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**City of Lake Forest Park
Planning Commission
Regular Meeting Summary*
17425 Ballinger Way NE—The Forest Room
September 24, 2007**

Commissioners present: Chair Jeff Foster, Vice Chair Linda Owens, Don Shaffer, Robert Lee, Judy Herring, Chuck Paulsen

Commissioners absent: Shary Van, Tom Lerner

Staff present: Stephen Bennett, Planning Director; Shana Restall, Associate Planner; Aaron Halverson, Clerk

Others present: Dan Nickel, Shoreline Management Consultant from The Watershed Company

Call to order: Chair Foster called the meeting to order at 7:00pm.

Public Comment: 10 Minutes

There were no members of the public present.

Approval of meeting notes:

Commissioner Shaffer moved to approve the August 28, 2007 minutes as written. The motions was seconded by Cmr. Lee. Motion carried unanimously.

New Business:

Shoreline Master Program-Review of document with Consultant Dan Nickel

The commissioners began their review of chapter one of the Shoreline Master Program (SMP). Setbacks from the ordinary high water mark (OHWM) were discussed. The commissioners discussed the inclusion of the Sensitive Areas Ordinance (SAO) as an appendix in the SMP. Consultant Nickel indicated that the SAO is included as an appendix rather than a reference to avoid review of the SAO by Department of Ecology (Ecology) each time it is revised by the City. Cmr. Owens discussed setbacks related to removal and rebuilding of structures along the lake. She discussed property owner's ability to remodel or rebuild a structure while retaining nonconforming setbacks from the lake.

Consultant Nickel presented chapter two of the SMP, the definitions chapter. He stated that there are only a few additional definitions that were not in the previous SMP. One such definition was exemptions. It is an extensive definition and was taken verbatim from state law. Cmr. Lee noted that the term Baseline Condition was not defined. He and Chair Foster agreed that this definition should be included in chapter two. Consultant Nickel supported this as he explained that the term is used throughout the document and commonly used by Ecology. Chair Foster noted that the exemptions pertain mainly to minor development activities for single-family residences. Discussion ensued regarding the definition of dock versus pier; Consultant Nickel explained that there are floating docks, pier on piles and a float that is on the end of a pier. He explained that the term dock was removed to eliminate confusion. It was noted that the term dock is used in the definition for exemption and should therefore be revised for clarity.

Consultant Nickel explained the jurisdiction of state, federal and local agencies. He stated that Washington Department of Fish and Wildlife regulates the water only, the Army Corps of Engineers regulates dimensional standards for structures in the water and their jurisdiction is only in the water while Ecology is responsible for more.

Cmr. Owens asked what the exemptions are exempt from? Director Bennett explained that the exemption is from the Substantial Shoreline Development Permit requirements. He stated that local approval is required for development that is exempt but it is not required that the development be approved by the state.

The commissioners discussed how the setback from the OHWM is applied to remodels and complete teardowns. Dir. Bennett stated that the building code requires structures to become compliant when 50% of the value or size

1 of the structure is being replaced or remodeled. Cmr. Lee commented that, to avoid OHWM restrictions, most
2 people will attempt to stay under the 50% requirement and remain in nonconformance. Dir. Bennett explained
3 that the trend is every 15 or 20 years, houses along the lake are rebuilt to match the needs of a new owner
4 therefore allowing the new SMP requirements to be used in the development review.
5

6 Chair Foster began review of chapter three of the SMP. Consultant Nickel stated that the chapter identifies the
7 responsibilities of the Administrator and includes the definition of Exemptions as written in chapter two. Chair
8 Foster stated that the definition of Exemptions should only be found once in the entire document and
9 recommended it be in chapter three.
10

11 Discussion ensued regarding code enforcement related to the proposed SMA. Chair Foster noted that the table in
12 chapter three includes an appeal to the LFP Hearings Board while LFP has replaced the Hearings Board with a
13 Hearing Examiner. Chair Foster also noted a problem with the flow chart in chapter three regarding an appeal to
14 the State rather than the Hearing Examiner. He asked if it should go to the Hearing Examiner or the State. Cmr.
15 Lee asked if the State will review appeals as a hearing or a review. Consultant Nickel stated that he would
16 provide this info at the next meeting. Dir. Bennett explained that when the State has reviewed decisions of the
17 Hearing Examiner in the past they typically do so without convening a formal hearing.
18

19 The commissioners reviewed the Variances and Conditional Use section of the proposed SMP. According to the
20 proposed SMP, a conditional use permit (CUP) is required for unique situations that require deviation from the
21 SMP. Dir. Bennett stated that a CUP in zoning is different than a CUP in the SMP. Chair Foster agreed with Dir.
22 Bennett and stated that a CUP is traditionally required for uses that deviate from the permitted uses in that zone.
23 Chair Foster stated that a variance is more appropriate in this situation. Dir. Bennett stated that this is one of the
24 unique attributes of the SMP; it allows property owners to deviate from the requirements without going through
25 the process of a variance.
26

27 The commissioners discussed nonconforming use and development standards. Consultant Nickel explained that if
28 there is damage to a development that does not exceed 75% of the cost it can be reconstructed and is exempt
29 while if the damage exceeds 75% of the cost the development must be brought into conformance. Consultant
30 Nickel stated that his section came from the Shoreline Management Task Force. Discussion ensued.
31

32 The commissioners discussed how future Planning Commission review of the SMP will occur. Chair Foster
33 stated that the commission should be able to review chapters five and six at the next meeting and at the following
34 meeting they should review chapters seven and eight with a review of the entire document at the end. Cmr. Lee
35 asked that the commissioners be emailed the entire SMP document so they can do a track their changes and bring
36 them to the next meeting. Chair Foster asked that at the next meeting the document be viewed on a projector
37 allowing changes to be made during the meeting.
38

39 The commissioners continued their review of the SMP with chapter four. Cmr. Herring stated that referencing the
40 LFP municipal code would require approval from Ecology and noted some references in chapter three. Chapter
41 four defines the goals of LFP related to the shoreline.
42

43 **Reports/Communications/Announcements**

44 Chair Foster stated that he would attend a commissions chairs meeting and would report back to the Planning
45 Commission at the next meeting.
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47 **Adjournment: 9:05 PM**

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49 Aaron Halverson, Clerk

50 APPROVED:

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54 Jeff Foster, Chair
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* A full audio record of this and all other Planning Commission Meetings may be obtained at the City of Lake Forest Park City Hall.