

Meeting Minutes Planning Commission

City of Medicine Lake Meeting to be held in person June 23, 2022 6:00 pm

Topic: Medicine Lake Planning Commission

Time: June 23rd, 2022 06:00 PM Central Time

Location: Medicine Lake City Offices 10609 South Shore Drive.

1. Meeting was called to order at 6:05 pm.

Members present include: Chair Jesse Swanson, Brad Beisel, Laura Ferenci, and Shaun Kennedy. Absent were Glen Skajewski, Debi Stafne, and Bill Enright.

2. Approval of Agenda

Brad Beisel moved to approve the agenda. Laura Ferenci second the motion. All voted in favor of the motion.

3. Approval of Minutes from May 19, 2022 meeting

Brad Beisel moved to approve the minutes from May 19. Jesse Swanson second the motion. All voted in favor of the motion.

4. Public Hearings

- a. Public Hearing regarding amendments to the Shoreland Ordinance (Section 3600 of the Zoning Code)

Chair Swanson opened the public hearing at 6:11 pm. Staff gave a presentation of the shoreland ordinance amendments currently being proposed. Staff indicated the draft ordinance has been reviewed by the BCWMC and DNR. Comments were received from BCWMC and address a number of technical modifications, these modifications have been made. The DNR has commented but not issued a conditional approval letter as of yet. Staff highlighted key

elements of flexibility the DNR has supported including Hard Cover at 40%, building height at 35', and lot size at 12,500 feet for riparian lots. DNR has requested additional information pertaining to lot width. Medicine Lake lot width has always been 50'. The shoreland standard is 75' and so flexibility is requested. The DNR would like some additional information on the number of lots in the peninsula that are below the 75' width. Discussion ensued about how lot width is measured and how the current definition on measuring lot width is somewhat vague. Staff indicated that lot width would be typically measured at the building setback line. The draft shoreland ordinance refers to building line; however, building line is not defined. Staff indicated that clarifying this measurement could be made as part of the ordinance modifications. Or could be addressed at a later date. Staff also highlighted the shore impact zone and implications for grading projects over 10 cubic yards in this area requiring a permit. Lastly, a section of the current zoning code prohibiting grading within 20 feet of the OHWL and standards for beaches was reinserted as directed by the planning commission.

Members of the public spoke to the ordinance.

- Chris Klar indicated that his recollection was that when the ordinance was put in place many years ago, the restriction prohibiting grading within 20 feet of the OHWL was put in place because we had no other mechanism to manage that and prevent erosion. Since then we have implemented grading and filling permit processes, construction management plan processes, and other restrictions within this draft code that better manage land alternation near the shore. The current language is overly restrictive as it is sometimes interpreted as you can't do anything. Smaller projects such as gardening or maintenance can be perceived as a violation. He would like that provision removed. Discussion ensued.
- Clint Carlson spoke and inquired if the DNR comments included any other major issues. Staff indicated that the only point of conflict was the 50' lot width concern. If the DNR required 75' lot width, the impact would be that more lots would be deemed legal non-conforming. The impact is more of a label except for those lots that are over 100' in width today. Some of those lots, if they can meet the lot size requirement and they have adequate buildable area, could be split into two lots. With a 75' lot width, it is unlikely they would have enough lot width to do a lot split. Any existing legal non-conforming lot can still expand or construct new so long as they meet all other zoning

standards. Or they would be required to go through the variance process. Discussion ensued. The desire to maintain 50' lot width was expressed so as to not create additional non-conforming lot labels. Further discussion ensued about measuring lot width and clarifying that in the zoning code.

Chair Swanson closed the public hearing at 7:18. Further discussion and clarification was offered including the need to provide more information to property owners about best practices and rules for land alterations within the shoreland area.

Shaun Kennedy moved to recommend to the city council approval of the draft shoreland ordinance presented with the following conditions:

- 1. That all technical comments from the BCWMC and comments from the DNR be addressed to receive conditional approval prior to Council approval; and,*
- 2. That Section 3600.8 (c) (3) (b) (8) be revised as follows: ~~No grading or filling shall be permitted within twenty (20) feet of horizontal distance to the ordinary high water level (OHWL) of the water body. Sand beaches are exceptions to this provision~~ under shall meet the following conditions:"*

The motion was second by Jesse Swanson and all voted in favor of the motion.

- b. Public Hearing regarding amendments to the Wetland Overlay District (Section 3700 of the Zoning Code)

Chair Swanson opened the public hearing at 7:25 pm.

Staff provided an overview of the ordinance and the purposes for amending the ordinance to bring the city's code into compliance with state rules and BCWMC policies.

A section was deleted as it was unclear and duplicative with flood plain regulations. Wetland buffer provisions were added consistent with BCWMC standards. These buffers would only apply to larger projects and could be used as guidance for other projects such as variances where water quality mitigation improvements are needed.

Commissioner Kennedy asked if we could lower the threshold of application of the buffer standards and if that would be beneficial to the city. Staff indicated that for smaller residential projects applying the buffer standards would be very hard because there is little area to do it. They could be applied in part for projects that are creating major impacts and we have the ability to apply that through permitting processes already in place.

Public Hearing Closed at 7:30

Shaun Kennedy moved to recommend to the city council approval of the wetland ordinance amendments as presented. Brad Beisel second the motion. All members present voted in favor of the motion.

- c. Public hearing to address technical modifications: Staff indicated that through the process a number of modifications need to be made to other areas of the code. These include correcting references as appropriate throughout the zoning code to the ordinary high water level (OHWL) by removing references to the word 'normal', adding references to section 1700.5 that ensures BCWMC water quality management standards (as per the current watershed management plan) are met for projects that exceed 200 cubic yards or 10,000 square feet of land disturbance, and clarifying how lot width is measured on the street side.

Chair Swanson opened the public hearing at 7:35. Chris Klar emphasized the need to make sure we reference the current plan standards and that if water quality standards are changed, we have the ability to address our code standards and understand impacts rather than simply having our code changed by actions of the BCWMC.

Chair Swanson closed the public hearing at 7:42.

Brad Beisel moved to recommended staff prepare the following additional technical modifications for council approval:

1. modify and correct reference to OHWL throughout the zoning code by removing the word 'normal' where appropriate,
2. revised the definition of "lot width" to clarify how it is measured at the building line or setback line,
3. modify section 1700.5 to include the appropriate reference to apply BCWMC water quality standards as per the current version

of the BCWMC Water Management Plan, Policies and Standards for projects that require BCWMC review.

Shaun Kennedy second the motion. All members present voted in favor of the motion.

5. New Business: None

6. Old Business:

a) Short Term Rental survey continued discussion

It was reported that Council took the Planning Commissioners report and determined that the next step in the process would be to hold a public meeting to discuss potential regulations. Nothing needed further from the planning commission at this time.

7. Adjournment

Commissioner Laura Ferenci offered her resignation from the Planning Commission due to personal reasons. She thanked the PC for welcoming her to the committee and the committee thanked Laura for her time. Dave Ferenci has volunteered to fill her term. Staff indicated that the Council will need to appoint Dave to fill the position and no action is needed from the Planning Commission.

Adjournment was moved by Brad Beisel and second by Shaun Kennedy. All members present voted in favor of the motion. The meeting was adjourned at 7:55 pm.

Respectfully submitted,
Brad Scheib
Zoning Administrator

Approved on 15 September, 2022