

**GRANT COUNTY
PLANNING COMMISSION**

Chairman: Bill Bailey
Vice Chairman:
Board Members: Dale Anderson, Ollie Click, Carol Dawson, Terry Dorsing, Jim Fleming, Blair Fuglie,
Lee Graham, and Kevin Richards
Secretary: Doris Long

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

**PLANNING COMMISSION
SHORELINE MASTER PROGRAM - PUBLIC MEETING
APRIL 3, 2013 @ 7:00 P.M.**

Members Present: Dale Anderson, Bill Bailey, Ollie Click, Carol Dawson, Terry Dorsing,
Jim Fleming, Blair Fuglie, Lee Graham, and Kevin Richards

Chairman, Bill Bailey, opens the meeting.

Mr. Bailey welcomes and introduces the three new Planning Commission members Dale Anderson, Carol Dawson and Kevin Richards.

Approval of March 6, 2013 Planning Commission Meeting, Shoreline Master Program Workshop, Minutes.
Mr. Graham motions to approve the meeting minutes as presented. Mr. Fuglie seconds the motion.
Voted on and passes unanimously.

Election to fill the Vice-Chairman's seat for the remainder of 2013.

Chairman, Bill Bailey, opens the floor for nominations.

Mr. Dorsing nominates Mr. Fleming.

Mr. Graham nominates Mr. Click.

Mr. Bailey asks Mr. Fleming and Mr. Click if they are willing to serve as Vice-Chairman.

Mr. Fleming explains he has held the position in the past, and feels Mr. Click would do a good job. He request that his name be withdrawn.

Mr. Bailey closes the floor for nominations.

Mr. Click is nominated to fill the position as interim Vice-Chairman. The nomination is voted on and passes.

Mr. Click is elected as the Planning Commission's new Vice-Chairman.

To inform the new Planning Commission members, Mr. Bailey asks Ben Floyd, of Anchor QEA, to provide a brief synopsis of the Shoreline Master Program update process.

Mr. Floyd reports that, Ferdouse Oneza, Oneza & Associates, will be participating by speakerphone. Jaime Short and Jeremy Sikes, with the Department of Ecology, are also present.

Mr. Floyd explains that he represents Anchor QEA, who is working in conjunction with Ferdouse Oneza of Oneza and Associates, under contract with the County, to update the Shoreline Master Program. The Consultant teams are working with Grant County and six other Cities and Towns who are participating in the regional

update. Those six jurisdictions are Coulee City, Electric City, Grand Coulee, Krupp, Wilson Creek and Soap Lake. The intention is to have a draft document completed and ready for review by the Department of Ecology in June.

In 1971 the State passed the Shoreline Management Act. A part of that Act was identifying a more coordinated way to manage, protect and regulate the shoreline areas. This prompted several counties, cities and towns across the State to adopt Shoreline Master Programs. Grant County adopted their SMP in 1975.

In 2003 the State developed some new regulations pertaining to how Shoreline Master Programs were to be updated, and an associated schedule indicating when the jurisdictions must have them completed. Grant County was scheduled to have their SMP update completed by December 2013.

Balance is one of the key principles of the SMP; balancing environmental protection, public access and water oriented uses. Another key principle is No Net Loss of Ecological Function. This is a standard that has to be met; the County's updated SMP is required to demonstrate how this is going to be achieved.

Steps taken in the SMP update process are:

Determine Jurisdiction (in Grant County there are 80 lakes and 6 rivers and streams);

Inventory and Analysis (provides the foundation for building the Shoreline Master Program);

Elements of the Shoreline Master Program (Environment Designations, Goals, Policies and Regulations);

Cumulative Impacts Analysis (demonstrates the methodology that was used to determine what future development was going to look like, how that would affect the ecological functions and how the SMP will meet the no net loss provision) and

Restoration Plan (identifies opportunities for improving the shoreline jurisdiction areas over their current conditions today).

Once this package is put together and completed, it will be approved by the Planning Commission as a recommendation to the Board of County Commissioners. The BOCC will go through an adoption process and then forward the SMP to the Department of Ecology for formal review.

More detail discussion regarding this information, including how the shoreline jurisdiction area was defined.

Mr. Richards states to make up for previous workshops that he has missed; he would like as much background information as possible. Planning Director, Damien Hooper, responds that this information will be provided to him by the Planning Department.

Gail Adair (member of the audience) asks regarding non-developed areas of Moses Lake, *wouldn't the non-developed areas be affected by no net loss in the future?*

Mr. Floyd answers whatever the conditions are today; the same ecological functions must be maintained in the future, this is true in the developed areas as well.

There is discussion regarding this.

Mr. Floyd continues the Planning Commission has been reviewing the SMP information for 3 months. To date they have reviewed the Shoreline Goals and Policies, Shoreline Regulations, Environment Designations, General Regulations and the Shoreline Modifications and Uses Regulations up through Fill and Excavation.

Mr. Graham and Mr. Floyd discuss some concerns, from a previous workshop, relating to piers and docks. Mr. Floyd states that he has amended some of the language addressing piers and docks under Private Moorage Facilities, but if Mr. Graham would like it to be more specific it can be addressed again.

Ms. Adair comments - the SMP draft is 109 pages in length, consisting of 7,200 lines of regulations and restrictions. Page 19 contains a section titled Private Property Rights. Private Property Rights are addressed by only 8 lines. This does not seem to be very balanced for the private property owner. She asks Mr. Floyd to comment on this.

Mr. Floyd replies that he thinks through out the document there are numerous provisions, which provides flexibility to enable private property owners to use their land located in the shoreline areas. They have had to balance the provisions of the Shoreline Management Act, the law and the regulations that are guidelines

developed by the State, with private property rights. Even though private property rights are addressed in only a few areas, it is a topic that they have discussed and are very mindful of.

There is additional discussion and explanation.

24.12.350 Fill and Excavation

This regulation governs how fill and excavation occurs.

Mr. Floyd acknowledges that this Section is missing excavation regulations. It was a comment made by the Department of Ecology, and to address the oversight those regulations will be added in.

Mr. Graham asks if there is distinctions made between, the previously discussed, dredging and excavation, or are they treated the same.

Mr. Floyd replies that they will basically be treated as a package.

Mr. Floyd states that basically Item (f) sums up the Section: "*(f) Fill shall be of the minimum amount and extent necessary to accomplish the purpose of the fill.*"

Mr. Dorsing asks what happens if there is a difference in opinion of what "*the minimum amount*" is, and mitigation is required. Who is responsible for the mitigation process?

Mr. Floyd answers the projects are reviewed by both the County and the Department of Ecology. The applicant would propose the amount of fill they would need as a minimum. The proposal would be reviewed administratively by the Planning Department and the Department of Ecology. That review could possibly result in some provisions being made.

There is additional discussion including Staff and Mr. Sikes.

24.12.360 Groins and Weirs

Mr. Graham asks Mr. Floyd to clarify the difference between a breakwater, a groin & a weir.

Mr. Floyd explains he is not the best person to comment on breakwater. Groins are points of land extending into the water to protect the shoreline. The waves coming in will hit the groin before the shoreline, which in turn protects the shoreline from erosion. Weirs are channels that slow down the flow of the water.

Staff explains breakwaters are typically a type of offshore structure that serves as a separate break for the waves. The waves will hit the breakwater first before impacting the shore.

There is further discussion regarding the prohibiting of breakwaters and breakwater versus groins.

24.12.370 In-Stream Structures

Mr. Floyd reviews the In-Stream Structures section.

There were no questions or comments.

24.12.380 Mining

Mr. Fuglie asks if mining is currently allowed.

Staff replies it is not currently addressed.

Mr. Fleming asks if placing a dredge in a stream, with the purpose of looking for gold, was considered to be mining.

Mr. Floyd states that is mining.

Mr. Fleming asks if it would not be allowed in the stream.

Mr. Floyd explains it is not allowed, unless there is an existing State or Federal authority that allows it otherwise.

Ms. Dawson asks if the removal of gravel or gravel pits near the shoreline is mining.

Mr. Floyd explains that mining can be allowed in the shoreline jurisdiction area, but not from the Ordinary High Water Mark down. He also refers to item *(b) Mining facilities shall be located within shoreline jurisdiction only when no feasible sites are available outside shoreline jurisdiction, and only after the applicant has*

demonstrated compliance with mitigation sequencing requirements....

There is discussion regarding mining within streams.

Mr. Bailey asks Mr. Floyd to review the waterbodies that are included in the Shoreline Master Program jurisdiction. There is general discussion regarding the waterbodies and the affected property.

24.12.390 Private Moorage Facilities

Mr. Richards verifies with Mr. Floyd that there is a permitting process in place, with an administrative review, as well as input, to come to agreement for property owners and their perceived rights.

Mr. Floyd agrees that there is, but it depends on exactly what is being proposed, and how the proposal is going to affect the uses around it. These things have to be considered as the proposal goes through a thoughtful deliberate process.

Mr. Richards asks in a situation of a previously platted lot, undeveloped, but there are houses on the lots located on either side, such as an infill lot. Would this lot have the same vesting for a private dock as previously established under the current SMP?

Mr. Floyd replies not unless there is an application submitted prior to the updated SMP being adopted.

Planning Director, Mr. Hooper, responds that this is a question he has with the updating process; as to what level are the existing platted lots going to be subject to the new standards.

Ms. Short explains that DOE has been told by the Attorney General's Office; grandfathering does not apply to the provisions of the Shoreline Master Program, unless there is an application on file.

There is discussion regarding developing on existing platted lots.

Discussion regarding the possibility of hindering development of smaller lots, due to the development impacting the lot to a greater extent than the obligation of onsite mitigation can be fulfilled.

Ms. Short explains how the Restoration Plan could aid in this situation.

Discussion regarding joint-use docks.

Ms. Adair questions, if after the SMP is adopted, four adjacent residences apply for a dock permit, will only one property owner of the four be allowed a dock, and which one would it be.

Mr. Floyd states that this is typically the biggest issue that they deal with concerning shoreline. He explains that they try to provide as much flexibility as they can, within the requirements that they have to work with.

Ms. Adair asks if one dock per four homes is a requirement.

Ms. Short states it is the WAC, it is State law.

Further discussion takes place regarding joint-use docks.

Ms. Short explains that the County's Shoreline Master Program is the guiding document. "*When feasible*" is part of the language from the WAC and that is as flexible as things are going to get.

Mr. Bailey points out that the language pertains to new development, new plats.

Ms. Adair asks if this would not apply to her scenario then.

Mr. Floyd explains that the language in the draft SMP does say new residential development, including the division of land. If the development already exists, it should be possible to apply and then demonstrate that all of the reasonable community or joint options have been investigated and found to be infeasible. Then there may be the potential for obtaining permitting for a private dock.

Ms. Short explains that this is a complicated, site specific situation. There are numerous cases, involving infill conditions, where an additional individual dock would not be an issue.

Additional discussion.

Ms. Short states as a cautionary note, do not abuse "*when feasible*", because there are other interesters who are going to be watching what Grant County is doing. However, she feels it is good language to move forward, because the County would comply, the DOE could approve it and it maintains flexibility at the local level. Knowing that this issue is complicated and very site specific, this is a good way to proceed.

Mr. Floyd explains that it would be helpful for him to know more details about some of these exact properties that are being referred to. The more specific details they have to be able to understand the situation the better they can manage the conditions.

General discussion regarding the size, design and construction of docks.

Ms. Adair expresses her concerns with identifying things as non-conforming. After speaking with different lending institutions it appears that they are not as apt to lend on properties that have been identified as non-conforming. If they do lend funds, the interest rates tend to be higher.

Mr. Floyd replies that they will review the non-conforming use sections.

General Discussion.

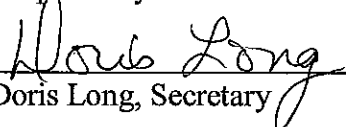
Mr. Bailey requests that the definitions for groins, weirs and breakwaters be provided to the Planning Commission, so that members have a clearer idea of what they are.

Mr. Floyd agrees to this.

Planning Director, Damien Hooper, informs the Planning Commission members that the Planning Association of Washington Conference is being held in Chelan. A Short Course on Planning is scheduled for April 10th. There is no charge for the class. The Planning Department will reimburse the cost of dinner and mileage to those who would like to attend. He will provide the registration information and encourages the new Planning Commission members to attend.

Meeting adjourned at 9:22 PM.

Respectfully submitted:


Doris Long, Secretary

Approved by:


Bill Bailey, Chairman

