

**GRANT COUNTY
PLANNING COMMISSION**

Chairman: Bill Bailey
Vice Chairman: Dale Walker
Board Members: Ollie Click, Terry Dorsing, Jim Fleming, Blair Fuglie, Lee Graham, Jon A. Hatt, and James Turner
Secretary: Doris Long

COMMISSIONERS' HEARING ROOM - GRANT COUNTY COURTHOUSE, EPHRATA, WASHINGTON

**PLANNING COMMISSION
SHORELINE MASTER PROGRAM - PUBLIC MEETING
FEBRUARY 6, 2013 @ 7:00 P.M.**

Members Present: Ollie Click, Terry Dorsing, Jim Fleming, Blair Fuglie, Jon A. Hatt, Lee Graham and Dale Walker

Members Absent: Bill Bailey and James Turner

Vice-Chairman, Dale Walker, presides over the meeting in the absence of Chairman, Bill Bailey.
Mr. Walker opens the meeting.

Approval of January 2, 2013 Planning Commission, Shoreline Master Program Workshop, Meeting Minutes.
Mr. Fleming motions to approve the meeting minutes as presented. Mr. Dorsing seconds the motion.
Voted on and passes unanimously.

Ben Floyd, Anchor QEA, conducts the meeting and states that Ferdouse Oneza, Oneza & Associates, will be participating by speakerphone.

Mr. Floyd provides a brief explanation of the information that was presented during the January meeting. He explains tonight he will be presenting a power point that summarizes the material previously sent to the Planning Commission. If there are questions during the presentation the information can be looked at in more detail at that time. They will be focusing on these shoreline regulation sections: Agriculture; Boating Facilities; Private Moorage Facilities; Recreational Development; Commercial Development and Residential Development.

Mr. Floyd briefly explains the steps that have been taken to get the Shoreline Master Program draft to this point of the updating process.

Agriculture

Mr. Walker asks if existing feedlots are grandfathered in.

Mr. Floyd answers, that is correct. All of the uses, whether they are conforming or non-conforming, are grandfathered in. The SMP will contain specific provisions to specify this. Although, if an existing facility was to expand, and the new development was in the shoreline jurisdiction, that new development would then fall under the new Shoreline Master Program.

Mr. Fleming inquires about setbacks.

Mr. Floyd explains setbacks have not been established at this time, but draft setbacks will be provided, probably at the April meeting.

Mr. Dorsing asks if a piece of property is sold; does the change of ownership stipulate that the property fall under the new regulations.

Mr. Floyd replies not as long as the use remains the same; the regulations are ownership neutral.

Question from the public - regarding the statement "*IF new use is more intensive than existing use, no significant work shall occur in the shoreline riparian setback...*" She is concerned with wording such as "no significant work;" who determines the significance of the work. Can this be more specific as to what work would or would not be considered significant?

Mr. Floyd explains that it ultimately comes down to the intensity of the use. For example, if the existing use is farming and processing activity is added. As part of the permitting for the new use or development of the property, in this case processing activity, the riparian areas and appropriate setbacks must be considered. The intent is to balance the allowed uses, public access and environmental protection of the ecological functions.

Question from the public - Are we talking about natural waters or irrigation waters?

Mr. Floyd answers that they are talking about the water bodies that are identified in the shoreline jurisdiction. He explains what constitutes as a shoreline jurisdictional water body and discusses it with the public. The listing of all included water bodies can be found on the County's website. If there are areas on the list that they feel should not be, and this is based on information they are willing to share, they can notify him. Mr. Floyd reports they received a comment from the State which said the Sand Hollow Creek should also be included as a shoreline jurisdictional water body. After further review, it does appear they are correct.

Comment from the public – reading from the handout, "*A Substantial Development Permit shall be required for all agricultural development....*" He states the RCWs specifically address feedlots, and he feels this section is confusing.

Mr. Floyd states he is making a note that this is a little confusing, but by the next Planning Commission meeting they will have a draft of the code that will contain this section. If there are still concerns after seeing the entire section, he would accept specific suggestions.

Mr. Floyd reads, "*New agricultural lands cannot be created by diking, draining, or filling wetlands or channel migration zones.*" He states that after meeting with the Bureau of Reclamation, he feels this statement should be qualified. It is a tricky area without a clear solution, but, if possible, they would like to come up with a solution that is fair and balanced.

Mr. Dorsing asks what would happen in a situation of Russian Olives taking over and changing the route of the waterway. Can these trees be removed?

Mr. Floyd answers that if it is part of an overall effort to reestablish native vegetation, it would be an allowed activity. There is more discussion regarding this.

Mr. Graham asks if the "best farm management practices" will be NRCS standard practices, or where will they come from.

Mr. Floyd answers that they need to be defined, but he thinks the NRCS is a good place to start.

Boating Facilities

Mr. Floyd points out that private boat launches are not allowed, which is consistent with the current Program. This modification was made today and is not reflected in tonight's handout.

Mr. Fleming asks what designates a private boat launch.

Mr. Floyd replies private property and private use.

Mr. Fleming asks if it has to be a slab of concrete, or is simply backing a trailer into the water, and unloading the boat considered a private boat launch.

Mr. Floyd states that is something he will have to check in to, but they are referring more to a developed boat launch.

Mr. Fuglie asks as private docks require repair, replacement or to be rebuilt, does the grandfather clause allow this activity as well.

Mr. Floyd replies that it does, with the condition that it remains the same size, or there may need to be a change in the type of decking material used. There will also be revisions made that are specific to the water body that the dock is located on.

Private Moorage Facilities

Mr. Graham questions the dimensions for swimming docks and piers; stating that the sizes do not appear to be large enough to provide stability. There is discussion regarding this.

Comment from the public - regarding the PUD's new FERC license, and the prohibiting of private moorage facilities on the Columbia River.

Mr. Floyd responds they are going to research this further with the PUD, although if the PUD were to allow the facility, the Code could be written to indicate what the permitting process would be.

Mr. Fleming states that the dock length would depend on the fluctuation of the water level.

Mr. Graham feels the given calculations for the dock area could be problematic.

Mr. Floyd, Mr. Hooper and the Planning Commission members discuss dock and ramp dimensions.

Staff explains how these areas are addressed in today's SMP. Mr. Floyd states this is also what is going to be proposed for the updated SMP.

Comment from the public - regarding (d) General Design Standards (1) (A) "*New residential developments, including division of land, shall contain a restriction on the face of the plat prohibiting individual docks....*" He feels this provision should not be contained on the face of the plat, but should be left to County standards.

Mr. Floyd replies he is not sure if this is a requirement of the State, but this does help people to know what they are getting when they purchase the property. After some discussion Mr. Floyd states they will look at this more closely, and he will discuss it with Planning Manager, Damien Hooper, to see if he would propose any initial adjustments.

Comment from the public – regarding a RCW which states that docks valued up to \$10,000.00 are exempt. Discussion takes place. Staff explains \$10,000.00 was a recent threshold, but it may have been adjusted due to inflation. Grant County also has a 10' x 20' dimension that is exempt. Even though these docks may be considered exempt a permit must still be applied for. The end result is a shoreline exemption rather than a substantial development permit.

Comment from the public and additional discussion regarding the PUD and the prohibiting of docks on the Columbia River.

Mr. Floyd reiterates that this is something he will be discussing at greater length with the PUD.

Comment from the public – regarding (B) Dock and Watercraft Lift Spacing. (i) "*Docks and watercraft lifts shall be spaced a minimum of 10 feet from the side property lines. Joint use structures may abut....*" This could be difficult to obtain in a joint use situation.

Mr. Floyd agrees and feels this point may need to be clarified.

Question from the public – regarding (b) Mooring Buoys (1) *“Each waterfront single family residence or parcel may be allowed one moorage buoy in addition to a dock on lakes or the Columbia River. Mooring buoys are not allowed on other water bodies.”* What would the other water bodies be? Can buoys be placed on the Columbia River?

Mr. Floyd states this may not be the language that was intended for this section. There is discussion.

Comment from the public – regarding (d) Mitigation (1) *....new or expanded overwater and in water structures, including watercraft lifts and mooring buoys, should be first designed to avoid and then minimize impacts, prior to pursuing mitigation.* He states this is very confusing.

Mr. Floyd explains that it is basically saying the standard mitigation sequencing should be followed, which is to avoid, then minimize and then mitigate. There is discussion as to how this is accomplished by working in conjunction with the Planning Department.

Recreational Development

Tom Ferguson, a member of the public, asks to speak. He explains he and his sister, Sandy Boyd, own Hilltop Lake. Their property is zoned as Master Planned Resort, and he voices his concerns as to how the updated Shoreline Master Program was going to affect their property. He provides a letter to the Planning Commission, dated April 18, 2003, received from The Grant County Planning Department, which will be kept as part of the record. He gives a statement regarding Hilltop Lake being an artificial body of water created by Bureau of Reclamation water, the regulating of Bureau of Reclamation water, and this not being consistent with the concept of the Shoreline Management Act.

Comment from the public - would like to refer back to docks again – regarding (d) Mitigation (D) *“Removal or ecological improvement of hardened shoreline, including existing launch ramps or hard structural shoreline stabilization. Improvements may consist of softening the face and toe of the stabilization with soil, gravel and/or cobbles and incorporating vegetation or large woody debris.”* Does the large woody debris wording pertain to Grant County?

Mr. Floyd states that it is applicable along the Columbia River, and possibly along some of the other lakes and streams, but he can look at it and see if it should be further tailored for Grant County.

Also, (e) Replacement of Existing Docks regarding *“Proposals involving replacement of the entire existing private dock or 75 percent or more.....”* Due to the wide variety of dock types and values; would it be possible to apply a monetary amount as well as the percentage amount.

Mr. Floyd agrees to research that possibility.

Commercial Development

No comments or questions.

Residential Development

No comments or questions.

Mr. Floyd reports that beginning in April the full draft of the Shoreline Master Program will be available for review and discussion. Discussion of the draft restoration plan will begin in late May or June. The completed draft of the Shoreline Master Program will be available at the end of June. This schedule is proposed and can be adjusted by the Planning Commission as needed.

Mr. Graham asks regarding Commercial Development (k) *“The storage of potentially hazardous or dangerous substances or wastes is prohibited in the floodway or within 200 feet of the OHWM.....”* Does this include fuel as in a marina gas float situation?

Mr. Floyd replies that he does think fuel is included as a hazardous material, but there may be specific provisions for gas floats. He will verify this.

Planning Manager, Damien Hooper, states that if anyone should have questions regarding the information that is sent out; if they send their questions to him, he and Mr. Floyd will try to address and answer those questions at the next meeting.

Mr. Click asks to have a previous conversation, regarding docks being located on PUD owned land along the Columbia River, clarified.

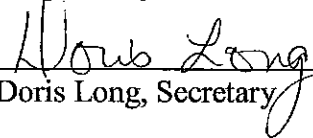
Mr. Floyd explains the proposed language, used in the draft SMP, excludes docks based upon discussion with the PUD. But if this is not correct, and the PUD would allow a dock; a public member made the comment that docks shouldn't be out right prohibited. It should be treated like any other dock, at any other location, and be allowed to go through the permitting process. Mr. Floyd thinks a possible solution is to not have any prohibitions on docks along the Columbia River, but have a permitting process to follow as if docks are allowed.

Mr. Click feels that if the land is under the jurisdiction of the PUD, and they are responsible for what comes down the river into the dams; the PUD should have total control of what is located along the shoreline.

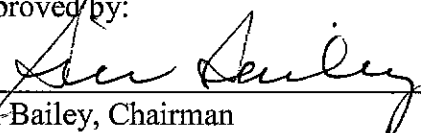
Mr. Floyd replies that the County still has the authority for regulating State, local and private activity on the shoreline. It is an area of shared authority and responsibility. If an activity triggers a land use permit, the permitting process for any agency that would have jurisdiction over the location would apply. Although, the highest order of authority governs for the given situation.

Meeting adjourned at 8:48 PM.

Respectfully submitted:


Doris Long, Secretary

Approved by:


Bill Bailey, Chairman

