

**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
MARCH 6, 2013 @ 7:00 P.M.**

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

Members Absent: Jon A. Hatt and James Turner

Chairman, Bill Bailey opens the meeting.

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

Mr. Bailey reports that he has received a call concerning the stance the County would take regarding marijuana being bought, sold and grown. He feels it is a subject that should be given some thought, including planning a study session that would include the Grant County Sheriff and the Board of County Commissioners.

Planning Manager, Damien Hooper, explains that it ultimately will require the BOCC to make the policy decision, but he will relay the concerns to them.

The Planning Commission members agree that the activities involving marijuana are going to bring with them a variety of issues that the County has not had to contend with in the past. It is good to start preparing for those issues now.

Ferdouse Oneza, Oneza & Associates conducts the meeting and states that Ben Floyd, Anchor QEA, will be participating by speakerphone. Jaime Short and Jeremy Sikes, with the Department of Ecology, are also present.

Mr. Floyd reports they will be reviewing the draft Shoreline Master Program, in what is mostly its entirety, but will be focusing on areas that have not been reviewed during previous meetings.

Ms. Oneza explains that during this meeting they will not be reviewing Article I, Authority and Purpose, due to it being typical language and Article II, Environment Designations, has already been reviewed by the Planning Commission. They will be focusing on Article III, General Regulations, and Article IV, Shoreline Modifications and Uses Regulations.

Ms. Short, Department of Ecology, states that she feels that over all the regulations are very well written and

comprehensive.

Ms. Oneza explains that the Development Standards Table will be inserted into the Shorelines Master Program right after the Use Matrix Table. They have already reviewed the Use Matrix and therefore they will not be reviewing it tonight. The Development Standards will contain such information as setbacks and building heights. The Standards are not complete at this time, but this represents the design of the table.

Ms. Oneza begins reviewing Article III – General Regulations starting at Section 24.12.220 - Archaeological and Historic Resources.

24.12.220 - Archaeological and Historic Resources

Ms. Oneza states these regulations are pretty typical with one of them being taken from the existing County Code. If during development, within the shoreline jurisdiction, an item of archaeological importance is discovered. Work must be stopped and the Planning Department and the Department of Archaeology must be notified.

24.12.230 - Environmental Protection

Ms. Oneza reviews this Section.

This Section provides the mitigation sequencing. If a proposed project has the potential of having an adverse effect, and significant ecological impact on the shoreline, a sequence as to how the impact is going to be mitigated must be provided to the Administrative Official.

24.12.240 - Shoreline Vegetation Conservation

Ms. Oneza explains that in many ways Shoreline Vegetation Conservation is similar to environmental protection, but this addresses the vegetation portion of the shoreline when a project is proposed. If the proposed project is within a Critical Area buffer of the shoreline, the project would be managed under the Critical Area regulations, but if it is located only in the shoreline jurisdiction, then it would be managed under this Section. If vegetation clearing was to be necessary, mitigation sequencing would apply, which ties this to Section 24.12.230 Environmental Protection.

24.12.250 - Water Quality, Stormwater and Nonpoint Pollution

Mr. Floyd explains that many of the Shoreline Master Program's general regulations are taken from other sections of the Grant County Unified Development Code. This Section reiterates that the SMP will be compliant with the State's Stormwater Management Manual for Eastern Washington.

Regarding "*(e) Herbicides, fungicides, fertilizers, and pesticides shall not be applied within twenty-five feet of a water body, except by a qualified professional...*" Mr. Fleming asks; what is a qualified professional.

Mr. Floyd answers a person who has gone through the training and has obtained an applicators' license, but they can verify that definition.

24.12.260 - Public Access

Ms. Oneza explains that public access was one of the key goals of the SMA. This Section defines Visual Access and Physical Access, which are two types of public access, and in what situations they would be required.

Mr. Fleming asks who is going to be responsible for maintaining the public access located on privately owned lands, such as the cleanup.

Ms. Oneza replies that is addressed under item "*(h) Rights-of-Way, Easements and Streets for Public Access. (2) The public easements required pursuant to this section, for the purpose of providing access across or through the site to the Ordinary High Water Mark, shall be maintained by the property owner to provide for reasonable and safe public access to the OHWM.*"

Questions from the public regarding the requirement to provide public access across privately owned land.

Ms. Short explains this requirement is consistent with the State law. There is a nexus of proportionality, and it would be dependant on the circumstances of the project. The public access would be proportionate to the demand created by the project.

There is more discussion.

Mr. Bailey reiterates that the developments being affected would only be those located on lakefront or waterfront property.

Mr. Floyd points out that the existing access located adjacent to the proposed development area is also considered.

Mr. Dorsing asks how are the setbacks for the access going to be determined.

Staff explains the determination is going to be based on the Development Standards that are being created for the SMP. These Development Standards are not completed at this point, but some of the Standards will be based on review of the specific site and the issues that may be present, such as wetland areas at the shoreline.

Ms. Oneza adds that the intent is not to have public access in every project. These regulations will be applied only where the County needs to have public access.

24.12.270 - Flood Hazard Reduction

Mr. Floyd explains the main purpose of this Section is to prevent development that could make the flood risk worse and/or cause property damage at a later date, or that would impact the flow of a stream. Although, due to a large number of the flows being regulated, the flood risk of Grant County is not as high as other areas of the State.

Article IV - Shoreline Modifications and Uses Regulations

Article IV contains specific uses and regulations that are associated with them.

24.12.300 – Agriculture

This Section has already been discussed during previous meetings, and so will not be discussed tonight.

Mr. Floyd informs Mr. Graham, in response to a question he had asked at a previous meeting regarding the definition of “Best Management Practices”, the definition for Best Management Practices for agriculture has been taken from the Grant County Comprehensive Plan and added to the Definitions Section of the SMP.

A member of the public expresses his concern regarding the language used pertaining to feedlots. He feels it is conflicting.

Mr. Bailey feels it may help to define feedlots.

Mr. Floyd states that this will be looked at more closely and some updates will be prepared for the next meeting.

Mr. Graham would like to have some of the language reworded to avoid possible issues in the future, and agrees to provide notes to the Consultants relating to those specific sections.

24.12.310 – Aquaculture

Ms. Oneza reviews this Section.

“(b) Aquaculture for non-native species or for commercial or other purposes is prohibited in shoreline jurisdiction.” Mr. Bailey refers to item (b) and states that the term “non-native” needs to be more descriptive or defined. Non-native could have different meanings, depending on the situation. Ms. Oneza suggests possibly using “non-invasive” terminology instead.

There is further discussion regarding non-native species and uneasiness regarding the language used in item *“(f) No pesticides, herbicides, antibiotics, vaccines, growth stimulants, anti-fouling agents or other chemicals shall be used until approved by all appropriate state and federal agencies. Those agencies shall include, but shall not be limited to the Washington State Departments of Fish and Wildlife, Agriculture and Ecology and the U. S. Food and Drug Administration. Evidence of such approval shall be submitted to the County.”*

Mr. Dorsing asks if there is an existing recreational activity and an aquaculture activity is being proposed, does one take precedence over the other.

Ms. Short reports that she is not aware of a specific standard. Her interpretation of the language used in the draft SMP is that the impact of the proposed aquaculture use would have to be mitigated or it wouldn't be allowed. The existing recreational use is already established and protected.

(24.12.320 Boating Facilities and 24.12.330 Commercial Development are not reviewed.)

24.12.340 Dredging and Dredge Material Disposal

Mr. Floyd reviews this Section of the SMP.

Mr. Floyd states he would like to be sure that this Section is consistent with the current dredging activity that is taking place where Crab Creek enters into Moses Lake. It appears that this area will continue to require dredging activity and the language needs to accommodate that.

Mr. Bailey states that he did not notice any reference to dredging for maintenance of recreational uses and he feels that should be considered.

Mr. Floyd agrees and adds maybe water intake facilities should be addressed as well.

Mr. Sikes feels these uses are addressed under:

- (a) Dredging*
- (5) Dredging shall be permitted only:*
- (A) For navigation or navigational access;*
- (B) In conjunction with a water-dependent use of water bodies or adjacent shorelands;*

24.12.350 Fill and Excavation

Mr. Floyd briefly reviews this Section.

There is discussion regarding FEMA standards and flood mapping.

Ms. Short comments that she does not see any Regulations in this Section that apply to excavation, they all seem to apply to fill. She suggests that some language be added to address excavation.

Mr. Floyd states he is making a note of this.

Public Question and Answers.

Will the Goals and Policies override the Regulations?

Mr. Floyd answers it would be more of a situation of them being consistent.

He (public) feels the Goals and Policies for Dredging seem to be inconsistent with the Regulations.

Mr. Floyd states that he will check this.

There is discussion regarding possible inconsistencies.

Ms. Oneza recommends that he (public) provide his to notes to them so that they can be followed up on.
Additional discussion.

Mr. Floyd states they will go back and crosscheck all the Goals and Policies with the Regulations for inconsistencies, or areas that may need further clarification.

It is noticeable that there is less public attending each meeting. Where are the meetings being advertised to the public?

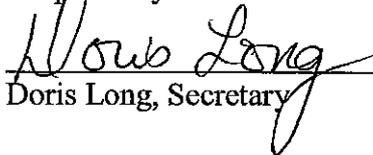
Staff explains they are published in the newspaper under Public Notices, emails are sent out to those on the email list and it is on the Planning Department's website. It may be time to do another postcard mailing to property owners with shoreline frontage.

There is discussion.

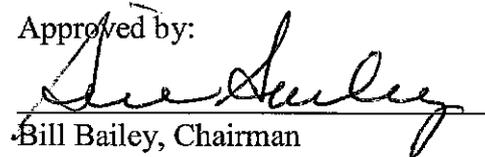
Mr. Bailey encourages the audience to read the Draft Shoreline Management Program and make notes to bring back to the workshops, or get them to Planning Manager, Damien Hooper, so that they can be addressed by the Consultants.

Meeting adjourned at 8:55 PM.

Respectfully submitted:


Doris Long, Secretary

Approved by:


Bill Bailey, Chairman

