

PLANNING COMMISSION
STUDY SESSION - SHORELINE MASTER PROGRAM
November 8, 2004 - 6:40 p.m.

Commissioners Present: Bob Bernd, Henry Wood, Tor Hartman, Dean Kastanis, and Todd Lengenfelder Absent: Yvonne Parker, Jim Liebrecht, and Rick Penhallurick

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

The study session was called in order to discuss the Shoreline Master Program.

Anne Henning, Associate Planner, stated that the goals have been discussed and the proposed changes will be made. The Commission should now consider the policies, which support the goals.

General Policies:

The General Policies apply to all uses and activities within the shoreline jurisdiction, regardless of the Shoreline Master Program (SMP) environment designation. The General Policies provide the overall framework for the shoreline's management. They are intended to be used in conjunction with the more specific use and activity policies and regulations in the Moses Lake SMP. General Policies cover the following areas:

- Economic development
- Archaeological and Historic Resources
- Environmental Impacts and Water Quality
- Critical Areas
 - General
 - Wetlands
 - Aquifer recharge areas
 - Frequently flooded areas
 - Geologically hazardous areas
 - Fish and wildlife habitat areas
- Parking
- Public Access
- Signage
- Utilities (Accessory)
- Vegetation Conservation

As this section is just introductory rather than substantive, there was no discussion and no changes.

Economic Development:

Ms. Henning pointed out that this is a new section that is mandated by the state and was not addressed by the Shoreline Advisory Committee.

The following policies apply throughout the shoreline jurisdiction.

1. Activities and uses in shoreline areas should result in long-term over short-term benefits to the local economy.

No discussion and no changes were made.
2. In making permitting decisions, the City should evaluate the short-term economic gain or convenience of proposed activities and uses relative to long-term and potentially costly impairments to the natural shoreline that could result from such uses.

No discussion and no changes were made.
3. In making permitting decisions, the City should restrict or prohibit development that would irretrievably damage shoreline resources in favor of preserving resources and values of shorelines for future generations.

There was some discussion on the meaning of "irretrievably damage" and how that would affect fish populations. It was pointed out that a bulkhead could irretrievably damage the shoreline resources since it would replace natural fish habitat with an environment that would not provide habitat. It was also pointed out that wave action on the shoreline is reflected by a bulkhead, which may cause damage to a part of the shoreline in a previously unaffected area. The need for

bulkheads on Moses Lake is slight and most of the erosion problems are caused by removal of vegetation on the site. The Commission requested more information on the impacts of bulkheads.

The Commission was concerned that the policy as written would require them to prohibit all development that would impact shoreline resources. Since almost all development has some impact, the consensus was that the policy was too restrictive.

Mr. Wood pointed out that boat activity on the lake can cause damage, especially to water quality, and that is not being addressed.

Ms. Henning stated that, while activity on the lake can affect the shoreline, the city's Shoreline Master Program can only address development in the 200' back from the shoreline.

Dale Schulze, Associate Planner, pointed out that the city's shoreline jurisdiction includes the lake and islands.

It was the consensus of the Commissioners that this policy is confusing and needs to be amended as follows:

In making permitting decisions, the City should restrict or may prohibit development that would irretrievably damage shoreline resources ~~in favor of preserving resources and values of shorelines for future generations.~~ (The deleted language is to be replaced with a clearer statement.)

4. Diverse water-dependent industrial development, including port facilities, should be accommodated where industrial activities and uses can be accomplished without impairing shoreline condition or function.

There was some discussion and it was felt that, since there is no possibility of water-dependent port facilities, port facilities are not appropriate for Moses Lake so the language should be eliminated.

The Commissioners questioned what possible water-dependent industries for Moses Lake would be.

While staff could not think of any examples, Ms. Henning stated that it is important to have a policy to support a future water-dependent industry in case one were proposed.

Lori Barlow, Associate Planner, mentioned that the Comprehensive Plan has a policy that discourages industrial uses along the shoreline. However, the Shoreline Master Program policy is only for water-dependent industrial development, which by definition could not exist without a shoreline location. The policy could be modified to acknowledge that no such uses are anticipated. The policy was changed as follows:

Diverse water-dependent industrial development, ~~including port facilities,~~ should be accommodated where industrial activities and uses can be accomplished without impairing shoreline condition or function.

5. Water-dependent and water-related commercial development should be accommodated where commercial activities and uses can be accomplished without impairing shoreline condition or function and where such development is consistent with the vision, goals, and policies articulated in the City's Comprehensive Plan.

There was some discussion and it was pointed out that a commercial development on the lake cannot be accomplished without impairing the shoreline in some way. It was mentioned that any impairment could be reduced by improving the shoreline in the same or another area. The Commission related this back to the goals which speak to "no net loss", however they felt that language was not appropriate in this context.

Ms. Henning pointed out that this policy supports only water-dependent and water-related commercial uses. Commercial uses that gain no benefit from a shoreline location should locate elsewhere to preserve shoreline property for uses that benefit from their proximity to the shoreline.

The question of jurisdiction by other agencies was raised.

Ms. Henning stated that the Department of Fish and Wildlife has jurisdiction below the high water mark and the Department of Ecology only has jurisdiction through the regulations established by the city.

It was the consensus of the Commission that the following changes be made:

Water-dependent and water-related commercial development should be accommodated where commercial activities and uses can be accomplished ~~without impairing~~ with minimal impairment to shoreline condition or function and where such development is consistent with the vision, goals, and policies articulated in the City's Comprehensive Plan.

Archaeological and Historic Resources

The following policies apply on all sites within shoreline jurisdiction having archaeological or historic resources that are recorded at the State Historic Preservation Office and/or with local jurisdictions, including the City of Moses Lake, Grant County, and affected Indian tribes; or have been inadvertently uncovered.

1. Due to the limited and irreplaceable nature of archaeological and historic resources, all uses and activities (public and private) should be prevented from destroying or damaging any site that has significant historic, cultural, scientific, or educational value as identified by the appropriate authorities, including affected Indian tribes. Where feasible, such sites should be permanently preserved for scientific study and public observation.

No changes

2. Since state law requires protection of archaeological and historic resources, sites within the City containing such resources should be identified to avoid damage to the resources and the delay and expense associated with discovery of resources during development.

Lori Barlow, Associate Planner, felt that there should be clarification on who would identify the sites. She pointed out that once a site is identified, the tribes have jurisdiction.

Ms. Henning stated that the state has maps showing the known sites. They do not make those maps public for fear of vandalism. The city can obtain those maps but would have to sign an agreement not to disclose the location of the sites. Central Washington University, as part of the shoreline inventory work, has obtained the maps and included the information in a general way in the maps that it will provide to the City.

There was some discussion by the Commission and it was recommended that the city obtain the maps showing the known archaeological and historic sites. The following changes were recommended:

Since state law requires protection of archaeological and historic resources, known sites within the City containing such resources should be identified to avoid damage to the resources and the delay and expense associated with discovery of resources during development.

3. For sites with a high probability of containing archaeological resources, a site inspection and evaluation by a professional archaeologist should be required before issuance of any permits or exemptions.

There was considerable discussion and it was pointed out that every site along the lake has a high probability of containing archaeological resources. The Commission felt that the requirement to have a professional archaeologist look at every site was too much and felt this policy should be deleted.

~~For sites with a high probability of containing archaeological resources, a site inspection and evaluation by a professional archaeologist should be required before issuance of any permits or exemptions.~~

4. Where practical, access to identified historic or archaeological sites should be made available to the public. Such public access should be designed and managed to give maximum protection to the resources and the surrounding environment.

The logistics of providing public access was discussed and it was pointed out that access could be from existing streets or walkways, or, if feasible, from the lake. There is no requirement to provide special access to a site. The Commission recommended the following changes:

Where practical, access to identified historic or archaeological sites should be made available to the public and ~~Such public access should be designed and managed to give maximum protection to the resources. and the surrounding environment.~~

The Commission felt it was unnecessary to include the language about protection of the surrounding environment, since that is covered in other parts of the Master Program and this section is specific to archaeological and historic resources.

Environmental Impacts and Water Quality

The Shoreline Management Act is concerned with the environmental impacts that uses and activities may have on water quality and the fragile shorelines of the state. Shoreline areas and water quality are affected in numerous ways by human occupation and development of shoreline areas. Development typically increases the area of impermeable surfaces, which increases runoff, causing higher peak storm water discharge at a higher velocity, which causes scouring and erosion of shorelines. Erosion increases suspended solids and carries heavy metals, household wastes, and excess nutrients into the water, which leads to decreased levels of dissolved oxygen in the water. The degradation of water quality affects wildlife habitat and public health.

There was some discussion and the Commission felt this statement should be simplified.

Ms. Henning explained that the statement is intended to explain the need for regulation. The Commission requested that it be done with fewer words, focusing on the main idea that development increases runoff causing erosion that impacts water quality. It was suggested that the title of the section might be reworded to more accurately reflect the content of the section.

Mr. Wood requested that other impacts to water quality, such as recreation use of the water itself and particularly emissions from watercraft, be acknowledged.

Ms. Henning pointed out that the Shoreline Management Act is not the right tool to deal with those sorts of water quality issues since it is limited to regulating development at the shoreline.

1. The adverse impacts of shoreline uses and activities on ecological processes and functions should be minimized during all phases of development, including but not limited to design, construction, management, and use.

No changes

2. The City should require reasonable setbacks, buffers, and storm water storage systems to lessen negative impacts on water quality and the shoreline.

No changes

3. All runoff treatment measures for the purpose of maintaining and/or enhancing water quality should be conducted on-site and before shoreline development impacts waters off-site.

No changes

The next study session was set for Wednesday, November 10, 2004 at 6:30 a.m. in the City Hall Conference Room.

The study session was adjourned at 8:30 p.m.