

**GRANT COUNTY
PLANNING COMMISSION**

Chairman: Bill Bailey
Vice Chairman: Ollie Click
Board Members: Dale Anderson, 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
JUNE 5, 2013 @ 6:00 P.M.**

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

Member Absent: Carol Dawson

Mr. Floyd, Anchor QEA, Ferdouse Oneza, Oneza & Associates, Jeremy Sikes and Jaime Short, Department of Ecology and Eric Pentico, Washington State Department of Fish and Wildlife are present.

Chairman, Bill Bailey, opens the meeting.

Approval of April 3, 2013 Planning Commission, Shoreline Master Program Workshop, Minutes.
Mr. Fleming motions to approve the meeting minutes as presented. Mr. Click seconds the motion.
Voted on and passes unanimously.

Mr. Floyd reports the order of which the information will be presented.
Ms. Oneza begins the presentation.

Ms. Oneza explains that the Shoreline Management Act (SMA) initiated the Shoreline Master Program (SMP) process. The goal of the SMA is to prevent harm, caused by uncoordinated and piecemeal development, of the shorelines. The cities and counties are responsible for developing a SMP document to implement the SMA. Each SMP must be approved by the Department of Ecology.

Key principles of the Shoreline Master Program are:

- Balancing environmental protection, public access and water-oriented uses.
- Preferred uses that are consistent with the character of the shoreline.
- No net loss of ecological function.

The steps of the process are to determine the shoreline jurisdiction, prepare an inventory and analysis report and draft the SMP, which includes environment designations, goals, policies and regulations. This is the step that Grant County is currently at in the SMP update process. The consultant team is currently in the process of preparing a cumulative impact analysis and restoration plan. These are developed concurrently with the drafting of the SMP. Throughout this entire process public participation and input from the Department of Ecology occurs. The final steps of the update process are review and adoption by the Department of Ecology, and then local adoption.

The Environment Designations existing in the current Shoreline Master Program were established in 1975. They are Conservancy, Rural Environment and Suburban with policies for additional consideration of Natural and Aquatic designations.

Presently there are more uses taking place on the shoreline, so the updated Designations were customized to match the existing and future uses, which resulted in eight Environment Designations.

Aquatic – is waterward of the Ordinary High Water Mark. It is to protect, restore and manage the unique characteristics and resources.

Natural – is landward of the Ordinary High Water Mark. It is to protect shoreline areas that are relatively free of human influence, and where ecological function is still working.

Rural Conservancy – is a little more intense than natural, but the human impact is still comparatively low. The intent is to provide for sustained resource uses. It allows agricultural and rural remote type of land use.

Public Recreation Conservancy – is to provide low impact recreational use; a large part of the land is owned by public entities. This Designation recognizes that the shoreline ecological functions are influenced by the Columbia Basin Project, and could include resorts or water-oriented commercial uses.

Recreation – is the most intense Environment Designation for the County. It allows water-oriented recreational uses, but also conserves existing natural resources.

High Intensity – Public Facility – is for infrastructure that needs shoreline location for operation, such as the Columbia Basin Project or the Grant County PUD.

Shoreline Residential – is for a higher residential density. It accommodates primarily residential development and allows for public access and recreation.

Shoreline Residential – Low Intensity – is similar to Shoreline Residential in allowing general residential uses and accessory structures, but this Designation is more for unimproved shoreline areas. The intensity is less, and low impact techniques are used so that ecological functions aren't as impacted.

Mr. Bailey would like to ensure that the Use Table and Environment Designations are consistent.

Mr. Floyd replied, due in part to a discussion from a previous meeting, they have reviewed the Goals and Policies, the Use Tables and the Regulations for consistency, and updates were made accordingly. Although, they would still welcome any input regarding this matter.

The general standard goals of the draft SMP are:

- No net loss of ecological functions.
- Water-dependent uses shall be preferred as a first priority, and water-related and water-enjoyment as a second priority.
- Single-family residential is a preferred used.
- Public access of shoreline.

These Standards will be seen throughout the document repeatedly.

The Shoreline Modifications and Use Regulations have been reviewed in previous meetings, and will not be covered tonight.

Mr. Floyd presents the Critical Areas information.

Mr. Floyd explains that they took the current Critical Areas section of the Grant County Unified Development Code and made some modifications to it.

He defines Critical Areas as being regulations that protect

- Wetlands (*some updates were proposed to the standards*)
- Frequently Flooded Areas (*few changes from the current Code*)
- Critical Aquifer Recharge Areas (*kept the same provisions*)
- Geologically Hazardous Areas (*kept the same provisions*)
- Fish and Wildlife Conservation Areas (*proposed a buffer of riparian vegetation for non-wetland areas along streams and lakes*)

- Cultural Resource Areas

Mr. Pentico asks if the creeks and lakes did not fall under the SMP guidelines; are they covered by the Fish and Wildlife Conservation areas.

Mr. Floyd answers that is correct. Shorelines that do not qualify as part of the shoreline jurisdiction are regulated under the County's Critical Areas Ordinance.

Gary Mann questions if the riparian areas were going to be considered as Critical Areas.

Mr. Sikes explains that the riparian area, as a unit in itself, is not a Critical Area; it is a subset of the Fish and Wildlife Conservation Area.

To help clarify the difference between a riparian area and wetland; Mr. Bailey asks Mr. Floyd to define a riparian area.

Mr. Floyd states a riparian area is the area along a waterbody where the vegetation is influenced by the hydrology of the stream or the lake, but it is not necessarily a wetland.

The riparian area buffer is further discussed and clarified.

Mr. Floyd reports some items were removed from the current Code, because they aren't necessarily allowed in the shoreline jurisdiction. Using Reasonable Use Exceptions as a shoreline permitting process was removed, because the process does not provide for "no net loss".

Ms. Short explains that development can still be accomplished through a shoreline Variance. It is a different permitting scheme and a slightly different process to allow for development. The Variance must also be approved by the Department of Ecology, as well as the Planning Department.

Mr. Sikes explains a shoreline Variance is used only when there are no other options due to peculiarities of the property.

On-site and off-site mitigation is discussed relating to the no net loss requirement.

Revised wetland buffers and mitigation ratios have been proposed for four wetland categories. When managing wetlands, it is required that the "most current, accurate and complete scientific and technical information available" is used. The wetland habitat and water quality functions undergo a scoring process by a qualified professional. After this scoring process is completed, the wetland buffers are applied based on land use intensity.

Mr. Floyd uses the map to clarify what is the shoreline jurisdiction area and what is a wetland critical area. Wetland buffers are discussed. Mr. Sikes states that the County's current Critical Areas Ordinance, which is applied outside the shoreline jurisdiction area, is due for an update as well. When those numbers are updated they will most likely be close to what is being proposed in this Shoreline Master Program update.

Mr. Floyd reports that the Department of Ecology provided funding for the consultant team to perform a literature review of riparian vegetation buffers in arid and semi-arid areas of the United States. Literature from Australia and New Zealand was also reviewed. The purpose of the review was to get a clearer picture as to how to set a buffer that would protect riparian functions in a semi-arid environment where the waterbody provides the water. Much of the State guidance is prepared by the Department of Fish and Wildlife, and is based upon forested conditions in a wet climate. They were not able to find studies that provided information which was directly applicable.

In order to determine a riparian buffer, the functions provided by the riparian vegetation must be considered.

The riparian area provides:

- Aquatic and terrestrial habitat.
- Shade and cover.
- Erosion control.

- Water quality treatment/protection.
- Organic material/wood inputs.

The standards provided in the SMP draft is very preliminary and subject to change after the Report has been reviewed by the Department of Ecology, Planning Manager, Damien Hooper, and a peer review committee. Mr. Floyd reviews the suggested riparian buffers for each Environment Designation. He explains they have yet to set a buffer for areas consisting of Shrub Steppe, and the Department of Fish and Wildlife has been asked for advice to aid in the decision.

Larry Lewis - Sunland Estates. Mr. Lewis states that his property is designated Rural Conservancy and is approximately 125 feet from the Ordinary High Water Mark of the Columbia River. He is concerned that the PUD will use the SMP to increase the amount of vegetation growing between his home and the Columbia River creating a fire hazard.

Mr. Floyd replies that they anticipate receiving comments from the PUD regarding the appropriateness of the Rural Conservancy and Shoreline Residential Designations being next to each other. This would require them to revisit the Designations of Sunland Estates.

There is discussion regarding riparian buffer areas and how activity within that area would be managed.

Mr. Richards asks if the proposed riparian buffer areas were set as a minimum amount.

Mr. Floyd answers that the buffer areas are set as a hard number, but a provision could possibly be added that would allow for a site specific analysis to be used in modifying the buffers.

Mr. Richards replies that would be good.

Ms. Short adds that most Master Programs do have provisions that would allow a qualified professional to complete a site analysis to help determine where buffer averaging could be applied.

At 7:38 Mr. Bailey announces that there will be a short break.
Back on the record at 7:51.

Mr. Graham asks what a mitigation ratio is.

Mr. Floyd explains there are different replacement values that would be applied, depending on the type of wetland and the type of impact. The Mitigation Ratio Table demonstrates what the replacement value would be depending on the circumstances. The ratio represents the area that would have to be restored. The replacement vegetation is required to be of the same quality as of what was impacted.

Mr. Richards states, in regards to riparian buffers, that he would really like to see site specific best science practiced. He would like to have a clause added that would allow for a biologist to identify what the current benefit to the riparian area is and mitigate according to those conditions versus the across the board buffer areas. The topography of the land greatly affects the size of the riparian areas, and a site specific analysis would allow mitigation for the land features on a case by case basis.

Ms. Short explains it is difficult to complete a shoreline assessment when the environmental functions occur across parcel boundaries. The DOE has had issues with that type of language in the past because it is difficult to achieve no net loss.

Mr. Richards agrees that it could be difficult, but he feels it is important that the property owner have the flexibility to obtain representation, through a qualified professional, as a viable option.

Ms. Short replies it would be interesting to see some sideboards and suggested language, but in the past it has been a difficult bar to meet.

Mr. Pentico (WDFW) expresses his agreement with the thoughts expressed by Ms. Short (DOE).
Additional discussion takes place.

Mr. Floyd states they should be able to add some options to provide flexibility for the landowner.

Mr. Fuglie states that as these options are looked at, it is important to ensure for the property owners, that consistency is maintained between the various waterbodies.

Mr. Mann asks if a home were to burn, would the homeowner be able to rebuild it.

Mr. Floyd answers that the homeowner would be able to rebuild as long as they achieve no net loss of existing conditions.

Mr. Dorsing questions the monitoring process and who controls it.

Mr. Floyd explains the County controls the process, Planning Director, Damien Hooper, is presently the Shoreline Administrative Official. The provisions listed already exist in the current Critical Areas regulations. Mr. Dorsing asks what the required length of time for a landowner to be monitored is, and if after that period of time a natural disaster destroyed the restored area would the landowner be responsible for repairing the damage. Mr. Floyd doesn't remember for sure, but he thinks the period of time to demonstrate that the area has been re-established is somewhere between 3 to 5 years. He explains that if a natural disaster was to occur, the landowner may want to re-establish the area, but Mr. Floyd does not think it would be required.

Mr. Floyd reports if a piece of property contains several critical area conditions, such as a wetland, a riparian area, unstable soil and is in a flood plain, all applicable provisions would pertain. The most protective of the applicable buffers would apply; they would not compound upon themselves. Buffers do not extend across roads or other lawfully established structures or hardened surfaces that functionally disconnect ecological processes.

Ms. Oneza continues the presentation.

Ms. Oneza explains that the Bulk and Dimensions Table contains development standards for each of the Environment Designations. She reviews those standards, and reports that the attempt was to keep the standards consistent with County language and the Unified Development Code.

Ms. Short explains the Department of Ecology's view relating to Depth to Width Ratio, Side Yard Setbacks and the Impervious Surface Coverage in relation to the Bulk and Dimensions Table. Their preference is to not see the Depth to Width Ratio as a part of the SMP, because then there would be provisions that would prohibit the creation of new lots that would be unbuildable. They would rather the County dealt with this through Code. The same with the side yard setbacks being included in the SMP. The DOE feels there are other provisions that would protect view corridors and the like. It would be problematic if the side yard setbacks were changed in the County Code, but not in the SMP, creating an inconsistency. The DOE also has different numbers for the Rural Conservancy impervious surface coverage. The WAC requires a maximum 10% coverage unless there are other provisions, based on science, indicating that the occurring functions are being as protected, specifically the site hydrology.

Mr. Bailey is in agreement with the Department of Ecology's view regarding the side yard setbacks. He also states that if the building height limit is a hard number, he is against it. There are several existing areas of mixed development that this could have an effect on; such as some of the PUD structures.

Ms. Oneza presents the additional criteria and clarifying language, which was added to establish the parameters for instances when joint use or community dock facilities are not feasible.

Feasibility Criteria:

- Applicant demonstrates existing facilities in the vicinity, including marinas and shared moorage, are not adequate or feasible for use.
- Applicant demonstrates nearby property owners have been contacted and none have indicated a willingness to share an existing dock or moorage.
- If allowed, only one private dock per residence.

- Adverse impacts would have to be mitigated.

Mr. Floyd explains he is working on reviewing the draft Restoration Plan, and it will be included in the updated Shoreline Master Program when it is submitted to the Department of Ecology.

Mr. Bailey asks Mr. Floyd to define the terms groins and weirs.

Mr. Floyd reads the definitions.

Groin – a barrier type of structure extending from the stream bank or from the lake bank in to a waterbody for the purpose of the protection of a shoreline and adjacent uplands by influencing the movement of water or deposition of materials.

Weir – a structure generally built perpendicular to the shoreline for the purpose of diverting water or trapping sediment or other moving objects transported by water.

The purpose of groins and weirs are discussed.

Breakwaters are defined.

Breakwater - an offshore structure whose primary purpose is to protect harbors, moorages and navigation activity from wave and wind action by creating stillwater areas along shore. A secondary purpose is to protect shorelines from wave caused erosion. Breakwaters are generally built parallel to shore, and may or may not be connected to land, and may be floating or stationary.

Breakwaters are currently prohibited in the updated SMP, but will need to be reviewed again. There is the possibility that breakwaters may need to be permitted as projects in the future.

Mr. Lewis questions the Environment Designations assigned to the Sunland Estates.

Mr. Floyd agrees to review the Designations again.

There is discussion regarding Crab Creek, the new feeder route project, and how the updated Shoreline Master Program is going to affect the property owners along the route.

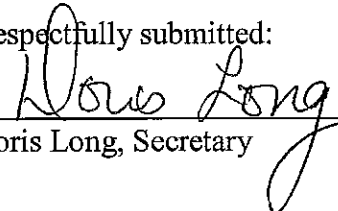
Mr. Floyd reports that the completed updated Shoreline Master Program package is to be submitted to the Department of Ecology no later than June 28th. The DOE will review the information and provide their comments.

Ms. Short reports it will take a minimum of 30 – 45 days for DOE to provide their feedback in writing. It will probably be September before they are ready to meet with the Planning Commission to discuss their comments.

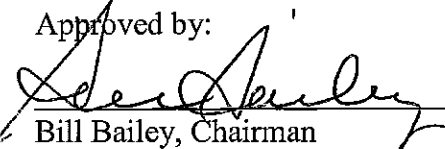
Mr. Dorsing requests that as the consultants and Department of Ecology review the final draft of the SMP, that they provide as many tools as possible for the people of Grant County.

Meeting adjourned at 9:13 PM.

Respectfully submitted:


Doris Long, Secretary

Approved by:


Bill Bailey, Chairman