

Summary of April 12, 2018 Shoreline TAC/CAC meeting

Klickitat County Courthouse

Members in attendance: Dennis Hill, Neil Kayser, Brooks Heard, Nate Putnam, Pat Arnold, Lori Clark, Dave Guenther, Jeanette Burkhardt, Kelly Kreps, Bruce Davenport, Dan Lee, JP Enderby, Loren Meagher, Larry Williams

Also attending: Mo-chi Lindblad (Planning Director), Dan Nickel (The Watershed Company), Curt Dreyer (Planning Department staff), Leonard Jordan (Department of Ecology), David Lindley (Yakama Nation), Courtney Zink, Jeremy Bisson, Joy Markgraf and others.

Acronyms

TAC/CAC (Technical Advisory Committee/Citizen Advisory Committee)

SMP (Klickitat County Shoreline Master Plan)

SMA (Washington State Shoreline Management Act)

BOCC (Board of County Commissioners)

Cfs (cubic feet per second)

The meeting opened at 6:30 p.m.

Staff explained that this meeting is the first meeting of the TAC/CAC; tentatively, a second meeting will be held to review comments received to-date in regard to the technical documents assembled by The Watershed Company (e.g. working draft Shoreline Management Plan, gap analysis, inventory, restoration plan, Shoreline Assessment report); and a third meeting will be used to finalize recommendations to the Planning Commission and Board of County Commissioners, based on the comments.

Members of the TAC/CAC introduced themselves. Dave Guenther nominated JP Enderby for Chairman; no other nominations were offered. Per a show of hands in support of the nomination, JP Enderby was elected Chairman.

Following Chairman Enderby's brief statement of general conduct expected of members, he requested staff to proceed to the next item on the agenda.

Pat Arnold made a brief statement that the TAC/CAC is not comprised of a cross-section of county stakeholders; while the landownership and ranching/forest interests are represented, the TAC doesn't include stakeholders such as recreational/rafting representatives, agency personnel, fisheries biologists. She questioned whether any of the TAC members have the expertise necessary to review information such as was cited by Pat Conolly in his written comments that were submitted to the Planning Department. Several members of the TAC raised their hands indicated they did have technical expertise and noted that Jeanette Burkhardt also provides this input.

Overview

Staff proceeded to the next agenda item relating to the role and task of the TAC/CAC. The Watershed Company had presented the afore-mentioned technical documents in two Open House events and to the Planning Commission in several workshops last year. Many comments from interested parties had been received. Several of the comments asked the BOCC to create a TAC and/or CAC. In response to the requests, the BOCC appointed the committee which is comprised of county residents who also have expertise with resource issues or experience with technical aspects of natural resource matters. The

TAC/CAC is tasked with review, evaluation of technical comments received to-date, and preparation of recommendations e.g. the draft polices/regulations are or are not supported by technical and scientific information.

Review of draft SMP

(note: the following is arranged by topic and not necessarily in the sequence of discussion)

Dan Nickel provided a summary of the 2003 amendments to the SMA guidelines. The County SMP's last comprehensive update was in 1998 (before the 2003 SMA guideline amendments). A major focus of the 2003 amendments is the requirement that updated shoreline plans include provisions ensuring "no net loss" of ecological functions.

Dan Nickel explained that the working draft SMP is relatively unchanged from the current SMP format except that various provisions have been rearranged to render the document more user-friendly" e.g. some goals and policies have been moved to more appropriate sections of the SMP. Some new policies and regulations are mandated by the guidelines. The substantive revisions relate to a new emphasis on "no net loss" of ecological functions and incorporation of critical areas regulations. Discussion of what constitutes "ecological functions" followed. Dan Nickel explained that it includes the hydrological processes, habitat, vegetation, stormwater infiltration and other natural processes; and the intent of the concept is that over time cumulative impacts to natural ecological processes resulting from development will be neutral or positive when compared to the current base line conditions i.e. existing conditions as identified in the inventory, SAR (Shoreline Assessment Report) and other information. There was discussion of how natural processes such as flooding that has in the past/can in the future have a negative impact to ecological functions. For example, as a result of major flooding events in the 50's, 70's and 1996, natural ecological functions of rivers and streams are still recovering. There was a short discussion of restoration planning.

Dave Guenther raised a general point of observation that although the SMP is supposed to be developed by local interests, there are a number of mandated requirements in the SMA rules that may be contrary to local interests. As one example of such mandates, in the first pages of the SMP there is a statement that state-wide interests take precedence over local interests.

Shoreline jurisdiction/shoreline environmental designations – Dan Nickel explained that the shoreline jurisdiction extends 200 feet landward from the ordinary high-water mark and may extend further to include associated wetlands. "Shorelines" are those streams and rivers that have a mean annual flow greater than 20 cfs and lakes over 20 acres in area. Shoreline jurisdiction maps were projected onto the screen. The question of how upstream limits of the shoreline jurisdiction was raised. Dan Nickel explained that the upstream limit of the "shoreline" is that point at which the mean annual flow is 20 cfs or less. A computer model was used to determine shorelines – a USGS report describes the model parameters – there is a link to the report posted to the county's website.

The SMA requires that shorelines be assigned shoreline environmental designations. Dan Nickel explained the general criteria for assignment of shoreline environment designations. The current SMP includes five SED's. They closely conform to the requirements of the SMA guidelines although a sixth designation of "Aquatic" is required. Dan displayed maps of the shorelines, with assigned SED's.

Use Matrix - The matrix on page 21 simplifies understanding of how various uses are reviewed/approved per a conditional use, variance, substantial development or permitted outright (but still subject to SMP siting requirements) depending on location in one of the shoreline environment designations.

Dimensional standards - In discussing dimensional standards, Lori Clark asked if setbacks take into account those instances where the shoreline setbacks might require a structure to be placed within productive/upland farm ground rather than at the edge of the farm field; and also asked if a river is located well below a cliff, can the setback include the vertical distance. Dan Nickel responded that the setbacks are measured horizontally and do not take cliffs into consideration. Brooks Heard agreed that in instances where a river is incised with steep slopes, strict adherence to a horizontal setback may not serve intended purposes. The TAC felt the question may warrant further consideration.

The purpose/ intent of the variance process was discussed in relation to setbacks. Variances can be sought but the criteria can be difficult to satisfy.

Shoreline buffers and critical areas – Dan reviewed the buffers from wetlands and ordinary high-water mark. The 50' "Natural Buffer Zone" of the current SMP was not carried into the working draft SMP, because the county's critical areas regulations are incorporated. Depending on the wetland rating and/or DNR fish-bearing type, buffer distances vary.

Archaeological areas – The draft SMP provisions incorporate language from Walla Walla's SMP regarding protection of archaeological resources.

Public Access - Lori Clark raised a concern regarding the requirement that private developments must provide public access. The Attorney General's guide on avoiding "takings" of private property states it is illegal to force private property owners to establish easements for public use. She urged other TAC members to read the guide.

Flood hazards - Fill material for elevating structures can raise flood levels. Lori Clark stated there is a need to ensure that landowners are aware of floodplain risks (flooding, cost of floodproofing, etc.) when developing properties or purchasing developed property.

Agricultural practices – On-going agricultural practices are exempt from most SMP requirements. Dave Guenther asked if application of biosolids would be considered solid waste in the shoreline environment.

Forest Management – Forest management in shorelines is subject to the Forest Practices Act administered by the DNR and is generally as strict or stricter than the SMP provisions. Conversion to non-forest uses requires review per the SMP provisions.

Other uses and activities – Dan briefly reviewed the remaining sections addressing shoreline activities and uses.

Administration – A list of exemptions is in the current SMP and not carried forward to the working draft SMP. Instead, the applicable SMA provisions are cited/incorporated by reference.

Nonconforming uses - Non-conforming structures was discussed. Generally, structures are considered non-conforming if they do not conform to existing regulations but were constructed before those regulations came into effect. Damages may be repaired but if the structure is destroyed, it must conform to the existing regulations – a variance may be granted if criteria can be satisfied.

Examples of permits previously issued permits in Klickitat County

Staff explained that there are three types of shoreline permits i.e. conditional use, variance, and substantial development. A fourth category is exemptions from substantial development. Although a use or activity may be exempt from the need for a substantial development permit, the use/activity remains subject to other provisions of the SMP and may require a shoreline conditional use or variance permit.

Staff explained that generally, over the last several years, the number of shoreline permits processed each year has been in the range of 5-10 per year, and nearly all of them have been for public infrastructure projects such as sewage disposal plant expansions, bridge replacements, fill, utility lines crossing shorelines, etc.

Most of the development in shorelines over the last several years has been single-family residential which is exempt from the requirement of a substantial development permit. Agricultural practices are also exempt but are not reviewed by the Planning Department unless a building permit is involved; most forest management practices are not reviewed unless DNR sends a forest harvest permit to the Planning Department for review.

There are a number of other types of uses and activities that are exempt from the requirement of a substantial development permit, but the number of such uses/activities reviewed by the Planning Department for conformance to the SMP is relatively few per year – they include normal maintenance and repair, emergency construction to protect property, fish enhancement projects, etc.

Next meeting

The next meeting will involve review of comments received to-date. There was discussion of whether the ad hoc Technical Review Group should be invited. The ad hoc Group participants include representation by the Yakama Nation, Washington Department of Fish and Wildlife, Forest Service, and Friends of the White Salmon River. A motion was proposed by Dave Guenther to not invite the Group, but to review their written comments, along with others that had been submitted. After a “second” and discussion, the motion passed.

It was generally agreed that the next meeting should be scheduled for a Thursday.

The meeting concluded at 9:00 p.m.