



## **Revised - Planning Commission Minutes October 10, 2007**

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**PRESENT:** Commissioner Laurie Gere, Bertis Rasco, Clay Leming, Lin Folsom and Larry Nelson.

**ABSENT:** Marty Laumbattus and Betty Kuehn

**STAFF:** Secretary Michelle Deaton; Planning Director/City Attorney Ian Munce; Public Works Director Fred Buckenmeyer.

The Chair, Ms. Laurie Gere, called the meeting to order at 7:30 p.m. in the Municipal Building Council Chambers. The minutes of September 26, 2007 were approved as written.

### **Correspondence**

There was no correspondence other than correspondence related to items on the agenda.

### **Old Business**

#### **Fidalgo Villas –Revised Proposal – Continued Open Record Public Hearing –Shoreline Permit No. 295; Conditional Use – Residences in CM Zone; Preliminary Plat**

The Chair, Ms. Laurie Gere opened the continued public hearing to consider Fidalgo Villas revised proposal. The proposed project is located between Cabana Lane and Skyline Way. The proposed shoreline permit would allow for bank restoration and stabilization, along with restoration of the storm water outfall. The conditional use permit would allow the applicant to construct 19 single family residences within a commercial marine zone.

Mr. Ian Munce, Planning Director, noted that the Commission conducted a site visit this afternoon. Mr. Munce provided the Commissioners with the following new exhibits: (1) David J. Lenci, Attorney at Law representing Steven N.S. Cheung, Inc., (Westcoast Land Investment) submitted the judges decision regarding charges against Mr. Cheung; (2) Ross Barnes on behalf of Evergreen Islands submitted potential conditions for the proposed project; (3) On behalf of Swinomish Indian Community and the Sauk-Suiattle Indian Tribe, Ms. Cheryl E. Ryder submitted a letter of potential affect on tribal fish and shellfish resources; and (4) The agreement between the Skyline Beach Club and Westcoast Land Investments.

Mr. Jim Clark, 4407 Anaco Beach Place, representing Westcoast Land Investments, Inc., responded to concerns mentioned at the previous hearing. He explained that only the upland portion of the lot will part of the lot coverage calculation. For this reason, the applicant is requesting that Lots 11-19 are allowed 35% lot coverage and 50% for Lots 1-10. This would accommodate for single story homes, which would decrease the impact of views of adjacent property owners.

Mr. Dale Herrigstad, Herrigstad Engineering, presented an overhead drawing to show the Commission a typical building site plan, relative to setbacks and lot coverage. In answering a question from Commissioner Rasco, Mr. Herrigstad explained that sidewalks will be constructed the entire length of Skyline Way, both sides of Flounder Bay Lane and Cabana Lane. Additionally, the existing storm water outfall will be replaced and storm water runoff will be provided per City Standards.

Mr. Tracy Drewy, Anchor Environmental representing the applicant, briefed the Commission on how the ordinary high water mark was determined. In addressing a question from Commissioner Leming, Mr. Drewy, explained that only large pieces of the concrete and asphalt will be used as ballast. The remaining debris will be removed from the site to a proper disposal site. In addressing a concern from Commissioner Folsom, Mr. Drewy explained that little or no impact should occur to the park, and public beach access will only be available beyond the ordinary high water mark.

Mr. Jim Clark explained that public access will only be allowed outside of the homeowner's property to prevent personal liability. He noted features of the project relative to minimal impact to the neighbors regarding building heights, maintaining public beach access and being able to coordinate with the Skyline Beach Club.

Ms. Marlene Deaton, 4405 Kingsway, representing Skyline Beach Club, announced that Westcoast Land has met all terms and conditions of the Skyline Beach Club and on behalf of the Beach Club. Ms. Deaton spoke in support of the development. Commissioner Folsom expressed concern relative to public parking being available along Cabana Lane. Ms. Pricilla Briggs, 4412 Bryce Drive, spoke in objection to the proposed project. She feels that the property should remain as a commercial marine use. Richard Sands, 4718 Yorkshire Drive, brought to the Commissioners attention that there is currently no parking along the north side of Cabana Lane. He noted his support of the project. Mr. Mike Banner, 2311 Skyline Way, expressed concern relative to adequate parking and protection of the shoreline. He submitted a report prepared by Dick Threet, PhD Licensed Engineering Geologist, regarding erosion of the shoreline.

Mr. Tom Glade, 2306 17<sup>th</sup> Street, Evergreen Islands, requested that the Commission require a third party consultant to review the proposed application. Mr. Don Everett noted that he a board member of Division 17, and that there is question if the applicant actually owning the portion of Skyline Way running through Division 17.

Mr. Ross Barnes, 1004 7<sup>th</sup> Street, read his letter submitted to the Commission. He suggested conditions pertaining to public beach access, shoreline setbacks, and protection. Mr. Brian Market, 1314 ½ 11<sup>th</sup> Street, expressed concern relative to shoreline protection, and inadequate public parking. He spoke in favor of low impact residences being built in the commercial marine zone.

Mr. Dale Herrigstad, Herrigstad Engineering, addressed Mr. Barnes, concern relative to shoreline erosion. He explained that a survey was recently completed, which indicated minimal movement of the bluff has occurred in the past seven years.

In answering a question from Commissioner Leming, Mr. Sands pointed out that there are approximately 2 acres of paid parking lots near Cabana Lane. With that, the Chair closed the public hearing.

After discussion, the Planning Commission recommended to City Council to approve the application with the following additions and corrections: **(1)** Add two sentences at the end of Condition No. 6 to read: “One handicapped and three general public parking spaces shall be provided adjacent to the public access trail. The access shall be approved by the Planning Commission prior to construction activity commencing on the site.”; **(2)** Add to condition No.7 in the first sentence: “The shoreline ordinary high water mark shall be established by the Shoreline Administrator in conjunction with the State Department of Ecology”; and **(3)** add to the first sentence in condition No. 11 to read: “No Construction shall begin without a five year plant monitoring plan with corrective action standards and shoreline vegetation planting implementation program approved by the Planning Commission”; **(4)** add at the end of condition No. 14 to read: “and around the future development site”; **(5)** Delete “in the condo lot” in condition No. 17; **(6)** Add a condition No. 23 to read: the toe of the crib structure shall be at least five feet back from the OHWM at all points”; and lastly add a condition No. 22: “The building setback shall be 35 feet back from the ordinary high water mark”. This action was taken on a motion by Commissioner Leming, seconded by Commissioner Folsom, and passed unanimously.

The meeting was adjourned at approximately 10:30 p.m.