construct the home, normal appurtenances, back yard landscaping, and any impervious surfaces, including a driveway and patio. If the reduced zoning setbacks do not provide 2500 square feet of building area, the shoreline buffer may also be reduced by the minimum amount that will allow 2500 square feet of building area. These reductions in buffer and setbacks do not authorize encroachments into any easements which may be on the property. All proposals to reduce setbacks and buffers shall be submitted to the Administrator for review. The administrator may place conditions on the approval.

There was considerable discussion but no changes were made.

15. Residential Fencing: Fencing meeting Municipal Code standards may extend to the landward edge of the shoreline buffer. Fencing may be installed within the buffer if all of the following are met:
- c. New fences perpendicular to the shoreline shall be established no closer than 10' from the OHWM.
- It was the consensus to delete this section.
- f. No parking or equipment storage shall be allowed between the OHWM and a fence, within the shoreline buffer area.
- It was the consensus that this be reworded to clarify that parking is not allowed between a fence and the shoreline

- g. Other than removal of noxious weeds, removal of vegetation within the shoreline buffer shall be restricted to initial digging of posts and vegetation removal necessary for the initial placement of the fence.

It was the consensus to add “or non-native plants” after “noxious weeds”.

7-110 Transportation Facilities

No changes were made

7-120 Utilities (Primary)

No changes were made.

The Commission requested that the Transportation and Utilities sections be reviewed by the Municipal Services Director to see if the new regulations would cause problems for City projects, such as a bridge or utility crossing.

A study session was set for September 13 after the regular Planning Commission meeting.

The study session adjourned at 9 p.m.