

PLANNING COMMISSION
STUDY SESSION
Shoreline Master Program
November 29, 2012 - 7:30 p.m.

Commissioners Present: Todd Voth, Steve Schield, Nathan Nofziger, Charles Hepburn, Todd Lengenfelder, Rick Penhallurick, and Carly Griffith Hotvedt

Staff Present: Gilbert Alvarado, Anne Henning, Billie Jo Muñoz, and Sue Mahaney

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

There was discussion by the Commission and the following changes were made to Chapter 12, Administration and Compliance.

12-20 Permits

12-20-030 Review criteria for all development:

- A. All uses and developments shall be consistent with the policies and provisions of the Shoreline Management Act, the state guidelines implementing the Act, and this Master Program. All permits or statements of exemption issued for development or use within shoreline jurisdiction shall include written findings prepared by the Administrator, including compliance with bulk and dimensional standards, policies, and regulations of this Master Program. The Administrator may attach conditions to the approval of developments and/or uses as necessary to assure consistency of the project with the Shoreline Management Act, guidelines, and Master Program.

There was discussion by the Commission on the final sentence as it was construed to mean that the Administrator can attach additional conditions after approval of project. Staff explained that it was intended to be read as conditions may be attached to a project at the time of approval.

This sentence and other areas dealing with this same issue will be clarified.

12-30 Exemptions

It was felt that the dollar amounts should include language for increases due to inflation.

12-30-020 Exemptions Listed

- E. Construction or modification, by or under the authority of the Coast Guard or designated port management authority, of navigational aids, such as channel markers and anchor buoys.

It was pointed out that these provisions are not applicable to Moses Lake, so should be deleted.

12-60 - Non-Conforming Development

12-60-020

- D. A non-conforming use shall not be changed to another non-conforming use, regardless of the conforming or non-conforming status of the building or structure in which it is housed.

There was some discussion by the Commission and staff was requested to clarify what is meant by “use”, and whether it would be allowed for a use to change if there were no significant changes to the site or shoreline.

- G. 3. The development shall conform to this Master Program ~~to the extent feasible.~~

12-60-030

- A. A non-conforming structure that is damaged to an extent of one-half or more of its replacement cost immediately prior to such damage, as determined by the Shoreline Administrator, may be restored ~~only if there is no feasible alternative that allows for compliance with this Master Program;~~ provided that the following are met:
1. The reconstruction process is commenced within 18 months of the date of the damage.
 2. The reconstruction does not expand, enlarge, or otherwise increase the non-conformity, except as provided in subsection B below.

There was considerable discussion about this provision. Mr. Nofziger stated that his experience has been that when a house is burned or otherwise destroyed, 99% of the time, the foundation must be removed, since the owner is unable to prove that the existing foundation meets the current building code. Even if the foundation must be removed and replaced, the Commission still wanted to allow an owner to rebuild in the same footprint as before.

~~12-60-040 — Non-Conforming Lost: An undeveloped lot, tract, parcel, or site which was legally established prior to the effective date of the Shoreline Management Act and the Master Program but which does not conform to the present lot size or density standards may be developed so long as such development conforms to all other requirements of the Master Program and Shoreline Management Act.~~

This provision was deleted, since the draft SMP does not change lot size or density requirements, so there will not be non-conforming lots as described in this provision.

Mr. Lengenfelder requested that Appendix A, Mitigation, be expanded to list options and be more specific about mitigation. Ms. Hotvedt suggested that a “fact sheet” format might be more appropriate for some of this information, since that could be changed and updated more easily than a chapter in the Master Program.

The study session adjourned at 9 p.m.