

PLANNING COMMISSION
STUDY SESSION
SHORELINE MASTER PROGRAM
March 30, 2006 - 12 noon

Commissioners Present: Dean Kastanis, Nathan Nofziger, Mitch Molitor, Mitchell Heaps, Yvonne Parker, and Todd Lengenfelder

Staff Present: Gilbert Alvarado, Dale Schulze, Anne Henning, Bill Aukett, and Judy Thompson

SHORELINE MASTER PROGRAM - CHAPTERS 8 AND 9

Chapter 8 - Shoreline Modification Policies and Regulations - 2-22-06 Draft

Mr. Kastanis requested clarification on clearing and dredging.

Anne Henning, Associate Planner, stated that clearing means the removal of vegetation and dredging is the removal of material from the lake bed.

Mr. Kastanis pointed out that property owners will want to be able to remove material around their docks and boat lifts in order to keep them usable.

Ms. Henning pointed out that dredging is allowed under certain conditions but that a permit is required and staff is still discussing the dredging issue.

Mr. Molitor asked about the removal of vegetation from below the high water mark and whether it would be considered dredging or clearing.

Ms. Henning stated that dredging is considered the removal of earth or sediment from the lake bed, clearing is the removal of ground cover, shrubs, and trees, which implies it is on land, so removing vegetation below high water mark would fall under vegetation conservation. Trimming, uprooting, or removal of vegetation in the water should be specifically addressed by the policies and regulations. Vegetation conservation pertains to natural plant communities within and bordering shorelines (top of page 11).

Mr. Nofziger requested clarification on the prohibition of dredging to construct canals or basins for boat moorage, etc. (page 5 regulations, #10).

Ms. Henning stated that a property owner cannot create additional lake shore by dredging. She will clarify this provision so that it is clear it applies above the ordinary high water mark.

Mr. Kastanis requested clarification of structural stabilization for a vacant lot.

Ms. Henning stated that structural stabilization could include a bulkhead or wall. She pointed out that before shoreline improvements can be allowed, there must be a primary use on the property (accessory uses, MLMC 18.20.060). A property owner cannot install a dock or other shoreline improvements on a vacant lot. Vegetative stabilization could be allowed on a vacant lot (page 1, Regulations 1 and 3 under General; and page 8, Policies 2 and 4 under Shoreline Stabilization).

Mr. Lengenfelder pointed out that the proposed regulations in the table on page 3 would have the effect of requiring a clearing and grading permit for all development, since residential development is almost sure to clear more than 50% of a lot or grade more than 150 cubic yards. He felt that a

clearing and grading permit should only be required if work was being done within the shoreline setback, and that this issue is already adequately addressed in the Vegetation Conservation section of the chapter.

Ms. Henning stated that the grading permit has been a matter of much discussion by staff. It is possible that the building permit application could include all the necessary items, and then a separate grading permit would not be required.

Mr. Kastanis requested clarification of the prohibition of shoreline stabilization on new lots in order to allow development (page 9, #4).

Ms. Henning stated that a new lot cannot be created which would require filling the lake or stabilizing the shoreline in order to create buildable space. New developments would need to create lots large enough to build on without impacting the shoreline.

There was some discussion on the need to stabilize the shoreline on a vacant lot to prevent erosion.

Ms. Henning mentioned that comparing aerial photos of the lakeshore from the 1950s to now shows very little erosion of the shoreline of Moses Lake.

Mr. Kastanis pointed out that the regulations discourage bulkheads because they degrade fish habitat but there may be bulkhead materials available now which can provide fish habitat.

Ms. Henning mentioned that a bulkhead is a vertical surface as opposed to a slope which does provide better fish habitat. She was not familiar with any bulkhead materials that would create habitat. A bulkhead does not necessarily have to be straight or smooth and is not limited to concrete.

There was some discussion concerning the stabilization of the shoreline with bulkheads.

Ms. Henning pointed out that the Shoreline Master Plan has different sections for bulkheads and stabilization, to clearly spell out that bulkheads are not preferred.

Mr. Lengenfelder was concerned about the requirement for a geotechnical analysis prior to construction of a bulkhead because there are no people with that expertise in eastern Washington.

Ms. Henning pointed out that the requirement for a geotechnical analysis only pertains to bulkheads and is not required for retaining walls or vegetative stabilization.

There was considerable discussion and it was recommended that this requirement be eliminated even though it is required by the state. However, it was pointed out that bulkheads are not currently preferred anyway so this provision might not even be used.

Chapter 9 - Shoreline Environment Designations - 2-22-06 Draft

Ms. Henning stated that the Shoreline Environment Designations chapter include the uses and standards tables for each area and requested the Commission review them prior to the next study session.

A study session was set for Thursday, April 6 at 7 p.m. to review Chapter 9.

The study session was adjourned at 1 p.m.