

**SPOKANE COUNTY PLANNING COMMISSION
MINUTES OF THE PUBLIC HEARING
JULY 27, 2023**

<p align="center">Planning Commission Members Present</p>	<p align="center">Spokane County Department of Building and Planning Staff Present</p>
<p>Stephen Pohl, Chair Peter Rayner, Vice Chair Clyde Haase Wayne Brokaw Melissa Wittstruck Logan Camporeale Alan Nolan</p>	<p>Corey Smith, AICP, Principal Planner Saegen Neiman, Planner Elya Miroshin, Clerk Scott Chesney, AICP, Planning Director</p>

The July 27, 2023, public hearing of the Spokane County Planning Commission was called to order by Chair Stephen Pohl at 9:02 A.M. A quorum was present. The public hearing was accessible to the public in the Commissioner’s Hearing Room, Lower Level, Public Works Building, located at 1026 West Broadway Avenue, Spokane, WA, and via Zoom with web and telephone links provided on the Building and Planning website and in a public notice published in the Spokesman Review on July 6, 2023.

Public Comment opened for items that are not on the agenda:

No comments were made; public comment was closed.

Amendment request to the Spokane County Shoreline Master Program (SMP) to change the shoreline map designation from Natural to Rural Conservancy on approximately 6.19 acres of shoreline along Liberty Lake:

Corey Smith, AICP, Principal Planner, briefed the Planning Commission members with general background on Shoreline Designations explaining that the current shoreline zone of the proposed site is the result of the analysis from the 2013 Shoreline Management Program (SMP) update. Mr. Smith provided side by side comparisons of Natural and Rural Conservancy uses and buffer requirements from the SMP and walked through the process/qualification criteria for shoreline amendments from SMP Section 13. Mr. Smith noted a matrix that identified the differences in use and protections between the proposed amendment and current shoreline designation.

The applicant, John Pederson, commented that he believes the current Natural shoreline map designation at this subject property is an error due to lack of detailed analysis at time of adoption, therefore, fulfilling criteria for an amendment, and clarified that this is not a zone or density change. The major change would reduce the current 200-foot buffer to a 150-foot buffer from the high-water mark. This non project action under SEPA, simply a map designation change at this time, will potentially allow the owner to come back in the future and submit a rural cluster development proposal bound by regulations that prohibit net loss to ecological functions. Mr. Pederson pointed out the existing

structures at this site including the Zephyr Lodge as well as a dock, furthermore, differing the current "Natural Shoreline" designation.

Chairman Pohl opened a public hearing to take public testimony on the amendment request to the Spokane County Shoreline Master Program (SMP) to change the shoreline map designation from Natural to Rural Conservancy on approximately 6.19 acres of shoreline along Liberty Lake:

Logan Camporeale requested clarification due to the applicant's response focusing on correcting an "error" rather than providing the "use" that was not adequately addressed by the SMP as pointed out in the application citing Section 13.3 (criteria for an amendment) Subsection 5 from the SMP. Mr. Pederson stated that he submitted an expanded narrative that went into detail regarding the criteria for this amendment.

Mr. Chesney clarified that when the Shoreline Master Program periodic update came before the Board of County Commissioners (BoCC), there were 15 elements that identified for need of an update, none of which related to specific, wholesale change in analysis. This current amendment had been proposed at roughly the same time, and per ecology's suggestion, the two items separated due to potential bigger issues and prolonging of time.

Comments:

- BiJay Adams, general manager of Liberty Lake Sewer and Water District, sat on the SMP update committee in 2005. Mr. Adams commented that this shoreline was discussed in specific detail and the decision to keep it Natural was not an error but in fact deliberated extensively. Since 2016, there are documented shoreline violations by the new owner, as well as difficulty adhering to the districts Stormwater Management Programs.

- Shawn Chalich, commented via Zoom stating his opposition believing that the future impact of the proposed change has been minimized. He also states that when the current owner bought the property, it in fact had a more "natural" state up until improvements were made since.

- Kottayam Natarajan, Commissioner from Liberty Lake Sewer and Water District, commented via Zoom that the narrative of an "error" is false without being able to see any evidence to call it so. Grandfathering is not considered an error.

No further testimony was offered.

Chairman Pohl entertained a motion to close public testimony. Motion passes unanimously.

Chairman Pohl so ordered a break at 10:26 AM; meeting resumed at 10:35 AM.

Motion:

Alan Nolan made a motion to recommend to the Board of County Commissioners the amendment request to the Spokane County Shoreline Master Program (SMP) to change the shoreline map designation from Natural to Rural Conservancy on approximately 6.19 acres of shoreline along Liberty Lake; seconded by Mr. Rayner.

Discussion ensued.

- Mr. Haase stated that the prior SMP Update that he participated in was not taken lightly and does not recall them treating this shoreline with little or no oversight.

- Focusing on the procedure and the process, Mr. Camporeale has a challenge of the statement made in the staff report that the reason an amendment is necessary was because the uses were not adequately addressed, but the applicant has really focused on an error without much sufficient evidence of this error. Mr. Camporeale asks if the comment from Ecology received in May of 2023, has been done or in the works of being completed. He also does not agree that process thresholds were met specifically in Section 13.3 and 13.4a of the SMP.

- Mr. Nolan questions the word "error" as a basis upon which the amendment has been put forward for approval. Mr. Smith pointed Mr. Nolan to what the applicant designated on the application form.

Motion Modified:

Mr. Nolan modified his motion to first consider whether or not the applicant has met criteria listed under 13.3 for an amendment to the Shoreline Master Program; seconded by Mr. Rayner.

Discussion ensued.

- Mr. Chesney clarified that the ultimate use of the land is not up for question. The question is a shoreline amendment proposal and is non project therefore shouldn't contemplate a fixed use at the end.

- Mr. Smith directed the members to Section 4 of the SMP which has requirements for any shoreline proposal under any designation it might have.

Chairman Pohl called for a vote on the modified motion; motion fails with a 3-4 vote: Mr. Rayner-Aye, Mr. Nolan-Aye, Chairman Pohl-Aye, Mr. Camporeale-Nay, Ms. Wittstruck-Nay, Mr. Brokaw-Nay, Mr. Haase-Nay.

Motion:

Mr. Camporeale made a motion to continue this application to the Planning Commission hearing on August 31, to request more information on both 13.3 and 13.4 to better understand how these two thresholds were met by the applicant; seconded by Mr. Rayner.

Discussion ensued.

Motion carries unanimously.

MINUTES

Motion:

Chairman Pohl entertained a motion to adopt the June 29, 2023, minutes. So moved by Mr. Haase; seconded by Mr. Camporeale. Unanimous approval.


STAFF REPORT

Made offers to four new long-range planners and they all accepted. The Planning Commission will not meet August 17 and reconvene on August 31, 2023.

Motion:

Chairman Pohl made a motion to adjourn. So moved by Mr. Camporeale; seconded by Ms. Wittstruck. The meeting was unanimously adjourned at 11:25 AM.

Stephen Pohl, Chair  Stephen Pohl (Sep 6, 2023 19:32 PDT) Date _____

Scott Chesney, AICP, Planning Director  _____






Planning Commission Minutes

Final Audit Report

2023-09-07

Created:	2023-09-06
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