

PLANNING COMMISSION  
STUDY SESSION - SHORELINE MASTER PROGRAM  
November 10, 2004 - 6:30 a.m.

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

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

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

Anne Henning, Associate Planner, stated that the next section to be discussed is the one dealing with critical areas. This section of the Shoreline Master Plan will supercede the city's existing regulations dealing with critical areas within the area regulated by the Shoreline Master Plan.

Critical Areas

Critical areas are those areas with especially fragile biophysical characteristics and/or with significant environmental resources. Critical areas include both natural resource areas which benefit the public welfare through the functions they provide, and areas that may threaten the health and safety of the public. As defined in RCW 36.70A, critical areas include wetlands, aquifer recharge areas, frequently flooded areas, geologically hazardous areas, and fish and wildlife habitat conservation areas. This SMP does not address agricultural lands, forest lands, or mineral lands because no such lands of long-term commercial significance are found in the City of Moses Lake.

Protecting and restoring ecological functions and ecosystem-wide processes have been found to promote and enhance the public interest. Unwise development of natural resource lands and areas susceptible to natural hazards may lead to inefficient use of limited public resources, jeopardize environmental resource functions and values, subject persons and property to unsafe conditions, and affect the perceived quality of life. In general, it is more costly to remedy the loss of critical areas than to conserve and protect them from loss or degradation.

This section includes six subsections: general provisions that apply to all critical areas, and provisions specific to wetlands, aquifer recharge areas, frequently flooded areas, geologically hazardous areas, and fish and wildlife habitat conservation areas.

No changes were made in these general statements.

General Policies:

Ms. Henning stated that policies 1 and 2 are new but 3, 4, and 5 were discussed by the Shoreline Advisory Committee.

1. Critical areas should be managed to protect against adverse effects to public health and safety and to ecological processes and functions.

No changes were made.

2. Incompatible uses should not be allowed in critical areas. Uses that are incompatible may vary for different types of critical areas.

No changes were made.

3. Unique, rare, and fragile natural and man-made features as well as scenic vistas and valuable wildlife habitats should be preserved and protected from unnecessary degradation or interference.

The Commission was concerned that this policy is too vague, since "unique, rare, and fragile" is not defined and it would be a judgment call as to whether degradation was "unnecessary".

Ms. Barlow pointed out that all of shoreline planning is a balance between private property rights and the need to protect the shoreline resource for the public.

Mr. Lengenfelder requested that there be more acknowledgment of that trade off in the policies.

No changes were made.



4. Areas with unique and/or fragile geological or biological characteristics, such as wetlands and dunes, which would be damaged by certain kinds of public access, should be protected from such access.

There was some discussion on whether this policy would affect the Laguna area since that is mostly sand. It was pointed out that the policy only applies to dunes and sand itself is not necessarily a dune.

Mr. Wood pointed out that the shrub steppe environment may be considered unique and fragile in the future.

Mr. Lengenfelder felt that there should be a balance between the use and protection of the shoreline.

Ms. Henning pointed out that the Shoreline Use Goal, which was previously deleted by the Commission, had addressed that issue.

After some discussion, it was the consensus of the Commission that the Shoreline Use Goal should be kept and given greater emphasis than the other goals. The Commission would like to see the Shoreline Use Goal as the umbrella that the other goals fall under.

5. Shorelines that are identified as hazardous for or sensitive to development should not be used for intensive development.

No changes were made.

#### Wetlands

Wetlands are areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetlands sites, including but not limited to irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. However, wetlands do include those wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands. The provisions of this subsection apply to all wetlands within shoreline jurisdiction in the City of Moses Lake.

Wetlands have been found to serve many important ecological and environmental functions, and help to protect public health, safety, and welfare by providing flood storage and conveyance, erosion and sediment control, fish production, fish and wildlife habitat, recreation, water quality protection, water supply, and opportunities for education and scientific research. It is the intent of this subsection to provide for the protection of wetland functions without unreasonably limiting the human utility and value of wetlands or unconstitutionally infringing on private property rights.

Mr. Wood was concerned that an unintentional wetland would come under the jurisdiction of the Shoreline Master Program, especially if it was caused by activity beyond the control of the property owner, such as a detention pond or canal that impacts a neighboring property through seepage.

Ms. Henning pointed out that this language comes directly from the state law.

There was discussion concerning what would constitute a wetland.

Ms. Henning stated she would investigate how long it would take a site to become a wetland through creation of wetland soils.

After additional discussion, the Commission recommended that "unintentionally" be inserted as follows:

Wetlands are areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adopted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally or unintentionally created from non-wetlands sites, including but not limited to irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, landscape amenities, or those wetlands created after July 1, 1990,

that were unintentionally created as a result of the construction of a road, street, or highway. However, wetlands do include those wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands. The provisions of this subsection apply to all wetlands within shoreline jurisdiction in the City of Moses Lake.

### Policies

1. Wetlands should be preserve and protected to prevent their continued loss and degradation.

No changes were made.

2. Wetland areas should be identified and classified according to established identification and delineation procedures, and afforded appropriate protection consistent with the policies and regulations of this master program and Moses Lake Municipal Code 19.06. Development in shoreline wetland areas should be consistent with the City's standards for development in wetland areas throughout the city.

No changes were made.

3. All wetlands and associated buffers should be protected from alterations that adversely impact them so that there is no net loss of wetland acreage or functions, including lost time when the wetland does not function. Wetland restoration, creation, and enhancement projects should result in no net loss of wetland acreage and functions. Where feasible, wetland quality should be improved.

Lori Barlow, Associate Planner, suggested that the Commission may wish to strengthen the last sentence in this policy, to better encourage wetland enhancement.

There was some discussion and the Commission felt that a property owner or developer should not be burdened with the requirement to improve a wetland. The Commission recommended that the last sentence be deleted.

All wetlands and associated buffers should be protected from alterations that adversely impact them so that there is no net loss of wetland acreage or functions, including lost time when the wetland does not function. Wetland restoration, creation, and enhancement projects should result in no net loss of wetland acreage and functions. ~~Where feasible, wetland quality should be improved.~~

4. All uses and activities with the potential to affect wetland ecosystems should be controlled within both the wetland and the buffer zone to prevent adverse impacts.

No changes were made.

5. Requirements for buffer zone widths and management should take into account the ecological function of the wetland, the characteristics and setting of the buffer, the potential impacts of the adjacent land use, and any other relevant factors.

The Commission was in favor of this policy because it allows flexibility. No changes were made.

6. Alterations of wetlands or buffers should not be authorized unless all of the following can be shown: the impact is unavoidable, necessary, minimized, and any remaining impacts are offset through the deliberate restoration, creation, or enhancement of wetlands.

The Commission discussed what this policy means and concluded that it meant development could be allowed but there would be some limitations. No changes were made.

7. Proposals for restoration, creation, or enhancement should be coordinated with the appropriate resource agencies to ensure adequate design and consistency with other regulatory requirements.

It was pointed out that the City already follows this policy. No changes were made.

8. Applicants should demonstrate sufficient scientific expertise, supervisory capability, and financial resources to complete and monitor any wetlands mitigation project.

Mr. Kastanis was concerned that an applicant would be required to personally have the necessary qualifications to design and monitor a wetland mitigation project.

It was pointed out that an applicant could hire a person with the necessary expertise but ultimately the application would be responsible for the project. The Commission recommended the following changes:

~~Applicants should~~ The applicant is responsible to demonstrate sufficient scientific expertise, supervisory capability, and financial resources to complete and monitor any wetlands mitigation project.

The next study session was set for Thursday, November 18, 2004 at 6:30 a.m. in the City Hall Conference Room.

The study session was adjourned at 8 a.m.