

PLANNING COMMISSION
STUDY SESSION
SHORELINE MASTER PROGRAM
March 8, 2006 - 12 noon

Commissioners Present: Bob Bernd, Yvonne Parker, Dean Kastanis, Nathan Nofziger, Mitch Molitor, and Mitchell Heaps

Staff Present: Anne Henning, Dale Schulze, Bill Aukett, Lori Barlow, and Judy Thompson

SHORELINE MASTER PROGRAM - CHAPTER 6 - 1-23-06 Draft

Anne Henning, Associate Planner, stated that the commission reviewed the draft policies for Chapter 6 of the Master Program update at the end of 2004. Since that time, the consultants have developed regulations to support those policies. She mentioned that there have been only minor changes to the policies since the last review by the Commission and those changes reflect the direction given at that time.

Mr. Bernd asked about the process to update the shoreline inventory. Ms. Henning stated she would have to look into that.

Ms. Parker wanted to know if, based on General Policy 4b (Development standards should be established...based on surrounding development characteristics and land division pattern), Reach 25, which is vacant land, could be developed similar to Reach 26, which is the Laguna and Westlake Shores area.

Ms. Henning stated that the type of development in adjacent reaches can be considered, but that General Policy 4a also requires consideration of the biophysical limitations and ecological functions and values of the shoreline area.

Mr. Kastanis wanted to know if there are any aquifer recharge areas within the city limits.

Ms. Henning stated that there are no aquifer recharge areas as far as staff knows, but it is required that the Shoreline Master Plan cover the subject.

Mr. Nofziger suggested that the lack of aquifer recharge areas be noted in the Master Plan.

The Commission was concerned that a habitat assessment is required for both substantial development projects and projects exempt from substantial development permits. Since a habitat assessment can only be done by a professional and is required if a substantial development project is within 300' of a fish and wildlife habitat conservation area or if an exempt project is within 300' of a natural heritage site or priority species and habitat area, or within 50' of a fishing hot spot, the Commission was concerned about placing an additional burden on a property owner.

There was considerable discussion by the Commission on the habitat assessment and it was pointed out that this report is also required by the Department of Fish and Wildlife. One of the concerns was that a habitat assessment would apply to uses as simple as installing a residential dock. However, by including it in the city's Shoreline Master Plan, property owners will be informed at the beginning of any project that an assessment is needed, and the Commission will have more information on which to base their decision on a permit.

Ms. Henning felt that this section of the Master Plan needs work as the Laguna area has been designated a priority habitat area and it is almost fully developed. She mentioned that she would also look into the location of the fishing hot spots, who determines what is a fishing hot spot, and how often the fishing hot spots are updated.

It was the consensus of the Commission that requirements for a habitat assessment should be as minimal as possible. The Commission would like to remove this requirement if possible. If that is not possible, then there should be thresholds for when it is or isn't required. One suggested threshold was that a habitat assessment would not be required for projects that are exempt from the requirement to obtain a shoreline substantial development permit. There was consensus that the requirement for a habitat assessment would be acceptable for a new subdivision. Ms. Parker pointed out that there are already requirements that various uses, such as docks, must result in no net loss of ecological functions, so she felt the requirement for a habitat assessment was excessive.

Ms. Parker wanted to know if the proposed wetland buffers are the same as in the existing Municipal Code.

Ms. Henning stated that they are considerably larger and are based on the state guidance for appropriate buffer widths in Eastern Washington. She mentioned that she has contacted the Department of Ecology concerning the process for allowing a reduction in the buffer widths for Moses Lake but has not yet received a reply.

Ms. Parker wanted to know if the language defining a wetland professional was the same as in the current code.

Ms. Henning stated that it was similar but not identical.

Mr. Bernd wanted to know if there are any geologically hazardous areas in Moses Lake.

Ms. Henning stated that there are only a few slopes in the Pelican Point area that have the combination of factors that meet the criteria of an "unstable slope" as defined in the draft regulations. There may be other areas that meet the definition of "moderately unstable slope" but the existing maps do not show these.

Ms. Parker wanted to know if these new regulations would apply to currently platted property.

Ms. Henning stated that she has proposed inserting language to give currently platted but undeveloped property a five year grace period before these regulations would apply and is still waiting for an answer. The five-year window would be consistent with what was done when the existing wetland ordinance was adopted in 1993.

Mr. Bernd asked about the public access section and how it would apply to an area that has historically been used for public access because it is vacant. He was concerned that Public Access Policy #1 this would preclude the development of vacant land because people have been using it for access.

Ms. Henning stated that she believed this provision applied to areas specifically dedicated to public access. It would not apply to privately-owned land.

Mr. Bernd requested that this be clarified in the policies.

Ms. Parker stated that during previous meetings there was considerable discussion on ecological

function and she would like to see it defined.

Ms. Henning stated that the Master Plan will contain a definitions chapter which will include ecological function.

A study session was set for Wednesday, March 15 at 12 noon in the Council Chambers to finish the review of Chapter 6 and to review Chapter 7.

The study session was adjourned at 1 p.m.